

Appendix 1
Expert and Witness
Testimonies
(Gaza Tribunal Sarajevo
Public Assembly)

INTRODUCTION AND BACKGROUND

Inspired by the South African precedent of mobilising “the peoples of the world” in an anti-apartheid campaign to isolate the government of South Africa, the Gaza Tribunal is an effort to mobilise civil society to close the enforcement gap and to challenge the accountability gap, which is vital at this stage of the conflict in Palestine. It is our job to articulate this in a manner that is accessible to the public. This Tribunal is not to be bound by the technical rules of procedure that govern traditional legal bodies – it is free to entertain questions of justice as well as law. It is a moral tribunal rather than a legal or legalistic tribunal, operating more in the spirit of a Peoples Tribunal.

The GT will consider and articulate the reasons behind the failure of the international community to implement international law in the most severe, visible case of genocide. While the ICJ and the ICC have acted professionally (albeit very slowly) and not entirely succumbed to the geopolitics exerted in the Security Council of the United Nations, the situation in Palestine demonstrates the limitation of law, and shows that the UN was never designed to hold powerful actors accountable.

The 3 chambers seek to illuminate the following characteristics of the situation in Gaza:

Chamber 1 will investigate the genocide allegation and show the documentation that supports the conclusion that won't be finally reached by the ICJ for a couple of years (essentially, an elaboration of what one hopes the ICJ will deliver as its final judgement, but without trying to mimic its procedures.)

Chamber 2 tries to take account of the degree to which the enforcement of international law (regulating behavior and accountability of the perpetrators of crime) is subject to a broader logic of political realism that privileges power. The winners of WWII, as architects of the current global governance infrastructure, controlled the application of international criminal law not by reference to morality but to the geopolitical outcome of the war. The UN has not ‘failed’ on Palestine - the designers of the UN wanted it to be weak in enforcement capabilities and thus, a tool to be wielded by the powerful.

Chamber 3 explores the broader contextual understanding of the genocide, including a historical look at the pre-Oct 7 realities confronting the Palestinian people (e.g. the pledge to establish a Jewish homeland in Palestine via the Balfour Declaration). It establishes wider genocidal implications from an ethical perspective, and examines the philosophical implications of this tribunal.

26 May 2025 - DAY 1

WELCOME SPEECHES

Ahmet Yildirim

Rector of the International University of Sarajevo

Esteemed guests, friends in justice and humanity, welcome to Sarajevo. We gather here not only in a place but in a legacy, a city whose name carries both the weight of suffering and the power of resistance. This year marks 30 years since the genocide in Srebrenica where more than 80,000 Bosniak men and boys were murdered while the world stood by. We remember them today not as a historical footnote but as a living call to conscience. That memory sharpens our purpose here today because once again we are witnessing mass murder in real time, this time in Gaza. And once again the world is hesitating, giving evasive answers and looking away. Since October 2023, over 58,000 Palestinians have been killed by Israeli army in Gaza. More than 70 percent of them were women and children. Entire families have been erased from the civil registry, hospitals bombed, refugee camps turned to ash, journalists targeted, eight workers killed, international law has been torn to pieces.

And yet too many in positions of power dare to call this self-defense. Let us be clear, what is happening in Gaza is not a conflict, it is not a tragedy, it is a systematic campaign of extermination. It is a genocide unfolding in front of our eyes and history will ask what we did while Gaza burned. We are here at the Gaza Tribunal Public Assembly because we refuse to be silent witnesses. We are here to speak the truth when others hide behind diplomacy. We are here because Palestinian lives matter, not as mere symbols or numbers, but as real people with names, homes, loved ones, and dreams that are being taken away without accountability. To those who survived Srebrenica, your pain has become a compass. You know what it means to dig mass graves, you know what it means to be abandoned, and you know what it means to rise and say never again, not just for us, but for anyone, anywhere. To our Palestinian brothers and sisters, your suffering is not invisible, your struggle is not in vain, and your fight for justice is not isolated.

Sarajevo stands with you. Srebrenica mourns with you. This tribunal is not the end, it is the beginning. Let this assembly speak what governments dare not say. Let it be a courtroom for the truth. Let it document, expose, and remember. On this occasion, I would like to thank all stakeholders who organized the Gaza Tribunal in Sarajevo, the most suitable place. I would also like to express my pleasure in hosting you at our university as Director of the International University of Sarajevo. I wish you a successful assembly, and I extend my respects to all of you. Thank you so much.

Richard Falk

President of the Gaza Tribunal, Former UN Special Rapporteur of the Human Rights Council in Occupied Palestine and Professor Emeritus of International Law

Dear Yildirim and persons of conscience throughout the world, I welcome you to the opening day of this Tribunal. It is with great regret that I am not physically present in Sarajevo. On the day of our departure from California, my wife Hilal Elver, also a leading

participant in the work of the Tribunal, had an accident requiring surgery and making long plane flights dangerous. The Gaza Tribunal is devoted to bearing witness to Israel's crimes against the peoples of Gaza. Beyond this, the purpose of the Tribunal is to add whatever weight it can to the torment and outrage of peoples throughout the world to bring the Gaza ordeal of death and destruction to a rapid end by urging action to be taken in the name of our common humanity. We give grateful thanks to the International University of Sarajevo for allowing us to meet on its campus. As Rector Yildirim reminded us, we are of course also mindful of Sarajevo's and Bosnia's recent past and its relevance to the tragic fate that has befallen the people of Palestine who have been made either refugees or persecuted strangers in their own homeland. In this period of more than 19 months, the eyes and ears of the world have been exposed to daily atrocities victimizing the besieged, crowded, impoverished, and tiny Gaza Strip.

Earlier genocides, including the Holocaust, were mostly known in retrospect by way of survivor stories and reconstructed images of the horrors experienced by the victims. This was in macabre contrast to the devastation visited upon Gaza. Day after day, the unspeakable suffering of its remarkably resilient and resisting people offer us a transparent TV spectacle of evil made worse by being brought to human awareness in real time. Shamelessly, Israel made little attempt to hide its genocidal intentions or disguise its genocidal tactics. It openly declared its purpose to be to kill and maim Palestinians, whether by bombs or by chilling refusals to allow Gazans to obtain food and medical supplies. Its leaders invoked biblical stories of genocide to justify the extermination of the Palestinian population of Gaza. Prominent Israeli citizens and government officials compared the mentality of killing Palestinians to that accompanying the killing of cockroaches. Some high-profile Israelis even advocated dropping a nuclear bomb on densely populated Gaza. The Israeli hostages held by Hamas did not restrain Israel's violence or move the government toward accepting a permanent ceasefire, even after the fury of its campaign went on month after month without achieving its stated military objective of destroying Hamas. The pleas and warnings of the world's leading moral authority figures went unheeded. Those voices included dedicated calls from Pope Francis and Pope Leo XIV, and from the UN Secretary General Antonio Guterres, and several Nobel Peace Prize winners.

These varied, revered voices were defiantly scorned by Israel's government and citizenry, and the massacres continued to go on. The UN, despite making a variety of responses, has not been able to stop the killing, let alone protect the people, even the children. It has been blocked from taking action by the complicity of the North American and European liberal democracies. It has become obvious to all that the UN lacks the political will, authority, and capabilities to override the genocidal support given Israel by the US. As the Israeli rogue behavior persisted, the peoples of the world, including in the countries aligned with Israel, mounted increasingly militant protests. But the governments that could have made a difference watched the carnage without making moves to stop it, and this includes the governments of Israel's own Arab neighbors. It is against this background that the Gaza Tribunal was established some months ago, launched in London in November of 2024, and since then working hard to prepare as well as we could for this public session in Sarajevo. The undertaking can be grasped from the program of the next four days. The Gaza Tribunal draws inspiration from prior people's tribunals, most especially from the Russell Tribunal addressing the unlawfulness of the US intervention in the Vietnam War, and from the Iraq War Tribunal that was prompted

by the regime-changing aggression that brought chaos and misery to the Iraqi people. This legacy of earlier people's tribunals has a common feature that defines the mission of the Gaza Tribunal. It is the failure of organized international society to enforce international law and hold the perpetrators accountable. In short, these tribunals arise only when governments and their institutions fail or refuse to address severe injustices, especially bearing on war and peace. In essence, people act when the established order exhibits its moral and legal bankruptcy from the perspective of justice, and in this case from the perspective of the avoidance and opposition to genocide. Gaza is a special case in some respects. Some countries of the global south have had recourse to the International Court of Justice and the International Criminal Court and found support for their allegations of genocide and crimes against humanity, but this turned out to be of little use in stopping the genocide as the decisions were unenforceable and perpetrators retained their impunity. Yet these outcomes are helpful in this context because their outcomes confirm that Israel has been driven from the high moral and legal ground despite its great influence on public discourse throughout the world.

In addition, the side that wins the legality battles also wins the legitimacy war, and this is historically important. From the Vietnam War forward, the side with military superiority has rarely controlled political outcomes in anti-colonial warfare, however much death and devastation it inflicts while losing the conflict. In the coming days, we will try to apply this experience to the genocide in Gaza. Can we do otherwise? Only two days ago, Israel knowingly targeted the home of two married doctors with an awareness that the house was full of children. While the mother, a pediatrician, was working at the nearby Nasser Hospital in Khan Younis, nine of her ten children were killed by a fire started by the bombing. The bodies brought to her while she was at work in the hospital and while her husband was wounded and in critical condition due to head injuries, and the one surviving child has also been badly injured. Can any of us rest while such barbarous behavior goes on and on without effective action to stop it?

I am counting on what I call the gravitas of awakened people to do what governments refuse to do, namely to bring this ordeal to an end and defeat the plans for further extermination and forced departure from Gaza of the Palestinians who survive. We are gathered here in Sarajevo to do our part in meeting what has been rightly called the moral challenge of our time. I thank you for your patience and I now turn the podium over to my dear friend Professor Penny Green who will make some remarks and has been has kindly agreed to serve as temporary chairperson of the Gaza Tribunal in my absence. Thank you very much.

Penny Green

Steering Committee Member of the Gaza Tribunal, Professor of Law and Fellow of Academy of Social Sciences

I wanted to say thank you to all those involved in making today possible. It's been a tremendous amount of work and we are very grateful for the logistical support that we've had because this has been a major enterprise but we're here and we're very grateful and we welcome you all. Thank you very much. The location of this conference as Professor Ahmed Yildirim said here in Sarajevo in Bosnia Herzegovina is not coincidental.

In 1995 only two and a half hours drive from here in the small town of Srebrenica 8,000 people over the course of only two days were annihilated at the hands of Serbian Genocide. While under the protection of Dutch UN forces in a supposedly safe UN zone the UN has not crowned itself in glory in relation to genocide. Yesterday I was in Srebrenica speaking with the mothers of Srebrenica who were once wives, mothers, daughters and sisters and who spend their lives now fighting to ensure that or to try and ensure that similar genocides do not take place in any other part of the world let alone here. We spoke of Gaza with these wonderful women and those days in 1995 which forever determined the future of their lives. We talked about the parallels that they experienced with the Palestinian people with their own experience of genocide and one of the mothers relayed a meeting with a young Bosnian man she had some years ago in Germany. He had befriended Zionists there. She asked him what he saw as the future of Palestine and he replied they're not going to exist.

Now every day when news of Gaza reaches her she hears that sentence they won't exist. This woman lost her husband and her son in the genocide. She has no more space as she says for pain to witness pain yet she fights on against the forces which produce genocide every day and she expresses the most the deepest kind of empathy with Palestinians who are again fighting for their very existence for their very futures. And so that experience was extremely salutary. So it's very important that we are here to acknowledge the people of Srebrenica as we fight to try to stop the carnage that Israel is inflicting. Israel and the United States are inflicting upon the people of Gaza. We are at something of a crossroads.

In 1924 the Italian Marxist Antonio Gramsci wrote in response to the rise of Mussolini and the rise of Italian fascism. He wrote that the old world is dying and the new world is struggling to be born. Now is the time of monsters. Over the next three days we will hear testimony which speaks to the death of the old order which we are presently witnessing. We will hear the voices of Palestinians and their allies around the world as we struggle to create a new world. A world free of the kind of injustices that we are witnessing in Gaza and the devastation there. And we will hear much of the monsters. The monsters who our own governments and the Israeli government, the Israeli state machine, the Americans who have supported them and enabled and made possible this horrendous genocide. We will hear much about the monsters and we must always remember that while the media will try to describe and present this as a humanitarian crisis, this is a crisis created by monsters and we must do our best to ensure that we fight the monsters at every level that we can. Thank you.

CHAMBER 1

INTERNATIONAL LAW

Session 1: Nakba and Colonial Genocide

Introduction

Michael Lynk

Steering Committee Member of the Gaza Tribunal, Legal Scholar, and Former UN Special Rapporteur of the Human Rights Council in the Occupied Territories

It's a great pleasure to be part of this opening session of the Gaza Tribunal and as Professor Falk said, it's a special honor to be hosted by the International University of Sarajevo in those momentous surroundings when it comes to human rights, to human suffering, and to the resilience of the human spirit. The city of Sarajevo has a special place in the global conscience. There are some cities in world history whose very mention elicits instant recognition of unforgivable atrocities on civilians that have taken place within our living memory. In the 1930s, this was Guernica and Nanking. During the Second World War, we think of Dresden, Coventry, and Hiroshima among many others. In the 1980s it would have been Beirut. In the 1990s, Srebrenica and Kigali. And today, today it is surely Gaza, Rafah, Khan Yunis, Jabalia.

As a special rapporteur for human rights in Palestine between 2016 and 2022, I often wrote in my reports to the United Nations about the comprehensive Israeli en air, sea, and land blockade that drove the strip into extreme poverty through the 2010s and the 2020s. Israel allowed just enough goods, fuel, and medical supplies into Gaza to allow it to be minimally functional for the two million Palestinians who live there, but not enough to allow it to thrive or to become prosperous. There was no other place on the planet where a contemporary state had imposed a medieval siege on such a significant population, controlling completely everything and everybody who entered or left. It even controlled the population registry. Under the Israeli siege, Gaza has had become an open air prison and has now become over the past 19 months an open air cemetery.

People often ask me, "How is it that this genocide broadcast and live streamed around the world could go on for 19 months in counting with no decisive action being taken by the international community and particularly by the global north?" And I think back and realize that the same question could have been asked about the decades before October 2023 that Gaza was placed in an economic straight jacket known to the world and yet nothing meaningful was done. If you'll permit me a small indulgence before I lay out today's program, I want to read a short quote from the eminent British philosopher and social justice activist Bernard Russell who died in February 1970. Two days before his death, he issued a short declaration on Palestine, which was his last public message. His astute observation, I think, resonates even louder today, 55 years later. He said after every stage in this expansion, Israel has appealed to reason and it suggests the negotiations.

This is the traditional role of the imperial power because it wishes to consolidate what the least difficulty what is already taken by violence. Every new conquest becomes the new basis for the proposed negotiation from strength which ignites which ignores the injustice of the previous aggression. The aggression committed by Israel must be

condemned not only because no state has the right to annex foreign territory but because every expansion is an experiment to discover how much more aggression the world will tolerate. [Music] Today during the first day of the Gaza Tribunal, we are spotlighting the work of Chamber 1, which is focused on the role of international law in defining genocide and the protections that the law is designed to provide in times of conflict and atrocities. Today we are hearing from both international law experts on the meaning of genocide and apartheid and from Palestinians on the ground who are enduring the genocide and fighting back with their words.

Genocide

Nimer Sultany

GT Chamber 1 Member, Reader in Law

...Killed for so long, for too long. This lack of naming [Israel] exposes an uneven application of principles and human rights. This lack of naming prolongs injustice and delays the application of human rights standards. We are here today to name the genocide. There's an increasing number of experts, human rights organizations UN committees, commissions of inquiries and UN officials who are increasingly willing to say that Israel is committing and has been committing another Nakba, another genocide. For example, in the on the 13th of May, Tom Fletcher, the UN's Under Secretary General for Humanitarian Affairs and Emergency Relief Coordinator (assumed the role 18 November 2024), asked the UN Security Council for details of those killed and those whose voices are silenced: "What more evidence do you need now? Will you act decisively to prevent genocide and to ensure respect for International Humanitarian Law (IHL)."

But today, we need to ask another question, the fact that this is not the first genocide that Zionism has inflicted on the Palestinians, and the fact that we have commemorated the Nakba anniversary twice during this genocide compels us to ask what evidence is more needed for everyone to realize the nature of Israel and the nature of Zionism. Naming requires the recognition of historical context. In his 1963 *Letter from Birmingham Jail*, Martin Luther King Jr. rejected what he called a superficial kind of social analysis that deals merely with effects and does not grapple with underlying causes. Yet, in the context of Palestine, especially after October 2023 we have seen a fierce attack on any attempt at contextualizing Palestinian and Israeli actions.

There was a massive campaign, an aggressive discourse that sought to portray the seventh of October as a free-standing event devoid of history. Despite this campaign, which sought to justify Israel's genocide under the banner of self defence, the genocidal assault on the Palestinian people since October 2023 requires a consideration of the context in which it unfolded. This context includes the nature of Zionism as a settler-colonial movement, the unlawful and prolonged occupation since 1967, the apartheid system imposed on all Palestinians, and the 17 years of unlawful siege imposed on Gaza prior to October. These conditions that Israel imposed on the Palestinian people make the Palestinians, in Gaza in particular, vulnerable to annihilation, and they also indicate an ideology of Jewish supremacy, infused with a clear, long standing and demonstrable intent to dehumanize, to discriminate against, to dominate, to subordinate, to dispossess and expel the Palestinians from their homeland.

In July 2024 the International Court of Justice laid bare much of this pre-October 2023 reality in a detailed advisory opinion that emphasized that Gaza and the West Bank

are a single territorial unit in which the Palestinian people are deprived of the right to self-determination and are subjected to an ongoing unlawful use of force and a set of discriminatory policies that amount to racial segregation or apartheid and a coercive environment to force them to leave their homeland.

But already in its December 2023 application to the ICJ, South Africa highlighted that this genocide is part of a continuum: the 75 year-long apartheid, the 56 year-long belligerent occupation, and the 16 year-long blockade of Gaza that preceded the application. The consensus that Israel is committing a genocide in Gaza and that Zionism is indefensible is increasing because the evidence is overwhelming. The world has witnessed innumerable crimes committed against so many for so long, in plain sight.

But we need to be careful of the recent revisionism that seeks to justify the prolonged silence of so many in the face of the most barbaric crime in our lifetime, definitely in this century. According to this line, Israel's war evolved into a genocide after Israel violated the ceasefire and declared a siege on Gaza in March 2025 and then launched another brutal military round. That assault that seeks to drive Palestinians out of Gaza is called Gideon's Chariots (commenced 4 May 2025). These revisionists are pretending that there is something new in Smotrich's recent statement that he and Ben Gvir were not members of the Security Cabinet, which has been constitutionally responsible for the war policy since October (2023), and that Netanyahu's political survival depended on them. It did not depend on them on October 2023 as much as it does now. They are pretending that the problem is reducible to Netanyahu when we have seen an endless supply of genocidal statements and public letters by senior commanders of the Army, Israel's genocidal intent and genocidal conduct were clear from the start to all those who have been willing and able to see the facts and to listen to what Israeli politicians and soldiers have repeatedly said.

And it was clear from the intensity and speed of the aerial bombardment. Within less than a week of the start of its attack on Gaza in October (2023), Israel had dropped on the small and densely populated strip more explosive than the US dropped on Afghanistan in a year. Within three weeks after the start of the attack Israel dropped the equivalent of two nuclear bombs. It was also clear from the casualty figures, including the proportion of women and children killed and the rate of killing by mid-2024, the number of those killed in Gaza already exceeded the number of Rohingya killed in Myanmar, and it exceeded the monthly mortality rate that we witnessed in Bosnia in the early 1990s.

It was clear also from the comprehensive scope of destruction that includes non-military targets and makes the Gaza Strip uninhabitable because it deprives the population from objects that are indispensable for their survival as a group. It was also clear from the scale and the pace of the forcible expulsions in October 2023 and the repeated displacement to an area that the ICJ declared in May 2024 as unfit for human survival, where the civilians were repeatedly bombed. It was also clear from the prolonged imposition of a total siege after October 2023 and the scale and the speed of the policy of starvation, which experts repeatedly labelled as unprecedented. It was also clear from the attack on what was called then the last refuge of Rafah. Despite the ICJ's third round of provisional measures back in May 2024, it was also clear from a military operation that effectively implemented the so-called Generals' Plan in North Gaza from October to December 2024 and which was dubbed, at the time, as ethnic cleansing and a genocide. Within a genocide, the totality of these actions indicates

the commission of genocidal acts and the existence of a genocidal intent that is inferred from these actions and this context, and therefore it precludes security and military justifications. The recent campaign of starvation, mass displacement and mass slaughter called Gideon's chariots is merely the culmination of this genocidal war on the Palestinians, perhaps the final stage of it.

And while the International Court of Justice's jurisprudence has imposed a high threshold for the determination of genocidal intent, the imposition of such a threshold is problematic as it would undermine the purpose and the utility of a Genocide Convention. The problematic nature of this jurisprudence is clear considering the sustained criticism of the rulings of the ICJ concerning the genocide in Bosnia, including by the six Western States. As Germany and the UK included in their submission to the ICJ in the Gambia versus Myanmar case, the increasing consensus that Israel is committing a genocide shows that even by the yardstick of the high legal threshold in the ICJ, Israel's conduct in Gaza has clearly and demonstrably passed this threshold. South Africa has provided a comprehensive documentation of Israeli genocidal statements and incitement to genocide in its February 2025 submission to the UN Security Council. It also detailed the patterns of conduct that illustrate that Israel acts with genocidal intent.

These patterns of conduct, some of which will be discussed later today, include: the pattern of Israel targeting the vulnerable, including children, women, the wounded, the disabled and those who have repeatedly been displaced and sought shelter; the pattern of Israel denying humanitarian aid to Palestinians in Gaza and the associated policy of starvation; the pattern of Israel creating unbearable living conditions for the Palestinians in Gaza; the pattern of Israel targeting those trying to help and protect Palestinians, including medical and humanitarian personnel, the pattern of Israel's forcible transfer and displacement of Palestinians in and out of Gaza; the pattern of complete disregard for the laws of war; the pattern of the failure to distinguish between civilians and combatants; and the pattern of destroying Palestinian life in Gaza.

These patterns of conduct which Israel maintained for a lengthy period in contravention of three sets of ICJ provisional measures to prevent genocide, and despite repeated warnings from international humanitarian organizations and with full knowledge of the impact of its policies on the vulnerable Palestinian population in Gaza, provide sufficient evidence of Israel's intent to destroy Palestinians in Gaza as such.

We need not, of course, wait for formal pronouncements by courts to call a spade a spade, to take a clear moral and political stance in opposition to mass slaughter and mass destruction, because our moral and political judgment is not reducible to formal legal rulings. There is an urgent task now to educate against genocide denial, to act to end the genocide and to hold Israel its leaders and soldiers accountable for the genocide, war crimes and crimes against humanity. But it is equally urgent to end the brutal occupation and dismantle the apartheid system that made the genocide possible, and it is equally important to defeat the legal sophistry - sophistry and the ideological structures that dehumanized the Palestinians and justified the Nakba in 1948 and then the genocide in Gaza and now and made them palatable. Thank you.

Apartheid and Self-Determination (online)

Victor Kattan

GT Chamber 1 Member, Assistant Professor of Public International Law

It's a great pleasure to have this opportunity to speak about a topic that has never been more urgent - apartheid and the continued denial of the Palestinian people's rights to self determination. And what I thought would be helpful for me to focus on in my remarks this morning is to focus on apartheid as a crime that is a crime against humanity. So while apartheid is mentioned in foundational treaties and conventions on its international human rights and treaties that purport to protect civilians in international humanitarian law (IHL), it's important to note that these treaties do not define apartheid. To understand apartheid and to look for its definition, we must turn to international criminal law, and this is what the focus of my presentation will be today.

Apartheid is defined as a crime against humanity in two conventions. The first convention is the International Convention on the Suppression and Punishment of the Crime of Apartheid, of 1973, and subsequently in the Rome Statute of the International Criminal Court. But it was first conventionally classified as a crime against humanity in a rather unknown convention on the non-applicability of statutory limitations to all crimes and crimes against humanity.

That convention is important to me, because that's the first time there emerged a distinction between global North states and Global South states over the definition of these crimes. In the debate in the United Nations, in 1968 the Global North states were very much still wedded to and focused on the crimes that occurred during the Third Reich in Nazi-occupied Germany, mainly genocide. And the Global South states said, while they were not opposed to having a convention making it clear that for such crimes, there would be no statutory limitation for them, they insisted on extending the notion of crimes against humanity to include new crimes that had emerged since the Second World War, namely apartheid.

At that time, the Global North states were opposed to this extension of crimes against humanity to include apartheid, and so they did not become party to that convention. One of the arguments they made is that there was not a definition of apartheid in international law. This omission was remedied in 1973 when the Global South states pushed through the political organs of the United Nations a convention that was modeled on the Genocide Convention, but that defined apartheid as a crime against humanity. After that, following the end of apartheid in South Africa, global North states felt comfortable ratifying the Rome Statute of the International Criminal Court, which defines apartheid in Article Seven as a crime against humanity. So we can see that it's a crime that began largely as a Global South crime, but that over time, has become a crime that applies to all states. And it's important to emphasize that today those states that are parties to the ICC Statute are largely from the Global North, to the extent that about 167 states have ratified one of these conventions.

So a strong argument can be made that the crime against humanity of apartheid reflects customary international law. And that's important to emphasize because some countries, including Israel and the United States of America, are not parties to any of these treaties. It's important for me to emphasize that the crime is most likely customary international law.

Now, given the focus of this Tribunal on Gaza, I thought it would be important to look at the relationship between the way in which apartheid is defined as a crime and genocide.

Apartheid is defined in the 1973 Apartheid Convention in Article Two, which lists a number of what they call inhuman acts. Now some of these acts are classical acts in ordinary criminal law. Some of them are broader and would include violations of civil, political and economic rights. So apartheid is defined. It focuses, if you like, on the structure of government and the institutions of government, on the system that gives rise to these multiple violations. And it's a system that imposes a hierarchy. There is a privileged group, a racial group, and I'll talk about that very shortly, that maintains domination over other groups. So it's a system that implies permanent subordination of those groups and a system of hierarchy, and we'll see this definition appear in the ICC Statute.

What's important here is that Article Two has language that directly corresponds to that in the Genocide Convention. It explains that the term 'the crime of apartheid' will include the following inhuman (or inhumane) acts committed for the purpose of establishing and maintaining domination by one group, one racial group of persons, over any other racial group of persons and systematically oppressing them. And then it includes under this category, murder of these groups, infliction upon members of these groups serious bodily or mental harm. And then finally, deliberate imposition on these groups of living conditions calculated to cause their physical destruction in whole or in part.

I've underlined and put in bold those words that also correspond to those to the definition of genocide in the 1948 Genocide Convention. It goes without saying that any system of domination implies a denial of self determination, as we can see three years ago, when the then UN Special Rapporteur Michael Link very helpfully summarized the kind of three-part legal definition of the crime of apartheid based on the 1973 Apartheid Convention and the Rome Statute. And I should note that this approach was endorsed by a number of judges, in their separate opinions in last summer's advisory opinion on Israel's policies and practices in the Occupied Territories.

Firstly, there must exist an institutionalized regime of systematic racial oppression and discrimination. This regime must be established with the intent to maintain domination of one racial group over another. And the regime must feature inhuman acts committed as an integral part of the regime. I should say that one of the distinctions between the definition of apartheid in the Apartheid Convention and the Rome Statute is that the Rome Statute introduces this language of an institutionalized regime. It also classifies, and links all of the inhuman acts as additional crimes against humanity. In other words, the Apartheid Convention describes the kind of political, structural, legislative context in which multiple crimes against humanity occur, and these would include murder, extermination, enslavement, deportation or forcible transfer of people, torture, rape, persecution, etc.

So it's the system under which all of these crimes occur. I think it's also important to emphasize that although the Apartheid Convention and the word 'apartheid' is a word from the Afrikaans language, and it was originally conceptualized as applying to a particular part of the world, namely Southern Africa, it is intriguing when you look at the drafting of the Apartheid Convention that Israel's policies and practices its oppression of the Palestinian people was raised. It was raised during the drafting of the convention by Egypt, Syria, and Morocco, who insisted on introducing language that would cover Israel's crimes.

For example, one of the inhumane acts that is listed is denying people the right to return to their homeland. You'll find that mentioned in the definition of apartheid, and that was introduced by Egypt and Syria in the negotiation process in 1972, when their territories had recently been occupied by Israel in the June 1967 war, and then in the terms of the monitoring body known as the 'Group of Three', which operated between 1978 and 1995.

Israel's policies and practices were the most frequently mentioned, after South Africa's policies, policies in South Africa and Namibia. When you look at the reports that were submitted by the States Parties to the group of three on the application of that convention, they didn't restrict it to South Africa and Namibia. They interpreted the convention as being more broadly applicable, and many states included what Israel was doing to the Palestinians as falling within the definition of apartheid.

This is going from the 1970s to the 1990s and then, of course, when the ICC Statutes was adopted in 1998 after the fall, or after the end, of apartheid in South Africa. The ICC provided only for prospective application, then it necessarily, of course, includes any policies and practices of apartheid going forward, which would include what is happening inside Israel and the Occupied Palestinian Territories.

Before I end my remarks, I want to mention something about the notion of racial groups, because the way in which the Convention is drafted, refers to a domination by one racial group over another. And critics of the claim that Israel is practicing apartheid often say, "Well, you know, Palestinians and Israelis are not racial groups," but I think this misrepresents the way in which the notion of racial groups is understood in the Convention.

So at the time of the drafting of the Convention, the main focus, of course, was on Southern Africa, where the concept of the racial group was statutorily defined in the Population Registration Act and in the Group Areas Act as including ethnic, linguistic, cultural, national and tribal groups. And of course, Israelis and Palestinians could be described as different ethnic, linguistic, cultural and national groups.

Also, if you look at the way in which the term 'racial groups' has been understood in the domestic laws of States Parties to the ICC Statutes, you'll see that they rarely mention race alone, or racial groups alone. They always link it to another descriptive identity, including nationality, national origin, religion, ethnicity, colour, etc. And this was also the case with the 1975 Apartheid Convention. So the States Parties to that convention, when they thought to give legal effect domestically to the convention, interpreted racial groups more broadly than just race.

So to conclude, I think some of the unique contributions that the Gaza Tribunal can make is to focus on apartheid as a crime against humanity. It remains the case that until this day, there is no jurisprudence, either in domestic courts or international courts, on apartheid as a crime against humanity, although the International Court of Justice helpfully describes the kind of systemic forms of discrimination inside the West Bank.

Its interpretation was narrowly construed to the application of international human rights conventions to occupied territories. They avoided focusing on the definition of apartheid as a crime. Only about four or five of the judges did that in their separate opinions.

The relationship between the crime of apartheid and the crime of genocide has arisen, however, in two contentious cases before the International Court of Justice. A lot of attention has been focused rightfully on South Africa against Israel, but it has also arisen in the case that Nicaragua has brought against Germany. Of course, we don't know what the International Court of Justice will say, when they might say it, or if they say

anything useful. So I think again, this is another aspect that the Tribunal can focus on. And then, of course, it's been raised in proceedings at the International Criminal Court, but we all know of the difficulties that are currently facing that court. And so I would encourage the Tribunal to perhaps look at the relationship between apartheid and genocide as it is so obviously patently applicable, and sadly, to what is happening in Gaza and in the rest of the Occupied Palestinian Territories. Thank you very much.

Testimonies (Read by the Gaza Tribunal Members)

Introduction

Michael Lynk

Steering Committee Member of the Gaza Tribunal, Legal Scholar, and Former UN Special Rapporteur of the Human Rights Council in the Occupied Territories

In any proceedings which look to evaluate the conduct of an individual or a state with respect to alleged crimes, the role of the lawyer needs to look at two related elements. First is the law, and we've heard that already from both Victor and Nimar, with respect to the issues of apartheid and genocide, but the second is equally important, and that is the facts. Lawyers deal intensely with both features, when they write, when they make up their minds, when they plead before courts, and when judges wind up deliberating and coming to decisions on the quality of the legal arguments and the evidence that's presented before them, Susan and I are now tasked with sharing with you a taste of some of this evidence arising from genocide in Gaza. These testimonies that we're going to be reading to you over the next few minutes come from a collection of witness statements shared by Badil (Badil Resource Centre for Palestinian Residency and Refugee Rights, Bethlehem), Al-Haq (Ramallah) and Addameer (Addameer Prisoner Support and Human Rights Association, Ramallah), three of the leading Palestinian human rights organizations operating in the West Bank and in Gaza.

Testimony of Aya Hala Isa Abusharakh

22 years old female from Beit Lahia

I was living with my parents, and we were a family of nine. Nine members, consisting of my parents in addition to siblings, we lived inside a residential apartment in an area of about 120 people in a residential building with five storeys and 10 housing units. On the first day of the genocidal war at 6.30 while I was sleeping, I woke up to the sound of explosions. It felt like lightning or thunder, and I did not understand what was happening and what these explosions were. The first week was very painful, and the situation was dangerous. Several places in the vicinity were targeted, and on October 24 at about 10pm while we were inside the apartment, I heard the sound of an explosion and a large fire, which led to the flying of a large number of shrapnel and damage to a large number of towers and damage to the apartment as well. And the next morning on October 24 we were displaced and evacuated to Hamad secondary school. We stayed inside the corridor of a classroom for one day, and the next day I returned to the apartment. Suddenly, we received warnings that several towers were targeted, so we fled to the corridor of one of the classrooms in Hamad school. Again, we slept in the corridor without bringing any blankets or mattresses. We stayed for a week due to the dangerous situation and the shells falling near us and next to the school.

And on October 20 at about 2pm we went to al-Uyun Hospital. We stayed in a room in the hospital with my sister, my mother and my brothers in a difficult living situation amid the sounds of explosions that did not subside, the atmosphere was very scary. At the beginning of November, the occupation army entered the hospital where we were and shot at the facilities and buildings of the hospital. On the same day, artillery shells fell on the third floor of the hospital, which caused great damage that led to the martyrdom of four people and several injuries, in addition to shooting at people inside the hospital, where we spent a whole night under shelling and shooting and the appeals to the Red Cross media outlet and activists to get us out of the hospital, and at seven o'clock we left the hospital yard. Military vehicles, tanks, bulldozers and a large deployment of soldiers were there. The situation was terrifying and we were very afraid. We left on foot to the Shuja'iyya area east of Gaza. We left amid explosions and violent shelling from the occupation vehicles. Everywhere the journey of the march and the journey of displacement was harsh, as if it was a journey towards death. We walked towards Netzarim checkpoint, a checkpoint of the occupation forces who completely separated the north and south and set up military checkpoints throughout the area that separates northern Gaza from the south. We arrived at Netzarim checkpoint at about 4pm. There were thousands of displaced people and the presence of military vehicles on Salah Al-Din Street and the presence of a large number of occupation soldiers on sand bags who were pointing their weapons at us. We saw many bodies of people who were killed, bodies lying on the ground and next to the road. I saw burned people inside a car that was bombed with the bodies remaining inside. We went to the area of Nuseirat camp and stayed with people who are friends of my brother in law. We stayed with them for two days. Then we went to the Al-Sardi School of UNRWA and stayed for a day. Then we went to a relative's house in Khirbat al-Adas area in Rafah and stayed for 15 days to be displaced again on the November 23 in a building in Nuseirat Camp, we stayed until January 1 to be displaced again to the city of Rafah near the agency's barracks in one tent. It was a primitive tent consisting of a few sticks and plastic bags. My father refused to move with us to areas south of the Gaza Valley, and stayed inside the preparatory school near the Palm Hall.

At the end of November, the transmission was cut off for more than a week without the ability to communicate with my father and brothers, and the day before his martyrdom on December 23. I contacted my father after many attempts and a complete break in communications, my brother Muhannad called me to check on my father at 9pm while my father was leaving the school. He was leaving the school to fetch bread, he was shot while he was in the vicinity of the school and remained lying for many hours in the street without the ability to retrieve him or rescue him. Everyone who tried to rescue him was shot at, and after two hours, he was retrieved. The news was received with great sadness, without being able to say goodbye or bury him.

Until now, I mourn the loss of my father. His loss is painful and cruel. On May 24 we were displaced to Khan Yunis, west of the city, near the Sharia court, in a tent. We stayed for about six months, living in difficult, harsh and painful conditions. Until now, we live in conditions of severe famine without bread or flour, a complete loss of vegetables and fruits, and the high price of them has become a dream. It has become a dream for us to eat bread for more than three weeks, and alternatives to bread are also impossible. The high prices have reached all items, and we live now only in the worst conditions and forms of war. These days are indescribable. They're days of death, famine, fear and horror.

Testimony of Khaled Walid Rabi Alhatou

32 years old male in Khan Yunis

I was living with my wife and my son, Waleed, six years old, in a 110 square meter apartment in a residential tower in Gaza City, Sheikh Radwan Neighbourhood, with my parents living next to me in an apartment opposite my apartment. Along with my brothers Mahmoud and Yamin, we received the first day of the war with great fear and panic as we lived in the middle of death in the middle of the bombardment, the land of Shanti was behind us, as well as the Al-Karama Neighbourhood, and in front of us was the El Nasr Neighbourhood.

So these neighbourhoods were under heavy shelling and fire belts since the morning of the eighth of October, the Al-Karama neighbourhood, which was less than half a kilometer away from us, in addition to the adhesion of Shanti land, this thing doubled the impact of the war on us as we felt that we were on the crater of a volcano. Hundreds of missiles, hundreds of bombs were dropped onto these neighbourhoods since the first several days of the war. At seven o'clock in the morning on Thursday the 12th of October, while I was in the apartment with my family, as well as the presence of my parents in the apartment next to me, we suddenly heard the sound of a huge, large explosion, and with seconds, a cloud of smoke filled the place, in addition to the flying of much shrapnel, which was clearly audible, this created a state of hysteria and extreme fear among with my wife and my child, Waheed, who burst into tears. And his mother was trying to calm him by hugging him and trying to explain, it is fireworks and these are people having fun in the street. He didn't believe her. The dust and the smoke were stronger than any attempt to calm or reassure accompanied by the sound of ambulances and the cries of the martyrs' families echoing in the place, the scenes were cruel and shocking, and I immediately went down to participate in the evacuation of the martyrs and the injured. The targeting was in the tower adjacent to us, especially for the apartment adjacent to us as well the apartment owned by the Labad family and includes nine other residential units that were targeted. The bombing resulted in the martyrdom of eight people from the same family, in addition to the injury of more than 40 citizens from neighbours and passers by.

The scenes of the martyrs were harsh. Most of the bodies were burned. Others were pieces of nothing but small bits of flesh. Children were running away from the street, from the ugliness of the scenes. How can children see such scenes? And I was not able to do so as a result of this bombing. In addition to the intensification of the fierce shelling, that did not stop, we were forced to leave the tower. With my family and my parents' family, in addition to three other families who were displaced in the apartment of my parents' family to the west of Gaza City. These displaced families went to Hamama school near the al-Ala club in the Sheikh Radwan Neighbourhood, and I was also displaced with my family to a home with a Shabbir family, our friends in the far east of Sheikh Radwan neighbourhood. And we stayed there one day without food, without drink, and because of the heavy shelling, as well as lack of sleep, and we spent 24 hours, suffering anxiety, fear and great panic. We spent those 24 hours living with the dread of what made it come. So the next day, on Friday, we fled to the house of my aunt Shireen in the Al-Saftawi area, west of Jabalia Camp. And while we were at the house, my aunt fled to the southern Gaza Strip, along with thousands of families who were fleeing on foot from death and did not know where to go. What was her fate? And will she have shelter?

And what will this shelter be? We couldn't accept the idea of displacement while listening to dozens of massacres in the central and southern governance. So finally, we decided to save my aunt's home. But this stay did not last long.

Three days later, on the 16th of October, under the weight of relentless bombardment, the latest of which was the targeting of a house of the Nussman family right next to us, destroying it on the heads of its inhabitants and killing everyone who was in the house. In order for us to escape quickly from the house, without thought or question, all that was in our imagination was trying to escape our fate. At 10am on that day, we fled from the Al-Saftawi area and didn't know where to go. We didn't know where we're safe. We didn't know which was the right way to escape from death and where and when we could ever rest. In the end, we headed to the home of my mother's family, located in the North Beach area, and we rested for the first day and were able to sleep. And after a journey of fatigue, and after days of sleeplessness and extreme anxiety, the next day, the sounds of shelling also intensified, caused by targeting the western areas of Gaza City from the intelligence and even the beach camp where we were, but we were affected ourselves to stay and not to go to the southern areas.

We stayed at home for a few days, and then on the 24th I received the news of the bombing of the tower that contains my apartment as well as my parents' apartment. In its complete destruction, that tower collapsed, and the memories and everything that brought us together collapsed as well. So I felt great sadness, not only for the loss of the homes, but for the loss of my belongings inside the apartment and all that represented to my wife and my child. He left a lot behind, many of his toys that he loved and the photo albums that held us together were also destroyed as well to remain living in harsh conditions and at the beginning of the intensification of the living crisis, as there was no food left in the markets as a result of the occupation, deliberately, from the first day of the genocidal war, to cut off all food supplies, all water, all fuel and all electricity. We were struggling to provide drinking water, and I was standing in queues for long days, and some days I could not provide it, as the markets disappeared, the shops were destroyed. We couldn't find anything to eat, and the price of a bag of flour reached more than \$150.

We lived through bitter days and great suffering, and with the beginning of the actual arrival of the military's military vehicles and tanks from the Israeli army from the beach and al-Nasr area, and the indiscriminate fall of shelling and the peak of the famine stage, our faces turned pale, and we were left with no choice but to head to southern Gaza Valley or stay and die in Gaza. Due to the difficult and harsh psychological state of my son, Waleed, as well as the rest of my family members, I forced them to leave and move to southern Gaza, and at 8am on the morning of the 19th of October, of November, I took my wife and Waleed, in addition to my family, and travelled on the road. Between walking on foot for long distances and sometimes hitching a ride on a cart pulled by a mule, until we all arrived at the Nuseirat Camp in the central government. And there we were able to take a car and arrive at camp of Canada in the city of Rafah in southern Gaza. We fled to the Al-Shifa Hospital and were displaced there for two days inside the hospital courtyard. And because of the proximity of the occupation to Al-Shifa Hospital and the heavy shelling, we had to escape once again, to al-Daraj area in eastern Gaza, and when I reached the Palmyra junction, many shells fell on the houses in the vicinity. My foot was hit by shrapnel, and I was treated by a few citizens and taken to one of the local health clinics at Tel Shamir, the injury was simple, with a small piece of shrapnel,

and in the same attacks, many people next to me, ironically, have been killed, including two women and a child who were lying very close to me on Al Watha street. No one was able to retrieve their bodies. I was displaced to a friend's home east of Gaza City, and I stayed with him for three days, and then I left for the southern Gaza valley after a harsh journey of pain and displacement, where I walked on foot from the Kuwait roundabout until I reached the Elden regime checkpoint, and it was full of soldiers.

Testimony of Sherene Mustafa Abdul Qadir Alsafi

40 years old female from South Gaza

I was living in a 190 square metre apartment in a family building consisting of three storeys. At 6.30 on Saturday morning, we heard the sounds of explosions and missiles. There were violent and frightening explosions. No one could go to school, and my husband could not go to his work. Then on the 13th, at about 11 o'clock in the morning, we heard the news of the martyrdom and burial of members of my husband's family in the Tal Al-Zaatar area, and a house for the Safi family that had been targeted there, where more than 30 people were martyred as a result, and when my husband returned home, he told me that he saw death with his own eyes in the Tal Al-Zaatar area. He said I saw the remains of the martyred people under the rubble, and at five o'clock in the evening of the same day, while my husband was standing in front of the house, he was immediately martyred and became scattered parts. He was recognized by my daughter Aseel, who recognized him through the rest of the clothes that he was wearing. While we were going down the street, another missile fell near us. So we left. We left my husband and fled and left him in the street in pieces. My brother Shadi Safi, 35 years old, and my father-in-law, Ali Safi, 60 years old, returned to the place where we left my husband in the street. His name is Muhammad, Ali Abdul Qadir, Safi, 40 years old. They returned to retrieve him and took him to Kamal Adwan Hospital in northern Gaza, and buried him in Beit Lahia cemetery. The next day after that, we were displaced to Osama bin Zaid school in the Al-Saftawi area in northern Gaza, and we stayed there for two days in difficult conditions. My brother Shadi came and took us to his house in the Al-Saftawi area, and we stayed a week with him, in difficult conditions. We then went to al-Rafidin School in the Jabalia Al-Balad area, which was very crowded due to the large number of displaced people, and as a result of the shelling and the very difficult living conditions, we decided to leave. And at around 11 o'clock on November 9, we went out on foot because there were no cars towards the Dola roundabout. We all went out accompanied by my parents and my husband's parents, and when we reached Nusairat, we dispersed. I went to my husband's sister Manar Safi in Khan Yunis, and stayed with her for about two months. And then on January 16, we went to the UNRWA School at 10pm. We couldn't carry any blankets, mattresses or anything. So we headed to Al-Aqsa University, west of Khan Yunis. There was a checkpoint for the occupation army. The army was cursing us. They ordered us to enter, and we were five people, but there were thousands of displaced people at the checkpoint. And when we crossed the checkpoint, the occupation army arrested my father in law, Ali Abdul Qadir, Ali Safi. He was released after 22 days. We headed to Rafah, to the Talas, Talas town neighbourhood, to a tent inside one of the lands, which consisted of a few pieces of wood and nylon. We made a primitive tent without any breadwinner. And at the beginning of the fifth month, we were displaced at Al Attar, and stayed two months inside a tent. The conditions were difficult, and then we went to the Al Baraka camp for orphans.

Q&A Session

Michael Lynk: Why are these terms apartheid and genocide so important in understanding Palestine? How are people who are not legal experts going to feel about trying to use such explosive terms if they wind up getting challenged on those and if the goal for many of us is for a free Palestine, does it not complicate the struggle for basic rights to use terms like apartheid and genocide, which are contentious in the public sphere?

Nimer Sultany: Yes, I think one of the problems with the public discourse, at least in Western countries, with respect to the situation in Palestine, is that we have heard the argument repeatedly throughout decades about different concepts, including apartheid, that they are counterproductive, that they are controversial, why to use them and et cetera. But I think these arguments are arguments that try to delay outrage at the situation, to quell our sense of discomfort about the situation, and therefore to delay action with respect to this concept. And the difficulty with lack of naming is that you end up with talking about the trees for decades, and you'd never notice the name and highlight the forest. We have had decades of reports about restrictions to the right of movement and checkpoints, decades of reports about torture, about particular campaigns or particular strikes and their propositional and distinctions. So a lot of people in the human rights community and legal academia have been too comfortable with the technical, depoliticized legal discourse that focuses on desperate actions rather than on the general situation. The historical comparisons to apartheid, the legal standards that are named in international conventions about apartheid, war crimes, crimes against humanity are ways in which we encapsulate the situation. Instead of giving a 50 minute lecture, with one word you can encapsulate what is legally and morally wrong in the situation. But I wanted to add one thing that also connects, maybe my presentation to Victor's presentation. I think we need to be clear that many of these concepts are, you know, they highlight different aspects of the situation, but they don't necessarily capture the full wrongness of the situation. So we saw, for example, that when Human Rights Watch and Amnesty eventually said "apartheid" in detailed reports, they said it without saying "colonialism". So there's always some limitation. But more importantly, if you look at what the South African activists against apartheid had been telling us for decades, the Israeli occupation is much more brutal than the South African apartheid. So I'm going to give you three examples in which the Israeli apartheid and occupation is worse than the South African apartheid.

Ronnie Kasrils, for example, said 19 years ago, before the genocide, etc. "this is much worse than apartheid. The Israeli measures, the brutality make apartheid look like a picnic. We never had jets attacking our townships. We never had sieges that lasted month after month, we never had tanks destroying houses. We had armored vehicles and police using small arms to shoot people, but not on this scale." So even when we call it apartheid, we need to make sure that we understand that the occupation is much more brutal than the South African apartheid ever was.

Secondly, in terms of discrimination, including against Palestinians who are inside Israel. And this is something also some human rights organizations have been reluctant to say when they extended the analogy or the charge of apartheid, while the apartheid court in South Africa protected in 1980 in a case called Komani versus the Bantu Affairs Administration Board (448), the right of blacks to family life in an urban area, and struck down governmental regulations that violated it. The Israeli Supreme Court twice in 2006

and 2012 sanctioned or legalized the law permit banning family unification. Palestinian citizens, and only they, cannot naturalize their spouses inside Israel if the spouses were residents of the Palestinian territories or other adjacent, adjacent Arab countries.

Thirdly, the fact that, by legislation, most of the Land of Israel is reserved for use by Jews, is comparable to the legislation in South Africa when apartheid was instituted, the Native Land Act of 1913 in South Africa set aside 7% of the territory for Africans and prohibited them from acquiring land in the Other 93%. The 1936 Native Trust and Land Act increased the amount of land available to Africans by to 13% so the South African law under apartheid protected 13% as indigenous land, while Israeli legislation excludes the indigenous population from the settlers' land, but does not exclude the settlers from the indigenous land. So in this respect, Israel's land tenure system is less favorable to the indigenous population than South Africa's. John Quigley mentioned that, in the 1990s in all of his articles about apartheid outside South Africa. So I think we need to be aware that these concepts are also sometimes limited in describing the horror, but they are a good start, and avoiding them is one way of avoiding the full scale of the horror.

Audience: Thank you. I have a follow up on this question. If the ICJ issues a ruling that says this is genocide, what would be the implications for the states that have signed on or part of the ICJ, and what would be the implications for those who haven't? And are there any obligations on the people themselves, or is it just states?

Nimer Sultany: Well, so we need a distinction between the International Criminal Court and the International Court of Justice. Individual responsibility is the purview of the International Criminal Court. So if the prosecutor presents indictments or charges against Israeli leaders or soldiers with the charge of genocide, it would be handled by the International Criminal Court. The International Court of Justice is about state responsibility. So the decision will be related to whether Israel, as a state is responsible for genocide, and then that might have implications for other states. Now, there's a case, as was mentioned, by Victor. I think: Nicaragua versus Germany that relates to these issues, which is a question of the complicity of states. Obviously the implication of naming it as a genocide would mean that all the states that are members of the Genocide Convention and have accepted the jurisdiction of the International Court of Justice have a duty, had a duty, to prevent genocide. They haven't exercised it when it mattered.

Audience: What does it mean they have a duty? What does it mean they can do it, for example, is what the Houthis doing legal if they're trying to prevent genocide?

Nimer Sultany: Well, this is not now under discussion in the court itself. So that's a separate point.

Audience: "That's a separate point"...that's why I asked the question, what if they rule that this is genocide? Does that mean that if states wage a war against Israel, would that be legal war?

Nimer Sultany: Well, I think, you know, there's a plausible argument. Means that actors that are, you know, when Yugoslavia happened, for example, it was the action that was even illegal, formally, was presented as a humanitarian intervention. When Libya happened, it was presented also by western states, as a humanitarian intervention. So there's a plausible argument that actors like Yemen, who are taking actions in the defence of Gaza might be understood as exercising the duty to prevent genocide to the extent that they are members of the Genocide Convention.

Audience: What about complicitous parties, like the US? What would be the implications for that?

Nimer Sultany: The US has not accepted the jurisdiction of the International Court of Justice, so it cannot be brought to the court without their own consent.

Audience: Israel didn't accept either. I mean, Israel is not part of this.

Nimer Sultany: yes, but the Palestine Authority accepted, and the acts are being committed on the territory of Palestine.

Audience: What about the case of America? But Britain is party to the Genocide Convention. First of all, what are the implications for British Prime Ministers and military leaders, because we are a state party and also, is it retrospective? When, sometime in the 22nd century, when the ICJ gets around to making its mind up, will there be retrospective consequences for those who in my country, who have ordered and been part of the what seems to be a genocide in Gaza?

Nimer Sultany: Well, the short answer is that at the moment, these consequences that might be retrospective will, hopefully be political, but so long as the ICC prosecutor did not bring charges against these leaders for violations of the law that relate to what happened as genocide, they will be only political and unless another state brings a case like Nicaragua, Nicaragua did against Germany, a case against the UK. Again, these will be theoretical, academic and perhaps political, but not legal.

Susan Akram: There is the possibility of any state, individual state under their domestic proceedings to bring charges against any individual leader. And the Genocide Convention does not provide immunity to leaders, even while they are sitting in their leadership capacity, it's an exception to the usual immunity rules. So any state could bring criminal proceedings against Keir Starmer, for example, or we hope, Joe Biden. And in some states, in some states, individuals can initiate those proceedings. In other states, individuals cannot. There are states, including several European states, that have very liberal proceedings for universal jurisdiction. The US does not have anything like this. We have extremely restrictive possibilities under what could be called universal jurisdiction. We just don't have it in the US. It has to be brought by the state. But there are plenty of possibilities. I mean, proceedings were brought against Kissinger. They've been brought against George Bush. They weren't successful because they didn't come onto the territory where warrants could have been issued. But this is all work that needs to be done and will be done given the unbelievable amount of legal activity that is going on around this genocide, that I've certainly never seen in my professional lifetime about any other situation – targeting individual soldiers who have been basically promoting their genocidal acts, proceedings are being brought against various political actors, and I think this is only going to accelerate as time goes on, and as more evidence becomes available.

Session 2: Patterns of Genocide

Political Prisoners

Lisa Hajjar

GT Chamber 1 Member, Professor and Department Chair of Sociology at UCSB

Prisoner abuse began escalating when Prime Minister Benjamin Netanyahu appointed Itamar Ben Gvir, who heads Otzma Yehudit (Jewish Power Party), as the Minister of National Security. Ben Gvir used his control of the police and the Israel prison services, or IPS, to make it his ministerial duty to “worsen the conditions of the terrorists in the prison and to reduce their rights to the minimum required by law”. After October 7, Israel's ground invasion of Gaza swept up thousands of Palestinians in indiscriminate capture operations, including humanitarian workers, women, children, disabled and elderly people. Human Rights Watch reported that at least 310 health care workers and patients and their companions were taken into custody from Gaza hospitals and clinics when Israeli forces attacked these facilities. According to reports gathered by the UN Office of the High Commissioner for Human Rights. Men and boys detained by Israeli forces in Gaza, including UNRWA staff members, were used for military purposes as human shields by being forced to enter tunnels and buildings ahead of soldiers. A deluge of photos and videos of gross mistreatment of Palestinians in military custody shot by soldiers themselves was circulated on social media. This includes images of shirtless or naked Palestinians bound and blindfolded and some being dragged across gravel and stomped and kicked in their heads and genitals. Images of soldiers humiliating and brutalizing Palestinians, which constitute material evidence of torture and C.I.D., serve to amplify the unfettered violence in Gaza. In the context of Israel's genocidal campaign, prisons and detention facilities became battlefields and state agents targeted and treated prisoners in ways that paralleled the besieging and indiscriminate war on the people of Gaza; interrogators adopted the crudest forms of physical violence, including beatings, protracted shackling in painful positions, suffocation and sexual assault; the IPS instituted measures to degrade Palestinians already terrible conditions of confinement, including drastically altering their access or reducing their access to food and water, which amounts to a starvation policy and denying them access to medical care and treatment for diseases and injuries. Electricity was cut off, and personal possessions, including medicine were seized. Soldiers and guards rampaged through cell blocks, attacking prisoners and firing rubber bullets and tear gas, some prisoners were put into solitary confinement, and many others were jammed into overcrowded cells. The abuse of Palestinians, as such, was evident in the fact that long time prisoners and those taken into custody after October 7 were abused without distinction.

At least 70 Palestinians have (up to 26 May 2025) been killed under torture or died from medical neglect in custody since October 2023. In order to keep this custodial Reign of Terror hidden from public view, the IPS immediately barred visits by representatives from the International Committee of the Red Cross and all communication and visits by family members were prohibited. Lawyers' access to their clients was halted for months, and still remains severely restricted. Most civilians? Most Gaza's were detained under Israel's 2002 incarceration of Unlawful Combatants Law which copies America's 2001 presidential order on unlawful combatants. So Israel's law empowers the state to secretly detain anyone who is alleged to have directly or indirectly participated in hostile

acts against the State of Israel. Under this law, civilians can be indefinitely detained if the military suspects their unlawful combatants, or if their release would harm state security. On December 18, 2023 the Knesset amended the Unlawful Combatants Law to enable people to be held incommunicado for 45 days without an arrest warrant or any oversight by a court. Now, Palestinians subject to this law can be denied access to a lawyer for up to 75 days on the order of a prison official, and the court can extend this order for 180 days. Everywhere incommunicado detention is used, it is always a cover for torture. Palestinians released from custody emerged emaciated, bruised and deeply scarred from tight cuffing. Some have provided testimonies to Adameer and other human rights organizations.

In May 2024, Euro-Med Human Rights Monitor interviewed approximately 100 Palestinians from Gaza, including 22 women, four children and 17 elderly men, who testified about various forms of cruel, inhumane and degrading treatment and extrajudicial punishments, including strip searches and forced nudity, breaking bones and teeth, being stepped spit and urinated on, punishment for praying and threats of rape and murder. The Israeli human rights organization B'Tselem issued a report in August with testimonies from 55 released Palestinians, concluding that Israeli prisons and detention centre facilities "in which every inmate is intentionally condemned to severe, relentless pain and suffering operate as *de facto* torture camps". Investigations by other human rights organizations have drawn the same conclusion. The military established detention facilities on at least three bases, Sde Teiman in the Negev, Ktzi'ot, and Ofer in the West Bank, where thousands of mostly Gazans were held. These facilities were functionally black sites, because the identities of those held there were kept secret, thus amounting to forced disappearance. As of April 2025 according to the Palestinian Centre for Human Rights, hundreds of Palestinians who were forcibly disappeared are still missing. The first account of torture by a whistle-blowing Israeli was an April 24 letter from a doctor, sent to Israeli cabinet members informing them that prisoners were having legs amputated due to handcuff injuries. He writes "I am warning you that the facility's operations do not comply with a single section of those dealing with health in the incarceration of unlawful combatants law". In May, CNN published an expose about horrific forms of abuse at Sde Teiman in the Negev, based on accounts by three whistle-blowing soldiers and 12 Gazans who were released. On July 29 the Military Advocate General (MAG) moved forward on an investigation of the gang rape of a Palestinian from Gaza by nine soldiers at Sde Teiman.

The singular, the singular gesture of accountability was motivated by the fact that the attack was captured on surveillance video. The victim was so badly brutalized in the course of being sodomized that he suffered a ruptured bowel, severe damage to his anus, broken ribs and lung damage. When military police were dispatched to the base to arrest the gang rape suspects, they were attacked by other soldiers. A mob of Israelis, including members of the Knesset, flocked to Sde Teiman in support of the alleged rapists. The investigation incited pro rape political blowback. Ben Gvir and numerous politicians condemned the MAG, praised the accused soldiers as heroes and asserted that "everything is legitimate in the treatment of Palestinians".

The charges of genocide that have been levelled against Israel, including by this Tribunal on Thursday and South Africa's petition in the International Court of Justice and the application for warrants by the Chief Prosecutor of the International Court for Netanyahu

and now former defence minister Yoav Gallant for war crimes, have emphasized mass killing and indiscriminate bombing, the total destruction of institutions and the intentional starvation of Palestinians.

But for this Tribunal, we emphasize that accountability for torture is essential and as integral to it as to the demand for accountability for genocide, as the Palestinian Centre for Human Rights argues in its new report titled 'Torture and Genocide': torture is not only a human rights violation or a war crime, but also an integral component of Israel's genocide against Palestinians, because the systematic use of torture is not merely a method of inflicting pain and suffering on individuals, but a deliberate tool designed to destroy the Palestinian people.

Right to Food

Farah Imad

GT Chamber 1 Member, Lawyer, Arab Group for the Protection of Nature

It's been over 11 weeks since any meaningful supplies have been allowed to enter, exacerbating the already dire situation after more than a year and a half of wanton attacks and severe restrictions on the movement of people and goods. We can't bear witness to the present moment without seeing it as an expansion of the blockade that has isolated Gaza from the world for more than 15 years. The Israeli occupation has used food as a weapon since the start of its genocidal colonial project in Palestine, and nowhere is this more evident than in Gaza today. Among the countless other violations laid out by my colleagues, Israel, aided and abetted by its allies, has violated the right to food and the prohibition of starvation. These rights are codified in customary international law, which we'll lay out briefly today. The Right to Food is enshrined in international human rights law and is unique in that it's the only right in the International Covenant on Economic, Social and Cultural Rights that creates extraterritorial obligations for states, requiring them to internationally cooperate to achieve this right. The UN committee related to the covenant elaborates that state parties have a joint and individual responsibility to cooperate in providing disaster relief and humanitarian assistance, and also advises states from refraining from food embargoes or similar scenarios that impact food production and access to food in other countries. Moreover, under customary international law, a state's duty extends to areas where it exercises effective control, whether or not such control is exercised in accordance with international law.

The Geneva Conventions, for example, place obligations on occupying powers to ensure food for occupied populations to the fullest extent of the means available to it, including bringing in the foodstuffs if the resources of the occupied territory are inadequate. In this context, the Israeli occupation is responsible for providing food in Gaza and ensuring that all necessary supplies are available, regardless of whether Israel claims that it does not itself occupy the territory. In fact, the ICJ recently reaffirmed this in its 2024 advisory opinion, as Professor Sultany established in his presentation earlier today, the prohibition of starvation of civilians is codified in international humanitarian law (IHL), international criminal law, and is reaffirmed in a unanimous UN Security Council resolution.

When it comes to starvation, international law doesn't just consider the deprivation of food, it also includes objects indispensable to the survival of the civilian population. While there is no definitive list of what qualifies as an indispensable object, it includes

agricultural inputs, food, water, healthcare, shelter, sanitation and care for the young. These objects indispensable to the survival of the civilian population, have heightened protections compared to regular civilian objects under international humanitarian law, as there aren't any caveats such as the principle of proportionality, which Professor Jamsihidi will elaborate on later today. In fact, regardless of whether these objects are also used by combatants or whether they provide significant military utility, warring parties are prohibited from attacking, destroying or depriving civilians of these objects. Moreover, they can't be targeted for their sustenance value unless they provide sustenance exclusively to combatants. They can be targeted for reasons other than their sustenance value, only if they're used for direct support for military action and only if they're not expected to leave the civilians starving or forced to move.

Finally, allegations of diversions by belligerents are not enough to deprive the civilian population of these indispensable objects. The devastation in Gaza has been endless. We don't have time to go through the full list of the deprivation of these objects indispensable to the survival of the civilian population, or how they've been attacked and targeted. But I'll highlight a few areas, supplementing my colleagues' presentations in terms of food production.

Gaza's entire food system has been broken down. [As of 26 May 2025], the Israeli military has attacked farmland, destroying over 80% of trees and 70% of crops. Of the farmlands that have not been totally destroyed, many are inaccessible by threat of fire and expanding buffer zones. Moreover, there are toxins and contamination from exploded and unexploded ordnance on the land and in the water, which will impact this food security and health for years to come. Additionally, the destruction of critical agriculture infrastructure and farming assets, including greenhouses, wells, bakeries and warehouses, contribute to the widespread starvation conditions. The killing, detention and displacement of food production workers has compounded the inability of residents to support themselves, food wise, as well as financially. Even livestock hasn't been spared, as there is evidence of multiple attacks on animals and many have died due to shortage of feed and supplies.

When it comes to water, due to Israeli attacks on wells and drinking water installations, people in Gaza have access to less than five litres of water per day for all uses, including drinking, cooking and washing. This is well below the amounts considered necessary for survival and less than the amount of water needed for a single toilet flush. Moreover, most of the water is unfit for human consumption in the first place. In terms of sanitation and hygiene, all wastewater plants and over 70% of the sewage pumps in Gaza have been destroyed by Israeli attacks, leading to disastrous public health and sanitation consequences, including the flow of raw sewage, which has been leaking back into the soil as well as water sources. In addition to the impact on food production, the lack of water to clean or wash is deadly. Due to the lack of access to proper hygiene, infectious diseases have spread, and deaths from disease are expected to dwarf the number of those killed by bombs or gunfire, which will continue even after a permanent cease fire is achieved.

Not only has Israel failed to fulfil its obligations to ensure that there are adequate food and medical supplies in Gaza, which must be done at all means at its disposal, it continues to impede international aid from entering has killed and detained humanitarian workers, the most famous being the attacks on the World Food kitchen, killing seven workers in three different targeted attacks in a single day.

Moreover, Israel has targeted civilians at food distribution sites, further compounding starvation factors and leading to chaos and fear. In one instance, known as the first flour massacre, over 112 Palestinians were killed and 760 injured at an attempted food distribution site in Gaza City in early 2024. Moreover, Israel's restrictions on what's allowed to enter means that objects indispensable to the survival of the civilian population have been denied entry long before October 7, 2023, from seeds and critical agricultural inputs – to prevent Palestinians from being able to feed themselves to oxygen tanks – such that Palestinians literally cannot breathe.

For example, this past winter, nearly 1 million civilians did not have adequate shelter due to restrictions on the delivery of essential winter gear, such as waterproof tents and blankets, and by January 2025 at least 74 children had died due to the brutal weather conditions. The consequences of this destruction are clear and vast. Virtually all of Gaza's population has been and continues to be in an acute food crisis, Phase Three out of five in the IPC classification, or worse. And at least one point, over 30% of the population was in a famine or humanitarian catastrophe, Phase Five. More than 57 people have so far died directly due to starvation, and there are over 70,000 cases of acute malnutrition which have long term health consequences for the victims, including impaired growth and development, increased risk of chronic diseases and reduced cognitive function. And these effects will impact future generations through epigenetics.

While sieges are not necessarily unlawful, according to international law, a siege is only lawful when directly run directed exclusively against an enemy's armed forces. It's arguably impossible to conduct a lawful, lawful siege in urban areas, such as, in fact, for example, the perpetrators of the siege of our host city, Sarajevo, were convicted by the International Criminal Tribunal for the Former Yugoslavia of, among other things, inflicting terror on the civilian population in violation of articles 51 of additional Protocol One and Article 13 of additional Protocol Two of the Fourth Geneva Convention. Issuing warnings or evacuation orders does not absolve warring parties from their obligations to civilians in the siege.

Even if the civilian population does not leave a besieged area, they must still be protected under international humanitarian law (IHL), as long as they don't actively engage in the hostilities. Israel's argument that any person remaining in a besieged area after a warning becomes a legitimate target as a combatant, as they did during the siege in North Gaza, has no standing international law and must be flat out rejected.

Finally, when we talk about liability under international criminal law, the intentional starvation of civilians is listed as a war crime in the Rome Statute, the extent of starvation and the consequences, including death or disability, would elevate the starvation to crimes against humanity and the crime of genocide. One generally has to have intent and knowledge to be found liable under international criminal law. Intent can be either established when a person means to engage in the conduct or alternatively if a person means to cause a consequence or is aware that such consequence will occur in the ordinary course of events. South Africa documented over 10 pages of expression of genocidal intent by Israeli officials and others in its pleading to the ICJ, many of these statements directly reference the starvation of civilians.

More recently, after breaking the ceasefire, Netanyahu announced that all supplies would be prevented from entering Gaza until Hamas agreed to his demands, which is a clear indication of the intent to use food as a weapon and starve the entire population

of Gaza. In terms of conduct, starvation is an obvious consequence of the wanton destruction and deprivation of objects indispensable to the survival of the civilian population of Gaza, which has been warned by countless international experts countries as well as the ICJ in its provisional measures.

In conclusion, while we live in an age full of contemporaneous evidence being gathered and broadcast, the world fails to move to take action against Israel's acceleration of its genocidal campaign. The violations of international law are not just borne by Israel, but by the conduct of its allies and the silence of many other countries. Instead of instituting sanctions globally against Israel, and despite multiple ICJ rulings, mass protests and warnings from international organizations, weapon imports to Israel actually increased after October 7, 2023. Moreover, despite multiple warnings to prevent starvation by allowing humanitarian aid into Gaza, Israel, in fact, strangled the entry of aid. Even more, Egypt is also directly complicit in the starvation of civilians by not opening the Rafah border. This echoes back to the starvation situation instituted during the Nakba of 1948 which led to the establishment of UNRWA as a relief to the Palestinian civilian population, the attempt by Israel and its allies to dismantle this agency must be stopped. Moreover, we must continue to put pressure on the international community to stop the attempts to starve, kill, displace and erase Palestinians since at least 1948, bring the perpetrators to justice, demand the right of return, as well as compensation and reparations. Thank you.

Q&A Session

Michael Lynk: What are the patterns of control and domination over the Palestinians that you think are inherent in the Israeli use of torture?

Lisa Hajjar: Thank you. Well, let me say, before I come directly to that, there's something as a scholar of torture, I can give you a little tidbit on what I have come to learn. You can never really understand torture by looking at victims, you have to look at perpetrators. Why are people? Are perpetrators actually engaged? What are the purposes that torture serves? Who is deemed torturable? And so there's four kinds of, there's four purposes of torture.

One of them, which is very common in the Israeli context, is what we call Judicial Torture, when people are tortured for statements that can then be used in a legal proceeding, and in the case of Israel, the legal proceedings in their Israeli military courts in order to imprison Palestinians. So Israel relied very much on judicial torture.

Another form of torture, the kind maybe that I was describing in the post October 7 period, but certainly not new to that would be called Penal Torture, or extrajudicial punishments of a bodily sort. So when guards are beating up people, you know, when they're already in custody, that would be, you know, without any kind of legal process, that would be penal torture.

A third kind of torture is called Interrogational Torture. That's what the United States has used, and also Israel in the case of trying to find out, so called actionable intelligence in the context of armed conflict. So people are being captured and tortured in order to find out where other people, the enemy are. And so that was certainly an element of post October 7, not only punishing Palestinians, you know, through the torturous methods, but also trying to elicit information about Hamas or where a hostage is.

And then the last kind of torture, which I think is the sort of the self-unconscious publication of all these kind of pictures that soldiers took of themselves abusing Palestinians, is called Terroristic Torture, when you torture some to terrorize the many. And so that is another phenomenon. It was very common in dictatorships, when people would be disappeared. You knew that they were gone and they'd been tortured, but nobody could see it, but it terrorizes the rest of society to keep them in line.

So I think that all four of the purposes of torture are prevailing in the Israeli context, but the two, the most common ones, are interrogational torture and judicial torture in order to know the enemy and imprison the enemy.

Michael Lynk: What does the use of starvation and food obstruction, particularly with respect to Gaza, but not only with respect to the last 19 months, but the the control of food that went into Gaza even before 2023, what does that use of starvation and food obstruction mean as a means of trying to achieve a longer term political goals over the Palestinians?

Farah Imad: Thanks, Michael for that question, and I mean similar to what Lisa was saying in the context of physical torture, you could see the deprivation of food and other necessary supplies as a socio-societal form of torture, and it can be used for multiple reasons, including the ability to direct the population to submit to your will, to be too tired to be able to resist, and to also, you know, to drop the ceiling of what's possible in terms of life. So it is a form of torture. It does rise to the realm of genocide when you consider the scope and the length of this type of deprivation.

Testimonies (Read by Panelists)

Testimony of Dia Abdos

I was arrested on January 17, 2024 at the container checkpoint while returning from Hebron, Khalil to Ramallah. At around 2pm I was in a public car, as and as soon as they saw our car, they rushed the side of the car, on the side, then they checked the IDs of everyone in the car and returned them to us. Then they asked about me and tried to take me out of the car. They were border guards, and I knew that from the lawyers later, when I described the dress codes, the checkpoint official came and took me from behind the truck container checkpoint. Then she twisted my two hands back and pushed my back with her hands. And this process was repeated more than once. Then she filmed me on her cell phone, put me back in the car. Then [she] dropped me off again and took my phone, and said to the driver, "Come out. We're going to take her." She took me behind the checkpoint where a border police soldier came and started telling me, "you're Hamas and that you meet all the Hamas conditions," that "your youthful colour was a joke I was working on you," and very bad insults about my parents. I wasn't handcuffed until this moment. After about an hour during which they tied me with plastic straps to the front. Then they took me to a car, and an officer asked me if I knew why I was being taken. And I told him no. He answered and said, "You'll find out later in the indictment," and added, "by the way, say Hello to your comrades and in the PFLP," and asked me if I knew Leila Khaled.

The longest camp I stayed in was for six hours in an open space like a barracks. It was very cold. I didn't know the name of the camps or which area they were, and when I asked questions, they would yell at me and tell me that you're forbidden to ask and forbidden to know anything. I would ask for a bathroom, and they refused all the time. And of course,

with the extreme cold and the iron floor I was sitting on, I felt that I needed to go to the bathroom all the time. At first, I was sitting normally. A little later, they came and unfastened the cleats and tied my hands behind me with plastic cleats as well, and forced me to sit on my knees and not to move. I was sitting on my knees for almost six hours. The soldiers were beating my knees with their mats on the iron floor of the barracks behind me, and I was scared. I kept needing the bathroom, and whenever I asked, the soldiers would tell me to shut up, and I could hear my cell phone ringing continuously while it was with the soldiers. They brought it for me and asked for the password, and I gave it to them. Then the soldier lifted the blindfold from my eyes, grabbed my finger and put on the cell phone's fingerprint, and when I looked towards them, he pushed me and yelled at me and told me not to look at them. And when I looked towards him, he pushed me and told me not to look. After about six hours, the soldiers came and lifted me from the ground. Of course, there were no female soldiers among them. All of them were men. They put me in a car where I was tied in the back, and I couldn't enter because I was tied. So the soldiers had to lift me under my arms with their hands, and it was very violent. And then the car drove a bit. They opened the car and threw an abused youth on top of me. I asked him his name, and he told me that his name was Muhammad. I asked him where we were, and he told me that we're near Beit Lahm.

After a while, they opened the car again and got the young man, Muhammad, out, and beat him severely. And I could hear the sound of the beating. Then they immediately walked to the car, and they stopped beating him and opened the door. I was afraid it was going to be my turn to be beaten after Mohammed, but the Army doctor came, apparently. She unbuckled me, removed the blindfold, and asked me about my health condition. And I told her I would not answer until you took me to the bathroom, and after she made some calls, she told me she would take my blood pressure. I told her, I have a special health condition and suffer from epilepsy, and I have to take my medication. And when they knew I suffer from epilepsy, I think that's why they tied me forward and not backward, and took me to the bathroom. After that, they transferred me to the HaSharon Junction, and this was after a long hour journey in the camps where I reached HaSharon at about three o'clock in the morning. In HaSharon, the treatment was better than the camps. The search was semi naked and not naked. And then they took me to the clinic, and the male jailer took me to the clinic, and I had told him that I have epilepsy. When I got to the clinic, the nurse was asleep, and they made me feel guilty that they woke the nurse up. The jailer took me to a cell with an open window, which was very cold. They gave me a very, very dirty mattress and blanket. The cell was very dirty. The bathroom is inside the cells. On one side, there's no door, obviously. And of course, anyone who passes can see the bathroom because the cell is not locked. I couldn't use the bathroom until hours later, and they handed us to another unit after five hours and transferred us to Damon Prison by prison cars.

So at this point, it's around 2pm the next day, and there I stayed for 12 months. They gave me an administrative order a few days later for four months, which was renewed twice after that, and they didn't give me clothes from the prisons or pajamas. They were clothes available from former prison female prisoners that I used. The food was less and less all the time, according to the ministerial decision to deprive us of food. When I entered the prison, there were 105 female prisoners, including a large group of prisoners from Gaza. When they released the prisoners from Gaza, the prisoner who had one blanket now had more than one. But after that, the number of female prisoners

increased so clothes and blankets became fewer, fewer for the female prisoners, especially at the beginning of the winter season.

From the end of 2024 conditions became worse for us in the cold, especially with the new administration in Damon Prison. Once the new administration came, they stormed the section and ordered each prisoner to take two blankets and leave everything else in the room. When we came back, they had searched the rooms, and everything was confiscated, even our Qurans were taken away, the plates and spoons they kept, and then they only left us with one spoon per room, which we all took turns to eat. They even confiscated our sports shoes and our slippers. So some of the female soldiers, some of the female prisoners, started going out in the courtyard, barefoot, without any shoes, and they confiscated anything we used as a container.

During my detention, I was isolated five times. I started my journey [experience] with isolation at first because of an issue with the deputy director of the prison at the beginning of my arrest, where I stayed for three days. And then the second isolation happened a few days later because the guards wanted to search me inside a bathroom, and I refused. Then they isolated me for four days. The third isolation was for five days, because I defended some of the female prisoners when they were taken to isolation. And the fourth isolation was on October 7, 2024, when a large number of guards broke in. They tied us up, they brought me to the warden, let her search me, and there I saw a police dog, intelligence officers and guards. Our room was full of soldiers, as well as in the yard. They put a blindfold on me and put me on my knees in the yard. Then they brought the female prisoners. They carried me by my hands and took me into an isolation cell in Section Seven. There, they unzipped me and I recognized them. Of course, it was a little cold and I was wearing light clothes. I told the officer I needed clothes, and the officer told me you need 10 minutes, and then you'll have to come back. This isolation lasted for 34 days. Thank you.

Testimony of Mahmoud Abu Aleiwa

I work as a journalist. I was arrested on the 18th of March 2024 from Al Shifa Hospital, where I was at work. At the beginning of the arrest, we were present in the hospital, and it was normal, and the hospital contained displaced people, doctors, journalists, nursing staff and administrators. Suddenly, at around 2am bullets were fired intensely. I was asleep. I immediately went out of my room, where I and my fellow journalists were. I went in front of a specialized surgery building. There were quadcopter drones shooting at people around the hospital. Anyone who moved around the hospital was shot. It was a very difficult scene. I was standing at the door and monitoring the situation as a journalist. At this moment, shots were fired at us, and we immediately withdrew from the building. I headed to the back door to try to get out of the hospital, but it was very difficult when I withdrew from the front door to the back door. I was surprised when I opened the back door of the building, a tank robot next to a building called the burns building, which is inside the hospital, fired a shell at the building in which I was, which is a specialized surgery building. I went directly to the first floor to take shelter from the shells, and found that the shells were directed towards the first floor, specifically in a room where there were displaced people. I went to this room and found everyone in it martyred.

The shooting was for about 45 minutes and did not stop for a second on buildings and people, accompanied by voices through loudspeakers, on drones and vehicles, asking all people not to go out, and that whoever goes out puts himself in danger. This was

a media show, and they were filming these moments on the basis that they were protecting people, but on the contrary, buildings were targeted with bullets and shells, and anyone who moved. After 3am on the same day, I was in the first row that came out of the specialized surgery building, which is the largest building inside the hospital. When I came out, we stood out at the so-called halibut cameras, and they sorted out people, either they tell them to go out to the south or they tell them to stay. Of course, they didn't have any transparency criteria for choosing those they took for investigation because they chose old people, minors, journalists, doctors. I stayed waiting for my turn and investigation, during which an officer came and stood next to me. He spoke fluent Arabic and is basically an Arab. He asked me, "What are you worth? And what do you say... Why do you say you are a displaced person?" I told him, "No, I'm not a displaced person." He was holding the cell phone, and I could see the cell phone screen with my picture, i.e. my Palestinian ID picture, and other than my picture, there is nothing, just a white screen. Knowing that what they want next is the name and the details. I told him I was a journalist, and he was looking at his phone. At that moment, he looked at me with a strange look and asked me, "Who do you work with?" And I told him, I worked over the years on the contract system with channels like BBC and Al Jazeera, but I had terminated my contacts with them before the war. I was in regular clothes as I came out of the building without a press uniform, but my equipment was next to me in a bag, and he told me to leave it, and then ordered me to take off my clothes, and I took off my clothes, and they gave me white overalls that I wore. Then he cuffed my hands behind my back and took me to a room, sat me on a chair and blindfolded me, and he was provoking and pulled it a lot on my eyes. Then he went out of the room and closed the door strongly. Two minutes later, he came in. I recognized his voice with more than one person who was cursing me and cursing God, they attacked me directly. They beat me very violently and severely. I couldn't see, but I estimated that there were at least three soldiers, and the beating was on my head, my eyes directly, and the area of the rib cage, and on my legs. Even now I suffer from pain in my left knee because of the beating. Knowing that they did not ask me any questions, and I heard them speak in Arabic, and this told me a little more, the beating lasted about a third of an hour without stopping, to the point that I reached a stage where I did not know where the beating was coming from on my body. Then one of them dragged me in an inhumane manner from the room to a room where there were about 50 young men, including youths, minors, old people, and there me on top of them. Of course, I was handcuffed behind my back and couldn't balance well. At this moment, I lost my balance and fell on top of some of them. We stayed almost until 2am, 24 hours after the event itself, they began to take the young men one by one to a truck, threw us all together inside the truck, then drenched all of us with cold water, knowing that it was winter and cold. And they drenched everyone in this truck in cold water, and we reached a stage of cold that no one can imagine, so that some of us fainted from the intensity of the cold because they were sick and injured, and we had patients with platinum in their body, and some young men were bleeding. They did not care, and they didn't move. Not a soul moved. The soldiers and even the officers present. We were transferred to an area, where I don't know, but most of those present told us that we were in the Nahal Oz waiting area. We sat down, and they didn't deal with us, except in the most horrible ways, insults, beatings from all of them. We waited a period of time and then left us to another place, and before we got out of the place, they took some prisoners. Then we heard the sound of gunfire. I don't know if they were executed.

One of the men, one of the young men, whose name I don't know, who was detained with us on the same day confirmed this. He said he saw four people executed before his own eyes in the Nahal Oz area. And even when we came out of the building to sort us out in the Al-Shifa Hospital, on our way to the cameras, I saw people on the ground with their hands tied behind their back, like for field executions. We were deported in regular passenger buses, and everyone inside these buses were Arabic speaking soldiers who insulted us and beat us, even the sick and the elderly. We almost reached the Gaza envelope area at about seven in the morning, by my estimate. And of course, they received us from the teams and handed us over to other teams with beatings. They did not stop the beatings until we entered the section, what we call the barracks. I lived the first few days in barracks, a sleep consists of a one and a two. When we arrived, we had to sleep, and we had not slept since the moment of arrest, and we arrived in the early morning hours, there was a police officer present who told us that we would not sleep because bedtime starts at 12 o'clock at night. They gave us a set of orders from the beginning of the arrest, including a certain session, such as stretching our legs and staying seated straight, our eyes are not allowed to look up. We are not allowed to look left or right, and we are not allowed to talk to another person next to us. We were handcuffed with iron handcuffs. They refused us even to wash, to allow us to wash or to go to a bathroom. The bathroom was also by appointment, and there was a system of four times a day, and the *shawish* [a Palestinian assigned to clear a house of gunmen or explosives] taught us how to pronounce our arrest number in Hebrew. And the bathroom was with permission of the *shawish*. It is forbidden to stay more than a minute, and the officer present asked the *shawish* to let us know if the prisoner stays more than one minute, and even the bathrooms themselves were not humane and fit for human use. They were plastic. And as for sleeping, we slept on mattresses no thicker than one centimeter without pillows. Most of us used plastic slippers as a pillow under our head. We arrived at 12 o'clock and in the middle of the night on the first day of detention, the *shawish* said, prepare yourselves for sleep, as it was time to wake up with permission and time to sleep with permission. The officer told us, in Hebrew, with you for 10 to sleep, and the *shawish* was translating for us, and as soon as we put our head to sleep, I didn't feel that I had fallen asleep until we heard the sound of firing bombs and the sound of wild dogs. And at the same time, one of the officers of the repression squad called one of the officers of the repression squad and told everyone to lie down on the ground, meaning on our bellies, and with our hands raised up. And then the repression squad entered the first time they entered and their officers spoke the phrase, "Welcome to Hell."

Testimony of Ahmed Hatem Kreish

I was arrested on January 25, 2024 from Khan Younis in the Al-Mawasi area at approximately 9am. Five days after the siege, area residents were asked by the army to leave through safe passages. And while I was leaving through the safe passages, I was asked by the soldiers at the checkpoint to throw my belongings into a hole in the ground, and then I was taken to a playground near the checkpoint that was turned into a place of detention, after which I was stripped completely naked, except for my boxers, tied with plastic cleats, blindfolded and thrown on the ground. During that time, I and the other prisoners were severely beaten by the soldiers present in the area.

While I was lying on the ground, I was personally assaulted by two soldiers with their feet, hands, and gun butts, which caused me to feel a fracture in one of my ribs in the chest. At night, at about 10 o'clock, we were taken on foot to Al Khair hospital in the same area where we were admitted, and we were greeted by an army officer carrying an iron stick with which he beat everyone who passed in front of him on the head, and I was hit with the stick. We were kept for two hours in the hospital, and then we were transferred by a large truck to an unknown place where there is an army unit in the same area of Khan Yunis. We were kept in this place all night, tied up and blindfolded in a semi naked state, and in the rain, kneeling on the stones. Then at dawn, we were transported again in a military convoy to Israel, to detention centres that contained barracks whose name I did not know at first, but later I learned that it was Sde Teiman detention camp, where I stayed for 15 days, where during our time in the camp, we were all placed in the same place, children and elderly people in the same place.

I spent those 15 days in the barracks with my hands tied to the front with iron clamps and blindfolded all the time for 24 hours, even while eating, bathing and using the bathroom, I suffered severe wounds and pain from the restraints. As for bathing, it was two days a week every Monday and Thursday, but unfortunately, my name was at the bottom of the list, which led me to have a turn only once for bathing, as my name was not reached from the roll call before the end of the bathing period. As for clothes, we were given external clothes only once when we arrived at the barracks, but otherwise we only took underwear during the shower. As for eating, the food situation was very bad and difficult, as we were given two pieces of toast with a small box of cheese, and sometimes we were given some fruits, such as an apple or tomato unwashed. Sometimes these vegetables were rotten and we were forced to eat them. We used water from the showers inside the barracks. Furthermore, during the detention they used to send in a squad of the army once a week to prevent the prisoners, especially the old people, from sleeping as a kind of punishment where the time to sleep was approximately at 12 midnight, and during the entry of the squad, a bomb was thrown amongst us. We were ordered to sleep on our stomach, and then the soldiers and dogs began walking over the prisoners and randomly beating those present. They were a complete unit, consisting of approximately 30 soldiers with full equipment such as sticks and armour. Sometimes half of them entered and I personally was beaten, and I still suffer today from pain in my leg because they used sticks, batons and hands in beatings, and these soldiers were huge, and we were blindfolded and could not see them. I was beaten for the first time in the detention centre on Saturday, two days after my arrest, at night during their raid. This time, I was beaten, and my right leg was hurt because of the sticks. And the soldiers stayed for half an hour during their raid, and then an officer with the rank of captain named Jafar entered and insulted, yelling at the detainees, calling them pigs and threatening them, taunting that no one knows where they are. If we kill you, no one will know and that every prisoner has the right to one bullet.

During my stay in detention, I witnessed three repressions by army units in the same way during my detention, I was brought before the court twice, and I was interrogated by the army once in the barracks, sat and was subjected to electric shocks. The interrogation was approximately three days after my arrest in the so called barrack, and with music, where I sat in the interrogation for three days. I was transported in a military vehicle in the same area of the camp to the nearby interrogation barracks, and my clothes were removed, and I was dressed in a white robe and handcuffed forward, blindfolded and

placed in a room with headphones in which loud music was played all the time without stopping, as a psychological torture, which caused me a complex, and psychological harm. While I was in the "disco room," I was given one meal, and the first day I was given one loaf with a slice of pepper, and the second day I was given three loaves with a box of cheese, 15 grams.

I was sometimes taken to the interrogation room. The first time I was taken to the interrogation room and an interrogator entered while I was tied to a chair. He beat me everywhere on my body. He beat me with his hands and feet randomly for five to 10 minutes and threatened me to confess and speak without denial, and then my eyes were blindfolded (by) the interrogator. The interrogator had blue eyes, blonde hair, and he was in a large physique, and was about 30 years old. He interrogated me for two hours. During the interrogation, he asked me to tell him information about the whereabouts of terrorists, prisoners, missiles, tunnels, and asked me what I did on October 7, he asked me to confess to charges that I did not commit, such as my participation. I told him that I did not know anything of what was directed at me. And after two hours, I was returned to the music room, and during this period, I tried to sleep, but I slept and awoke continuously because of the music. And then on the second day, I was transferred to a second investigator who was better than the first, and spoke to me calmly. He brought me a cup of tea and a piece of cake during the interrogation, and treated me in a better way, telling me that you are still a child. You have a future ahead of you. He asked me to tell him about the locations of saboteurs and prisoners, but I replied that I did not know, and I was not beaten during this interrogation, but I was also tied to a chair, and then I was returned for a whole day to the disco room. But this time, I remained tied and blindfolded. I was not allowed to stand or move. Sometimes soldiers would come in and beat us or mock us, such as stopping one of the prisoners and ordering him to dance. And I personally had the soldier come in and hit me in the face. The number of the prisoners in the disco room changed as the first day the number was 10, and then it increased to 15. The number was always changing.

Anonymous Testimony from APN focal points

Note: This testimony relates to an ongoing project to revitalize the farmland, even in the midst of the genocidal attacks. And before I begin reading the testimony, I want to acknowledge that it was extremely difficult to obtain. The situation is beyond dire, and communication is often impossible. It's not just the bombing as well as the starvation. It's very hard to even find ways to charge your phone or move from place to place. The testimony has been translated and edited for brevity, and the witness's name will be withheld for their safety.

There's no way to describe how bad things are here. The truth is worse than anything I can say, but I'll try, because the world needs to hear us. There are no basic necessities of life left. People speak of minimum caloric intake, but there's no food at all to begin with. You can't reach a minimum when you start with nothing entirely. Agricultural lands have been bulldozed, flattened and erased. What was once green and growing is now gray, broken and dead. What little food exists is sold at prices no one can afford. A single onion now costs \$11; a kilogram of sugar is \$37 but even if you had the money, you wouldn't find food. There is no flour. What we managed to pull out from under the rubble is mixed with sand, gravel and remnants of explosives. There's no meat, no chicken, no fish, because the only port has been destroyed. Our fishing boats have

been shattered. There are no seeds, no fertilizers, no pesticides, no tools, no support. The agricultural companies that once helped farmers survive simply do not exist anymore. Our food systems have been systematically dismantled, and now people are falling in the streets from hunger, literally falling. We're witnessing starvation, not as a result of a natural disaster, not by accident, but by design. This is not just a humanitarian crisis. This is a war on life itself on our land, our food, our people. Thank you.

Anonymous Testimony

I was arrested on March 23, 2024 from the vicinity of Al-Shifa Hospital on the fifth day of the invasion of the hospital. I was in a residential building, displaced with my family, trapped since the first day of the invasion of Al-Shifa and we could hear the sound of a very large gunfire in addition to the sound of loudspeakers by the army. We did not understand what they were saying, because they were talking and at the same time shooting, we tried to get out to escape the danger. I was with my family and three children and the neighbours in the building, and all of our attempts were unsuccessful due to the fire bombs and shelling outside, in addition to the fact that we were shot out, shot at in our apartment on the fifth floor, we took shelter in a place not overlooking the windows, and we tried to go down to the entrance of the building to get out, but unfortunately, there was a pursuit of people trying to escape. There were fears of field executions, and some of the people were followed by police dogs. So the situation was difficult. We stayed in that state hoping that they would withdraw. But on the 23rd of March, 2024 at approximately 10am the army arrived at the building where I live, and started breaking into the houses and going floor by floor, and I was on the fifth floor. The army sent one of the neighbour's sons on the third floor (to be a *shawishi*), and he was naked, only in his underwear. He told us men to strip naked and go down together and raise our hands. We went down. They put us in one apartment while the rest of the women and children were deported to the south. From that moment they separated, separated me from my wife and children. We were in the apartment with about 15 to 20 people.

The prisoners were interrogated and asked about themselves and their children. They took us to a building opposite Al-Shifa Hospital, where there is a field investigation station. They interrogated me for about an hour. They asked me why I was in this area. Asked me about wanted people and their whereabouts. I told them I don't know. I'm interested in my job and I am an independent man. They told me, "We know you, but we want to take you to our place for a while, and they will ask you a few questions." I understood that they meant a military barracks inside Gaza and that they would release me. But from that moment on, I waited for about 12 hours while I was tied up in the same place and not a single soldier beat me during that time, at approximately 10pm, a group of young men and I were taken to a transportation vehicle. They loaded me into a cargo van. The vehicle passed us from Al-Bahar street towards the East, and then I felt that we had walked the distance, and here I began to worry. We arrived at a military point, and the transportation group that was with us handed us over to a second squad, and this squad transferred us from the van to a passenger bus. And here the treatment changed completely. When we first entered the bus, one of the soldiers kicked me with his leg to my rib cage, and I held my breath for about a minute because of it. I broke, according to my estimate, two ribs, and this, without any preliminaries, suddenly became the blow. Then they walked us, and the whole way, we were under beatings, leg kicks, batons and even electric shocks for some and insults, until we arrived at the prison, and I arrived very tired at Sde Teiman. This was the most difficult night for me.

First when we arrived, they dressed me in pants and a blouse from them, and then I entered the small clinic, and they asked me medical questions. Then they took me to the wards. The time was around midnight. They tied us with an iron cuff to the front and kept the blinders on. I passed days after days in the same prison, until the 17th day, they called me for interrogation and said, the man said they would take me to the "disco room." I continued to be interrogated by the disco room for 48 hours, during which time I was called to the interrogation room, back and forth. They interrogated me about five times in 48 hours, each time for between two to three hours, and they kept me in the disco room for the rest of the time.

The beginning of the interrogation was a friendly session. They asked about me, my family, my work, then asked me about a person named Mohammed Abu Dalal. I told him, I don't, I didn't know him. And when I said I didn't know him, his treatment of me changed, and he ordered the soldier behind me to beat me as I was sitting in a chair with my hands and feet tied, the beatings were on the head and ear scratching. And after he finished interrogating me, he suddenly hit me on the head and then took me back to the disco room. The treatment in the disco room is animal-like and not human, whether in the way of waking up from sleep and the way they handle drinking and eating, they throw food and water at us. I was woken up by kicking on the legs and on the waist. And originally, we did not sleep, but stretched out from exhaustion and fatigue, especially since the music is turned on 24 hours. Music is very loud, an MP fire speaker for wedding halls in a small room. This room is zincwalls and wooden floor with no windows. We stay in it blindfolded and tied, with our hands tied and feet fitted with iron-clads, like a prison, but more than the sections. We are tied to the legs and we sleep on a wooden floor with a rug on it. They summoned me again with a second interrogator who asked me whether I knew tunnels, and told me that "you're an architect, you must have passed through tunnels." My answers were in the negative, and their treatment began to change, telling me that "you are lying to us."

Then several soldiers sat me down on the floor, on my toes while I was kneeling. Then a soldier stood behind me, and a soldier to my left and right, and started banging my head with the fingers of their hands all together like a head banging system, one from the right, one from the left, a fourth one in front of me, in front of me, was sitting on a chair listening to me talk about me and my wife until their hands got tired. I was under the beating, in addition to a soldier who stood behind me and put the weight of his leg on my back and shoulders and was pressing to torture me more. And I did not endure the situation. And I started screaming. My voice became inaudible, as if from the sea. They finished the beating and then took me back to the disco room about an hour later. After about an hour, they took me to the interrogation room again with a different interrogator. The interrogation was at about midnight in this session. They kept waiting for an hour or two in the chair. While I was tied up in the chair, the officer would come and ask me one question and then go away for about an hour, and the same thing over and over again. He would come back and ask me one question and go away. He asked me "What were you doing in the (Yarmouk Stadium?)" And I told him that I was distributing access to the internet to the people via SIM card, because internet was scarce in the area. Another question he asked me was my relationship with Dr Fulan al-Fulani (so and so) with whom I had contact and social visits. And in this session, he made me wait. After 48 hours, one of the soldiers woke me up and told me it would get better today, and

then returned me to Sde Teiman prison. I stayed in Sde Teiman from the moment I entered the prison until my transfer on about the 100th day, specifically on June 30, 2025. At that time, I was deported to Ofer camp [West Bank]. On the 18th or 19th day, until the 100th day, I was a *shawish*, and the *shawish* had a special treatment, meaning a little bit better as I spoke with them. That role meant that I spoke with them as an intermediary between them and the prisoners, because I spoke English. In the dog unit with trained sniffer dogs, and sometimes they suppressed all the prisoners inside the section without distinction, including the *shawish*. They suppressed us on the first day I was a *shawish*, and the way of beating was with sticks or police dogs. Many prisoners were injured and were bleeding. I had blood coming out of my leg from the beating.

These units were used to raid the wards every week, sometimes every 10 days, and sometimes they would randomly select four or five people. They chose randomly and oppressed them, especially without the rest of the prisoners, with very severe beatings using dogs or other means, and even the other means were annoying and disgusting. One of the inhumane methods is that they force the young man to open his legs. And when they open his legs, a soldier grabs his testicles with his hands. Soldier would hold his testicles with his hands in a painful way, and the young man would scream of pain, and the sound of screaming was as if he was dying. This was very, very harmful to a frightening degree, and everyone was afraid, including me, because the choice was random, and we did not know who was next.

And this was psycho, a psychologically harmful subject, also, also the way they woke us up by hitting sticks very hard on the walls of zinc, the food was very, very scarce and inedible. Every meal was a spoonful of tuna and jam. And this is the food, which is the filling with pieces of bread, as for the drinking we did, they did not cut off the water.

[Note: It's not clear in the text]. Bathing was once a week with each prisoner for four minutes, during which he starts and bathes, between taking off clothes, bathing and putting on new clothes, all of this in four minutes. And whoever is delayed more than four minutes is subjected to punishment after 100 days of detention, I was transferred from Sde Teimann to Ofer Camp. Ofer consists of concrete rooms, and there were constant searches inside the rooms. They are for them a search, but we call it repression, because every search must include beatings. We are hit either on our legs or in our heads. And every time we enter the room, there must be blood from the beatings in the eye, in the head. And of course, there is no treatment at all, painkillers or anything else are not given.

At Sde Teiman, the medical aspect was better than at Ofer. From the treatment point of view, I lived with the prisoner, Musab Hani Haniyeh at Sde Teiman from the beginning of the arrest. Musab was a man about 35 years old, and his health was good, but he had an issue in Sde Teiman, he goes to the bathroom suddenly to vomit continuously, and every half hour he goes to vomit and says, I have an issue with my stomach. I lived with him for about a month, and then he moved to a second section of prison, and I moved to Ofer. I stayed in Ofer for about eight months. I did not meet Musab until on January 1, 2025 when I entered the room and saw a young man on a mattress who could not get up. I did not recognize him. This young man informed me that he was Musab Hani. I did not recognize him because his shape changed and his body had changed dramatically from the beginning of his arrest and his weight became about 45 kilos, very thin, and his hair had fallen out. And Musab was very tired, always sleeping on his back. And even four times a day, we were answering for him, in the roll call. I was asking for a

doctor. After a long effort, they took him to the hospital, and he was discharged to the hospital. They returned him to the same room in less than 24 hours, but at about 2am he was very tired. He had no mattress and no blankets because they withdrew them after he was transferred to the hospital, and when they brought him, I called them and asked for his mattress and blankets, and they told me, God, "Manage your situation. Give him what you have." Of course, we did not have any extra blankets or mattresses, and we were in the winter season. Three blankets for one prisoner is not enough. They forced us to open the windows and forbade us to close them. We felt like we were always sleeping on the street, in the air and in the cold, and the more we closed the windows against their orders, the more they got tired of us, and in the end, they removed the windows completely, permanently.

I lived with Musab for about five days, as he was martyred on 5 January 2025. Five days after we moved, I moved to the same room. And what happened was that on 5 January 2025 on the morning issue, after the morning roll call, I was required to go outside the room to distribute food to the other prisoners. Before I went to distribute the food, I looked at Musab until I got to him, I found him with his eyes open and looking at the ceiling. He did not move. Only his throat was moving, and I tried to talk to him, but he did not answer me at all.

Even his eyes did not blink. For a long time, I and the others felt that he was struggling with death. Immediately, I went outside to distribute breakfast, and reported to the officer about Musab. When I reported to them and when they saw him, they saw him from the surveillance cameras and from the window of the room. They saw him, and then acted urgently. Immediately. They told me to go back to the room and not to distribute food.

And they asked me and the other youth in the room to transfer him to the isolation room in the department. And I picked him up and moved him, and on the way, I talked to them. Then I put him in the solitary room. And the doctors came immediately. They brought medical equipment, resuscitation devices, all the time. They were with him, and the doctor was coming. They asked me when was the last time I talked to him and what happened to him? And he was a doctor. I spoke to him in English, and he was wearing an army uniform. I told him the last time I talked to him was at 10 o'clock at night before going to sleep. During these five days, he did not have vomiting, but what he suffered from the most was that he could not stand on his feet, and he needed somebody to help him, to carry him, to take him to the bathroom, even help him undress. Of course, when he returned from the hospital, I asked him, "What happened to you?" He told me the doctors told him that he had bone cancer. I personally don't know if he was suffering from anything before, but the symptoms he had from the beginning were vomiting. Of course, they didn't give him any medicine or keep him in the hospital. And even when I was talking to the officer at the station and telling him about the bone cancer. The officer told me he was a liar and had nothing and that this had nothing to do with it. Of course, Musab died in their hands at the station while they were trying to revive him, and then they put him in a zipper bag and pulled him out of the station in front of our eyes.

Q&A Session

Question: My question is to Professor Hajjar, with respect to your typology of torture, I was a bit surprised that you mentioned that you think the majority of torture is either judicial torture or the one seeking to get actionable intelligence. But if you think of the

large numbers involved, the generalized inhumane conditions, the shackling for 100, like 100 days or months, the medical neglect, the diapers, the food kind of starvation, the constant beatings, the amputation because of the shackling of different the deaths. And we don't know the full picture yet, that seems to lead to the conclusion that, for example, Aryeh Neier had which is, this is sadistic torture, rather than a torturer seeking kind of utilitarian kind of torture.

Lisa Hajjar: Yeah, I agree with you. I think that in some ways, the two, it was were pre-October 7 that there were "rational" reasons, the Judicial and the Interrogational. Indeed, I think that what we've been hearing, the testimonies, what I've even said, like all of those forms of if you wanted to work them into that typology, they would be Penal Torture, like just punishing people extrajudicially. And it was, you know, in a sense, what's happened in prisons, where prisons have literally been extensions of the war, where it's like individuals are being attacked, but it's completely collective. I mean, it is the totality of anyone in custody who's being abused, but each person is being abused, you know, everybody has their own body, their own psyche, etc. And so I think that is the paradox, you know, which we've thought about a bit, is that, on the one hand, there's this, you know, clampdown of information that Ben Gvir, you know, closes off any kind of contact. I mean, that's partially penal, penalizing no ICRC [International Committee of the Red Cross] representatives, etc. But on the other hand, the Israeli government or the IPS [Israel Prison Service] would bring in Israeli media in order, as if they were taking journalists in order to project out to the audience that wants to see Palestinians suffering. They want to see it. They want to see those, you know, the kinds of things that everybody was reading in the testimonies, you know, recording that kind of thing and taking pictures of it. And so it is that sense of both the secrecy and the and the kind of cruel, sadistic publicity. And the paradox, you know, is that, because, again, the point that I had made was that torture, you know, in principle, at least, should be the easiest kind of gross crime to pursue because there's nothing subjective about custody.

But the issue around this kind of question was even the now ex head of Shin Bet Ronen Bar was warning Ben Gvir and Netanyahu that this kind of treatment of Palestinians in custody from the minute that they're swept up by soldiers in Gaza or in the West Bank, and what happens to them in prison, et cetera, coming out of prison eight months later, down to the bone, the bare bones, et cetera. They said that that kind of thing is going to make it difficult for some of our leaders to fly out of the country. So, I mean, he knew it. I mean, that's the thing. You don't say that for the people. You're not worried so much for the fighter bombers who are dropping bombs, but it is literally the people who have laid hands on Palestinians in custody that are potentially the easiest to get.

Question: My question is to Lisa, too. Lisa, as you just stated, actually, the torture must be one of the "easiest" ones to pursue and prosecute. But what about the prosecutors? I mean, has there been even a single prosecutor who dared to investigate any one of these crimes. I mean, have you seen any motion on the part of Israel?

Lisa Hajjar: Other than attempting to prosecute the gang rapists? No, I'm talking about outside. I mean, and this is one thing I always tell my students, universal jurisdiction, it's the best jurisdiction. I do believe that in the political circumstance, it's infinitely important for the ICC or ICJ, which is not, you know, not a criminal court, but it's for these things to sort of create a record or provide a certain kind of legitimacy. But we are living in a period where there is such a fragmentation between people. Who are not just

turning a blind eye on the genocide in Gaza and all of its elemental parts, but are facilitating it. And then, the other half of the world is adamant. I believe what I see, I know what I understand.

And so the question of the anger towards not only what's happening to Palestinians, but what other countries are doing to punish people who are critical of those actions? That's the kind of environment, in principle, where there can be potentially some kind of accountability. So for example, the Hind Rajab Foundation is utilizing, working with people who are doing social media, gathering specific information about specific soldiers, specific units, specific actions that they did in order to pass that information. Some soldier goes on vacation to Brazil, boom. The information gets to Brazil. Prosecutors may go after them. That's, I think, the most likely manner where there may possibly be some means of accountability, because universal jurisdiction is the best jurisdiction.

Andy Simons: We know that [at the time of] the Arab rebellion, the Palestinian rebellion between 1936 and 1939 at the very end of it, everyone saw the Second World War around the corner. So the British called the RAF in from their nearest base, Amman, to bomb villages further. They carried out starvation in open air prisons of rebellious people in open air prisons with no food, no water and no shade. So my question is, do the Israelis ever use the British policy from then as a precedent?

Lisa Hajjar: Yes. I mean, like the Israelis after 1948. I mean, they had during the pre-state, you know, before Israel was established, the British used emergency regulations against both Palestinians and Zionists, and the Zionists condemned them as outrageous. But then, as soon as Israel was established, they didn't pass their own [regulations] they just simply said, "Well, the British left these, so can we use their law to enforce in the land" And so they kept those kinds of things. But one can think about those types of policies. I mean, like the Negev you know, during the First Intifada, when the prison was established, when the rates of arrest for the first time, really spiked, and where they built the prison out in the Negev. I mean, that was the whole point, like putting people in the desert, under the sun, etc. Sde Teiman is exactly the same thing. So in a sense, you're seeing certain kinds of repressive patterns that repeat themselves.

Question: My question really is about who could be sued for this? Are the companies that give them the torture equipment – could they be sued? And the governments that allow those equipment to be shipped, could they be sued? The ports that allow these shipments to go there? Could they be sued? Who could be sued in terms of companies and people?

Lisa Hajjar: I think that's a very good question. You know, for example, in the US war on terror, there were efforts, and in fact, a few of them, many years after the fact, were successful in suing contractor corporations, you know, the ones that ran the torture flights, etc. But in the case of Israel, there's not a lot of equipment for the torture specifically. I mean, there's absolutely, you know, the other kinds of things, you know, the sort of the purchasing and selling of spyware, etc. But I mean, if we're talking about the torture specifically, it's still kind of low.

Question: Low tech, rubber bullets, dogs, others of these things?

Lisa Hajjar: I always think of torture in custody and other kinds of actions, [to be] like the armed conflict, out in the streets, kind of a thing. So that the same thing can be said about anybody. You know, universal jurisdiction can go after any person or entity that

has violated international law. *Vis a vis* torture specifically. Torture is different, like it's a form of violence that is contingent on people being in custody. That's the difference between torture and other kinds of violence, they all occur on a continuum, but torture has its own very specific custodial dimension.

Session 3: Specific Acts

Protection of Civilians

Maryam Jamshidi

GT Chamber 1 Member, Associate Professor of Law

The core rules of international humanitarian law (IHL) that protects civilians and civilian objects during armed conflict are vital. They have helped shift the laws of war away from their earlier focus on the military needs of states and towards their current predominant focus on protecting civilians and civilian objects from the scourges of war.

In Israel's case, the systematic evisceration and disregard of these core rules is at the heart of its genocide against the Palestinian people, because the civilian protection rules of IHL don't just attempt to shield civilians from war as destructive force, they also provide a crucial safeguard that prevents belligerents from using the fog of war as an excuse to perpetrate the crime of crimes – genocide.

So I'll begin by briefly laying out IHL's four core civilian protection rules. I'll then describe a few of Israel's patterns of conduct and policies that underscore its flagrant and consistent violation of those rules. There are several principles at the heart of the IHL regime for protecting civilians and civilian objects from harm, the principle of distinction, the principle of military necessity, the principle of proportionality and the principle of humanity. These four rules have the status of customary international law, which means they are binding on all states, including Israel, starting with the principle of distinction.

According to this rule, parties to a conflict shall at all times distinguish between civilian and military objectives, and shall direct their operations only against military objectives. What this basically means is that you can't target civilians or civilian structures. Where there is any doubt as to whether a person or object is civilian, civilian status has to be accorded. Now, there are two primary ways in which belligerents can violate the principle of distinction, either by engaging in attacks that are indiscriminate or by deliberately targeting civilians or civilian objects. An indiscriminate attack is an attack that was not directed at a specific military objective, or that could not, by its very nature, be directed at or have its effects restricted to such targets. A deliberate attack is different. It involves the intent or purpose to harm civilian persons or things.

The next core principle of civilian protection is the principle of military necessity. According to this principle, belligerents can only apply that amount and kind of force against military objectives (which includes combatants) that is necessary to realizing their military goals. Now, even though states have flexibility in setting those goals, that flexibility isn't limitless. For example, actions that are unlawful under international law, like genocide can't be pursued. Also, States can pursue only those military aims that are lawful under the UN Charter, which basically restricts a state's armed actions to those necessary to its self defence. Because the self defence right only gives states a limited right to defend against immediate or imminent threats, the principle of military necessity probably doesn't allow a state to pursue its adversary's total and complete destruction.

The third core principle is the principle of proportionality, which has been described as the central, central pillar for civilian protection. Under this principle, attacks against military objectives that are expected to cause excessive losses to civilians or civilian objects as compared to the concrete or direct military advantage that would result from an attack are prohibited. What this means is that in conducting each and every attack against a military objective, belligerents are obligated to assess whether incidental harm to civilians or civilian objects is likely, and if so, whether that harm is expected to be excessive, as compared to the military gain from the specific attack in question.

The last core principle for civilian protection is the principle of humanity. This principle requires belligerents to adopt precautions to protect civilians and civilian objects from harm. This means doing things like taking feasible steps to ensure attacks are directed only at military objectives. It involves adopting means of attack that avoid, or at least minimize incidental losses to civilians and civilian objects. It means refraining from attacks that are likely to be disproportionate. It also means, where possible, providing advance warnings to civilians of attacks that may affect them.

There is ample evidence Israel has systematically and deliberately violated all four of these principles of civilian protection. Now, generally, to assess violations of IHL, we look at each discrete incident and evaluate whether the actions taken were lawful in the situation of Gaza. That analysis which various human rights organizations have already conducted and are continuing to conduct, has and will continue to show innumerable discrete IHL violations by the Israeli government. But what is particularly striking about Israel's nearly 20 month onslaught is the litany of policies and patterns of conduct that clearly demonstrate Israel's widespread disregard and manipulation of the four core IHL principles. These principles, these policies, these patterns, paint a startling picture of Israel's military strategy in Gaza. That strategy is one that depends upon the holistic dismantling of IHL's civilian protection rules in order to destroy, depopulate and eviscerate the conditions of life necessary to the Palestinian people's survival.

Let's start with the pattern of destruction Israel has pursued in Gaza since October 7, Israel has directly killed more than 53,000 Palestinians, according to the very conservative estimates of the Gaza Ministry of Health. This figure includes over 16,000 children. The actual death toll in Gaza is likely much higher, perhaps even double the total figure from the ministry.

Indirect deaths caused by malnutrition and disease are projected to be in the hundreds of thousands. Over 120,000 injured, unusable civilian infrastructure vital for sustaining life in Gaza, including water infrastructure and agricultural lands, as my colleague Ms Emad discussed earlier. This volume of civilian harm can only lead to the conclusion that the Israeli government has systematically and deliberately attacked civilian persons and objects in Gaza. Israel has also adopted policies that further demonstrate its complete disregard for the principle of distinction. It has, for example, embraced strategies that de-civilianize the entirety of Gaza's population and much of its territory. This includes broadly defining Gaza's civilians and civilian objects as targetable extensions of Hamas' so called terrorist infrastructure. Since the start of its onslaught, Israel has also treated the entirety of North Gaza as a military objective, which is a blatant violation of the distinction principle. On its face, things are even worse now, currently, 80% of the Gaza Strip is treated as a military no go zone by Israel.

The Israeli government has adopted AI targeting protocols like the Lavender Program, which upend what it means to be a civilian under the principle of distinction. Lavender does this by targeting people not based on their direct participation in hostilities or their membership in an armed group, but rather based on their so-called shared characteristics with known members of Hamas or other Palestinian groups. Since the total destruction of an adversary almost certainly goes beyond the UN Charter's limits, Israel has most probably violated the principle of military necessity by making the annihilation of Hamas a core military goal, its pursuit of genocide and ethnic cleansing also presumptively violates the principle of military necessity. Other policies demonstrate how Israel has gutted the principle of proportionality of its protective force. Instead of assessing proportionality based on the military advantage from each discrete attack, Israel has adopted a test that weighs the harm to civilians or civilian objects against the overall purpose of the war itself. This approach will almost always mean that attacks are deemed proportionate. Basically, turning the proportionality principle into a justification for the killing of civilians on mass. Israel has also defied the principles of good faith and reasonableness at the heart of the proportionality assessment by loosening its rules of engagement to permit the killing of up to 15 to 20 civilians in order to eliminate a junior Hamas officer and up to 100 civilians to assassinate a single commander.

Finally, Israel has pursued policies that demonstrate its deliberate and consistent disregard for the principle of humanity. In numerous cases, Israel has failed to provide any warning to civilians before targeting civilian structures like Homs. Since the start of the armed conflict, it has systematically attacked the so-called safe zones that it has created. Israel has even weaponized the principle of humanity to facilitate its attacks on civilians. So called humanitarian corridors have been consistently subjected to bombardment, shelling and sniper fire. Where civilians have refused to comply with Israel's evacuation orders, which they are permitted to do under international law, Israel has used that non compliance as an excuse to directly target them.

These are just a few examples - the proverbial tip of the iceberg - of how Israel has shredded IHL's protections for civilians and civilian objects through its onslaught against the Palestinian people. The names of those being projected on the screen are but a fraction of the lives lost as a direct result of Israel's crimes. The full video, which is seven months old, and therefore missing thousands of names, goes on for another hour and 45 minutes. We stand on the edge of the world where war makes genocide permissible and humanity is swallowed by the military and security interests of powerful States to face down this nightmare. It is not just urgent and crucial to end these crimes, now it is vital to ensure that Israel is held fully accountable for what it has done to the people of Palestine. Thank you.

Attacks on Healthcare Infrastructure

Wesam Ahmad

GT Chamber 3 Member, Lawyer, Human Rights Activist and Director of Al-Haq Center for Applied International Law

Looking at the systematic destruction of Gaza's health care system is very important. It is very important to highlight this. But before I start, I want to acknowledge the important work that was done by Al-Haq's legal, research and advocacy team, monitoring and documentation department, and all the work that went into putting this submission together, I've merely been tasked with presenting this submission, so I hope I will do it justice.

So starting with the first slide, we have here that through the demonstrated intent to destroy the health care system in the desert strip, Israel is inflicting genocide against the Palestinian people as Israel: 1) targets and kills health care workers; 2) causes serious bodily injury and mental harm to the Palestinian people by deliberately preventing access to health care and life saving humanitarian aid; and 3) deliberately inflicts conditions of life on the Palestinian people calculated to bring about their destruction in whole or in part, by collapsing the entire health care system in the Gaza Strip.

Evidence of Israeli officials' *dolus specialis* (special intent), to commit genocide, has been significant, persistent and overt since October 2023 and before, incitement to genocide on the part of Israeli officials combined with the acts of killing, injuring and disappearing healthcare workers and other civilians, as well as systematically destroying all 36 hospitals in the Gaza Strip (some repeatedly), points to both direct and indirect evidence of genocidal intent. Indeed, healthcare workers, civilians and hospitals have been signalled out for targeting.

Jura Elland, a reservist Major General, former head of the Israeli National Security Council and advisor to the Minister of Defence, wrote in an Israeli newspaper on the 19th of November 2023 that it is precisely the civil collapse that will bring an end to the war closer. When senior Israeli figures say in the media "It's either us or them", we should clarify the question, Who is them? They are not only Hamas fighters with weapons, but also all the civilian officials, including hospital administrators and school administrators, and also the entire Gaza population who enthusiastically supported Hamas on October 7. And this is a quote.

Another quote from Moshe Feiglin, an Israeli politician and leader of Zehut, a political party that advocates for West Bank annexation, stated in a TV interview on the 23rd of October, 2023: "There is one and only one solution, which is to completely destroy Gaza before invading it. And when I talk about destruction, I mean destruction like it was done in Dresden and Hiroshima. But if you do them like it was done to Dresden, like what the British did. And if you burned everything, and if you threw the bombs to penetrate defensive structures, to penetrate the Al-Shifa Hospital and to destroy the ground from beneath it without any consequences." These statements have been complemented by Israeli officials making unsubstantiated statements about hospitals serving as command-and-control centres and hideouts, as well as unsubstantiated statements about Palestinian doctors involved in terrorist activities, who themselves have been detained, tortured and even killed in Israeli prison camps.

The killing of health care workers. Specifically, Israel has deliberately targeted, detained, tortured and killed health care workers in the Gaza strip between October 2023 and May 2025. Israel killed more than 1600 healthcare workers in Gaza from the period of October 2023 to January 2024. Israeli occupying forces, the IOF, killed healthcare workers in Gaza at a rate of five per day. As of April 2025, at least 412 humanitarian aid workers, including 291 UN staff, were killed by Israeli forces. The World Health Organization has recorded 720 attacks on health care infrastructure between October 2023 and May 2025.

One of the most notable attacks on health care includes the killing of five-year-old Hind Rajab in January 2024. Paramedics, Youssef Zeno and Ahmed Al-Madhour were killed by the IOF when their ambulance was struck with a tank as they attempted to rescue Hind, despite coordinating their route with Israeli forces beforehand. Hind, despite this

coordination, injured and alone, died waiting for rescuers that never arrived. Most recently on the 23rd of March, 2025 Israel deliberately executed 15 paramedics and emergency rescue workers while they were responding to an emergency call. After a week-long search, their bodies, along with the ambulances, were found buried in a mass grave. Israel detained at least 339 healthcare workers by February 2025, and of those 339, 96 who were released have testified that they were subjected to torture, ill treatment, deprivation of food and water, threats of rape and sexual violence, and degrading treatment while in Israeli detention. The UN Commission of Inquiry on the OPT has determined that the mistreatment of Palestinian detainees by Israeli authorities is the result of an intentional policy. One surgeon testified that prison guards were given instructions to deliberately damage his hands, stating "They wanted to make sure that I could never return to work".

At least four health care workers have been killed in Israeli custody. Dr Iyad Rantisi, head of obstetrics department at Kamal Adwan Hospital, was detained on the 11th of November 2023. He was killed six days later as a result of torture and ill-treatment in Shikma Prison (Ashkelon), where he was interrogated by the Shin Bet, the Israeli security agency.

Dr Adnan al-Bursh, head of the orthopedic department at Al Shifa Hospital, was detained on the 18th of December 2023. Dr al-Bursh was killed in Ofer Prison (West Bank) on 19 April 2024 with signs of torture on his body. He was reportedly raped to death.

Dr Ziad al-Dalou, an internal medicine physician, was taken by Israeli forces from the Shifa Hospital on the 18th of March, 2024. Just three days later, on 21 March, Dr. al-Dalou was killed in Israeli custody.

Mr. Hassan Hamdan (Hasan Abdallah Hamdan), a senior paramedic at Nasser Hospital, was detained by the IOF on the second of December 2023 while evacuating patients south along the Israeli designated safe route. His family was informed in September 2024 that he had been killed in Israeli custody.

Israel is still withholding their bodies.

Israel has deliberately inflicted serious bodily and mental harm on the Palestinian people through the destruction of the health care system Gaza, including by directly attacking health care workers and hospitals themselves, by annihilating Gaza's health care system, thereby preventing the Palestinian people from accessing basic critical medical care. While subjecting the population to constant bombardment and air strikes that place them in dire need of medical intervention to prevent death or debilitating injury, Israel is causing serious bodily and mental harm to the Palestinians in Gaza.

As of May 2025 Israel has killed over 53,000 Palestinians and injured more than 120,000 more. Disease, dehydration and famine are spreading rapidly throughout the Gaza Strip, as Israel has imposed a total blockade on any food, water, fuel or medicine entering Gaza since the second of March 2025, the longest period of a total siege in the Gaza Strip. Forced starvation and the spread of disease has serious implications for the future development of Palestinian children in particular, and their right to health by March 2024, all 335,000 children under the age of five in Gaza were at high risk for severe malnutrition, which carries severe developmental consequences. Children are now dying from starvation in Gaza. At least 26 Palestinians were killed by starvation, mostly children and elderly within 24 hours on 20 May 2025, with many more expected to die in the coming days.

By July 2024, the polio virus made a resurgence in the Gaza Strip for the first time since it was eradicated 25 years ago. As a result, 602,000 children are vulnerable to permanent paralysis and chronic disabilities.

Israeli officials have stated plainly there is only one solution, which is to completely destroy Gaza, and that all basic necessities, including food, water, fuel and electricity, would prevent it from entering Gaza because, I quote, "We are fighting human animals, and we act accordingly". This member of the Knesset Osher Shekalmi stated with regard to giving Palestinians access to humanitarian aid, "I wouldn't even give them a crumb of bread, neither to Gaza nor to Hamas. I wouldn't bring them a drop of water". Thus, any mental harm inflicted from the forced starvation, lack of access to basic resources and destruction of Health Care Services was deliberately imposed by Israel in its pursuit to destroy Palestinians in Gaza in whole or in part.

Israel has deliberately targeted, destroyed or rendered inoperable all 36 hospitals in the Gaza Strip, in violation of international humanitarian law principles protecting hospitals and medical establishments during an armed conflict, the direct targeting and destruction of Al Shifa Hospital, the largest hospital in the Occupied Palestinian Territory, and the beating heart of the health care system in Gaza, is representative of the attack on the health care system as a whole in an attempt to deliberately inflict conditions of life calculated to bring about the physical destruction of the Palestinian people. Israel besieged and invaded the Shifa hospital twice, first in November, 2023 and again in March, 2024, culminating in its complete destruction during the two-week invasion of the hospital in March. The IOF used the medical facility as a detention and interrogation site with photos showing Palestinians detained in the hospital courtyard, blindfolded, hands, zip-tied, wearing white jumpsuits. Healthcare workers, patients and civilians were deprived of food, water, medicines and the basic necessities. In at least one instance, healthcare workers and patients had to share one bottle of water, between 15 people. At least 21 patients died during the invasion because healthcare workers were prevented from carrying out their duties.

More than 400 people in and around the hospital were killed, including five doctors and several hundred Palestinians that were detained. Among those killed, Dr. Ahmed S. Almaqadma and his mother (also a doctor), whose bodies were found executed near the hospital. Those who survived the invasion of the hospital were evacuated to Al-Ahli Hospital (aka the Baptist Hospital) on the first of April 2024, where some required limb amputation. Patients whose wounds were infected with maggots as a direct result of the IOF preventing proper medical care to patients during the siege. Three mass graves filled with at least 79 bodies were discovered in the courtyard of a Shifa Hospital upon Israeli withdrawal. Several corpses were zip-tied, indicating that they were executed while restrained, while other corpses were severely disfigured. Makeshift burial sites in the hospital courtyard were desecrated by Israeli forces with human remains visible and exposed above the soil. Similarly, when the IOF withdrew from their siege of the Nasser Hospital on the seventh of April 2024, they left behind several mass graves filled with 392 bodies. Among the killed were elderly women and wounded patients. Some bodies recovered were found stripped of their clothing and with gunshots to the head or neck. I think it's important to take note of this message that was left by Dr Mahmood Abu Nujaila on the 20th of October 2023, "Whoever stays until the end will tell the story we did what we could. Remember us." And this is the same message found after it was

bombed on the 21st first of November, 2023, and I think at the very least, we are taking this message and we are doing what we can to tell the story. This is the bare minimum that we can do.

Israel's direct targeting of Al Shifa Hospital was part of a broader strategy to systematically destroy the health care system in its entirety. So in conclusion, the attacks on Gaza's health care system as a pattern of genocide that is ongoing and intensifying. On the 20th of March, 2025 Israel blew up the Turkish Palestinian Friendship Hospital. On 23 March, 2025 Israel executed 15 emergency first responders before burying them and their ambulances in a mass grave. On 13th of May 2025 Israel directly struck both the Nasser and European Hospitals, killing civilians and rendering the European hospital out of service, cutting off access to neurosurgery, cardiac care and cancer treatment that are unavailable elsewhere in Gaza. Repeated attacks on Gaza's hospitals and health care workers are part of a deliberate and systematic pattern to render Gaza unlivable, and to destroy Palestinian life.

Reproductive Systems

Heidi Matthews

GT Chamber 1 Member, Assistant Professor of Law

As with Article Two of the Genocide Convention's, sub-article a), b) and c), there are also sub d) and e). I'm going to talk about sub d), specifically, the imposition of measures intended to prevent births within a protected group, so for our purposes here, the Palestinian group living in Gaza. We won't talk about sub e) because it's not implicated in the facts before us. But just to put it on the table, is the deliberate transfer of children from a protected group to another group. And I mention that because, as a Canadian citizen of settler heritage, that element was core to Canada's historical and ongoing genocide against various indigenous peoples as well, just to be clear about that.

So the thing that sets preventing births, apart from the other underlying acts of genocide that have already been so expertly described for you is this idea of biological destruction. So are killing members of a group, which is Sub a), causing serious bodily or mental harm, which is Sub b, and imposing conditions calculated to bring about the physical destruction of a group in whole or in part, (since law professors get to memorize legislation) is Sub c).

Those all refer to what's known as physical destruction, in other words, the annihilation of a protected group physically right? And generally what they intended was to prevent births, and it's never actually been charged as a stand-alone act of genocide in an international criminal tribunal. So it was certainly contemplated during the drafting of the Genocide Convention in light of various acts undertaken by the Nazi government of Germany, including things like sterilization or compulsory abortion, segregation of the sexes, rather than other obstacles to marriage; these are the kind of historical understandings of what biological destruction encompasses, but we don't actually have any real jurisprudence at all, interestingly, on this area.

So South Africa, in its case against Israel at the ICJ, has charged biological destruction, in other words, preventing births, as a standalone act of genocide. But confusingly, if you go through the materials in depth, what it has also done is put forward various acts supporting that claim, in support of the idea that measures intended to prevent births also constitute Sub c) of Article Two of the convention, namely, conditions calculated

to bring about the physical destruction of the group in whole or in part. Okay, so it's a little bit technical, but it's actually really important, because it creates a confusion internally to South Africa's case that needs to be cleared up. Because this is likely, well, I'll say more about that, probably going to be the first instance where we're going to get some actual case law on this question, which we don't really have until now. And so the court should think carefully about it. And of course, anybody who's studying the process of the genocide in Gaza needs to understand that.

So, of course, just the basic, very basic nature of the law here is that, rather than talking about annihilation of the group, biological destruction is aimed at the group's capacity to regenerate itself. We might also understand that in terms of its reproductive power or capacity.

Oftentimes, we'll see, particularly in the international human rights literature coming out of bodies associated with the women's peace and security agenda or the women and children agenda. We tend to think about biological destruction, less in terms of actual biological destruction, and more in terms of a sexual or gender-based crime, right? So a crime that is directed primarily towards women and girls or people who reproduce, right? On the basis that you know, obviously women and girls and other people who reproduce, in that capacity, take on a differential burden in terms of societal roles, family roles, and, obviously in terms of health care as well. But what I'm going to suggest to you is that actually that's a mistake, and what we need to do is understand biological destruction as a crime that can be inflicted, and in fact, in the circumstances prevailing in Gaza at the moment, is inflicted both with respect well to all genders, including women and girls and men and boys. And I'll talk about that more in a minute.

The very few hints that we do have, that are in from the jurisprudence, that have sort of been stated in *obiter*, so they're not really binding, but they've come out, and they're in the courts that have dealt with this: the (Jean-Paul) Akayesu famed decision from the ICTR (International Criminal Tribunal for Rwanda) in the 90s, primarily because it understood rape and sexual violence as a predicate act of genocide. I would suggest, is a fairly problematic normative understanding of what preventing births or biological genocide should look like. So Akayesu says in the judgment, the judges say the measures in question should be construed as sexual mutilation, the practice of sterilization, forced birth control, separation of sexes and prohibition of marriages, as well as mental harm. Okay, all good, so far, I think. But when we get to the second part [of the Akayesu judgment], they start talking about assumptions about how certain cultures and religions may or may not function. The judges say rape can be a measure intended to prevent births when the person raped refuses subsequently to procreate, in the same way that members of a group can be led through threats or trauma not to procreate. And so, there's a long critique within a certain strain of feminist thinking with respect to international criminal law that I find myself a part of, which is to say that this kind of language risks actually victim-blaming the society that is being victimized through this sort of violence? So is it for the judges to actually talk about the stigma, which may or may not result with respect to victims. [Anywa], this is what we have currently from the courts. I think it's arguably quite problematic.

In terms of the *mens rea* [intention of committing the act] component, that's the intent component. Of course, you [also] need to have the special intent of destruction of the group in whole or in part for the crime of genocide, but you also need to show intent with

respect to the actual prevention of births. And so this is a very much an open question. Again, it was alluded to in an earlier talk that the jurisprudence of the ICJ, with respect to the war in Bosnia and Croatia, the former Yugoslavia in general, is quite problematic. That is absolutely true with respect to this article, to Sub D. What the court did in the Croatia decision in 2015, is actually to say, well, there was sexual and gender based violence, but it wasn't on such a systemic scale that we can infer an intent to actually prevent births within the group. And so there's no evidence for genocide for this particular sub-article. Now, I believe it was Nimer who really helpfully mentioned the intervention [on p47 above], which I don't think those states knew they were getting into at the time with what they said.

The joint intervention is super important, I think, in terms of *opinio juris* (considered judicial opinion) and also giving us some pretty heady language with which to push forward the jurisprudence in a more progressive and sustainable way. And so in the Myanmar case, a selection from that joint intervention, they do some problematic stuff too, but also some helpful stuff. One of the helpful things is to say that where sexual and gender based violence takes place on a significant scale, it can serve to demonstrate actually both physical and biological intent, [while] special intent can be inferred from the long term implications of underlying acts of genocide, including its regenerative power.

So this is quite an expansive interpretation, based on the previous ICJ case law and specifically. And this is true not just for measures intended to prevent births, but really the entire law of genocide with respect to how evidence relating to the targeting and impacts on children should be evaluated by the courts. Specifically, these joint interveners say that courts need to look very closely at the impacts on acts where children are the victims, because children themselves make up a substantial part of the group, and as you'll see in the quote, are essential to the survival of the group as such, since the physical destruction of the group is assured where it is unable to regenerate itself. So you might already be able to see a little bit of conceptual slippage and confusion, actually, inside of the joint intervener submission here, because they're kind of talking about physical destruction and biological destruction at the same time. But potentially some really helpful material here as well.

This is not an exhaustive iteration of the available evidence. It's kind of my own attempt to categorize it, partly using South Africa submissions, partly using my own sort of powers of interpolation, and so it's not exhaustive. Just take it for what it's worth, but I think it's helpful to get it on the table. [An issue that] has already been talked about a little bit is the disproportionate killing of women and children. Over the course of the conflict, something like 23 women are killed each day in Gaza. Again, assuming right that women bear a certain sort of reproductive burden within the protected group here (but they're not the only ones that do, and we'll get to that). There are several documented cases of the intentional targeting via sniper activity and other modes of attack involving pregnant women, and it should be said [this has been observed] both in Gaza, and increasingly in the West Bank as well.

And the Euro-Med Human Rights Monitor (established 2011) to advocate for human rights across Europe and the MENA region) recently put out a report saying that, in its estimation, Israel is pursuing a policy of killing Palestinian women as a tool to destroy an entire demographic so basically a tool of genocide.

Okay, so, "conditions of life", this is where things get a little confusing, because a lot of this evidence, again, can also be marshalled in support of a [sub]article c) conditions of life claim. I'm not going to talk about any of that. I'm just looking at Sub D, but a lot of this information can be put under that category as well. So here I'm looking specifically at conditions of life related to destroying the capacity to procreate within the group. You know, for obvious reasons, the systematic use of starvation will have impacts on fertility rates [for] men as a tool to destroy an entire demographic. So basically a tool of genocide, [as it] will cause, and has caused, sharp increases in prenatal and postnatal complications, infectious diseases, miscarriages, still births, all kinds of negative outcomes. When it comes to reproduction, there's reportedly a 300% rise in miscarriages. I imagine, for a number of different reasons, including traumatic stress. And reportedly, since the beginning of the total blockade, over 300 reported miscarriages alone, and a general sort of de-prioritization of reproductive health care, of course, as a result, as we've just heard about, of this sort of total decimation of the health care system in Gaza. Forced displacement, I think is a really important matter, because it's not included in the Genocide Convention as an underlying mode of genocide. But given the way, especially as we've seen it roll out on the ground in Gaza, it actually kind of includes all of the underlying acts of genocide, or arguably, and so under certain conditions, forced displacement can have biologically destructive consequences. So particularly under the conditions that are currently here in Gaza, which we've already heard quite a bit about, we don't need to reiterate it but just in terms of numbers, again, most of the population has been displaced multiple times. And so that's a population that contains some 60,000 currently pregnant women and girls as well.

We've heard a lot about health care in general, so I wish just to note that, in particular, there have been direct attacks on fertility clinics. We will have, I'm sure, all heard about the al-Basma IVF Centre right [Gaza's largest fertility clinic, bombed December 2024], which previously had conducted in the range of 100 IVF procedures. Not only was the facility destroyed, but all of the reproductive material, including embryos and other material, was destroyed as well. So the general lack of access to reproductive healthcare is impacting well over half a million women and girls.

Now I want to emphasize a little bit, and it builds on Lisa's excellent talk earlier, about what we might call sexual and gender based violence, but all but the reproductive impacts of that violence, including within detention, and including with respect to men and boys. There's ample evidence of men and boys being targeted in the genitals, in the field being shot directly in the genitals and then reporting to hospitals with those sorts of wounds, but also direct attacks on genitalia using a number of different horrendous sorts of practices which constitute torture in detention as well. Interestingly, the International Independent Commission found that those acts constitute sexual and gender based violence against men, as well as the international crime of persecution, but they don't get any to any of the reproductive aspects of that, which I think is a mistake, [and] which also betrays a certain bias against understanding attacks against men and boys in terms of their reproductive capacity in terms specifically of biological genocide. And so my suggestion to all of us who are thinking about genocide law and how it should be really written with respect to this specific underlying act of genocide would be very much to take a much more critical lens with respect to the way in which we generally privilege harm occasion to women and girls, and sort of leave out other sorts of harm

that undoubtedly will have implications with respect to the capacity of the group to regenerate itself. And I think there might be one more slide, but I would also argue that the massive levels of detention that Lisa described might also constitute separation or segregation of the sexes for the purposes of preventing reproduction. We've already touched briefly on starvation.

Thank you so much.

Witness Testimony

Dr. Thaer Ahmad

Emergency Medicine Physician, Assistant Clinical Professor, and Board Member of the Palestinian American Medical Association

I want to begin my testimony by saying that I've been to Gaza and the West Bank as a humanitarian and as a health care worker several times over the last 15 years, and I've seen the development and the progress of healthcare institutions and systems within Palestine, and have witnessed the aftermath of many of the aggressions on Gaza and the West Bank. I will say something that many of you already know, and it's clear given our presence and attendance here today, but the degree of destruction and devastation and violence we've seen over the last 20 months in Gaza is among the worst that we've ever seen. It is the worst that we've seen.

I entered Gaza in early 2024 as a volunteer emergency medical team member coordinated under the World Health Organization. And I want to start first by saying how it was entering Gaza. As you drive through the Sinai Desert, what you are struck with as you approach Gaza kilometers away, are the many trucks that are sitting idly at the side of the road, trucks that you know contain items like food, filters, tents, blankets, winter clothes, all of the necessities that are so desperately needed.

On the other hand, if you speak to anybody that's on the ground, once we made it to Rafah, this is a normally bustling border with people walking through. You are struck by the fact that there is nobody, that you are the only people that are there. There's nobody passing through it. It's only the Egyptian border patrol that you see. And as we cross to the Palestinian side of Rafah, again, one of the first things you notice is that there's no electricity. It's an electricity blackout, and that's been the case since October 11, 2023 after the Ministry of Energy, led by Israel Katz, decided to cut off the electricity supply that's supplied through the Israeli Electric Corporation, but that's paid for by the Palestinian Authority. It's not, it's not given as any sort of charity, as might be input, you know, be implied when it's reported that the Israelis turned off the electricity, as we drove to our guest house in Rafah.

Rafah, I would call it a rural government of Gaza. What you see is that it is overwhelmed and inundated with Palestinians from all over Gaza. In fact, we had arrived in the evening, so we could only see people through the headlights of the truck that we were being transported in. And you could see that there are tents everywhere and people everywhere – an indication of the degree of displacement that had taken place earlier in 2024.

The next day, I would be transported to Nasser Hospital. Nasser Hospital is the second largest hospital in Gaza prior to October 7, and at the time it was the largest hospital that was functioning because of what we heard about, what took place at Al-Shifa in November 2023 and then subsequently again in March 2024, so the burden on southern

and central hospitals in Gaza at the time of our arrival, the burden was very high, specifically, Shuhada Al Aqsa in Deir al-Balah in central Gaza, Nasser Hospital in Khan Yunis, and then further south Gaza European Hospital, which is on the border between Khan Yunis and Rafah. My time at Nasser was riddled with mass casualty incidents and or mass casualty events. What this means is that there are multiple patients who are arriving at your facility at the same time who are victims of trauma, and this was happening multiple times a day.

And the reason I want to point this out is because there is no hospital in the United States, there's no hospital in Chicago that would have been able to function had they seen the same volume that was being seen at Nasser Hospital. They would do something, they would go on bypass, which is essentially they would not receive any new patients, and they would divert these patients to other healthcare institutions. Of course, this was impossible in Gaza, and the number of patients continued to arrive. We often lacked the supplies that we needed, the medications that we would need, and the space to address the needs of the patients that we were receiving, and there would be no indication from anybody, from the World Health Organization, from the Ministry of Health, from any of the international NGOs of when we would be able to restock the supplies or the medications that we needed, and oftentimes, the medications that were requested of international NGOs, the Ministry of Health or the World Health Organization, would be procured from outside of the Gaza Strip, and then they would fall in line with the other trucks that we watched, that were sitting outside in Egypt because of inspections, bureaucratic delays, and what the Israelis would call the presence of dual list items, items that they felt could also be used for violent acts.

We would often have to assess, treat, and even declare patients dead who were brought to us on the floor of the hospital because there were literally no more hospital beds available. The hospital was also overwhelmed with internally displaced Palestinians. There were over 10,000 in early 2024, who were sheltering in and around Nasser Hospital. And we know those numbers that Al-Shifa, prior to it being under siege, surrounded, invaded and destroyed, had reached 20,000 or 30,000, even some say 40,000, and hunger and malnutrition was already noticeable in early 2024.

And all of the patients and people that we interacted with, the patients, the families, the displaced families, all were dealing with food security issues and were dependent on the soup kitchens or the food aid packages or internationally sponsored bakeries. They were totally dependent on these meals. And we saw negative coping mechanisms where adults would skip most of the meals and sometimes go 24 hours without eating. And children are not being exposed to all of the food groups they would normally be exposed to or even the one or two food groups that they would need for an appropriate, nutritional, balanced diet. The majority of our trauma patients were women and children, and Khan Yunis in early 2024 was being levelled in geographic fashion. It appeared that the city, block by block, was being destroyed from east to west. We would watch from the windows of the hospital as giant balls of smoke would fill the sky, and then 10 or 15 minutes later, we'd get an influx of the mass casualties.

In the event that I mentioned earlier, many of these patients would demonstrate injuries from having buildings collapsed on them. Some would be burned from the ensuing fires that would happen after a bombing. But we also had a significant number of gunshot wounds and shrapnel injuries. These are described as penetrating trauma, and

that's because of the way that they pierce through the body, and they require more aggressive investigations by medical providers to see what is the source of the problem that you need to address, that you need to treat. I'd like to highlight a couple of cases that I personally treated and another couple of cases that I'm familiar with, just to better demonstrate the widespread devastation, because we've heard quite clearly what the statistics are, and my colleagues on the session have laid out really kind of the degree that you've seen and what it looked like.

The first patient I took care of was a young man in his late 20s, and because of the targeting of first responders and ambulances (and I think we saw a picture of the destroyed ambulance of Yousef and Ahmed, who were supposed to rescue Hind and were killed in the process). But anybody that's been on the ground in Gaza saw similar pictures to destroyed ambulances all over the Gaza Strip, in the courtyard of the hospital on the side of the street, ambulances literally destroyed and bombed out. First responders had started to communicate with us that it was increasingly dangerous to respond to areas where they knew there were patients there because of what they called a double tap, or a triple tap, where there is a strike on a residential home or in an area, they rush to the area and then there's a second strike in that place.

And I personally treated two first responders who were injured in a double tap strike. This patient was somebody who took his donkey cart and would go and retrieve injured people and bring them back to the hospital. In fact, the local staff, as a kind of joke, called him "Rocket" because the donkey cart is so slow, moving back and forth. But he would continue to go and rescue patients. And one of the times that he brought the patients back his donkey cart and himself were injured in the attack, and he was brought to the hospital, and he was recovering in the ICU, and after about a week, after suffering severe injuries, like his lung had collapsed. He had multiple fractures. He had had to have something called an exploratory laparotomy because there was concern that he had internal bleeding. He died, and one of the things that struck me was also our inability to communicate with his family that he had died, even though they were among the displaced at Nasser hospital at the time in 2024 there was a total telecommunications blackout that was imposed by the Israelis. And so his family came to the ICU the following morning and had seen that the bed on which their son had been recovering was empty, and that was how they found out that their son had been killed in this airstrike. He did not survive it.

Another patient was an elderly woman. She's around 70 years old. She was coming from Rafah to Khan Yunis, and she was also on the back of a donkey cart. She had heard that there would be a food distribution in Khan Yunis, and [along the way was attacked by] what she referred to as a quadcopter, which is what we came to realize was a drone that was armed with something, maybe an AR 15, or some other weapon. She was shot twice, once in the chest and once in the back. Her lung had collapsed, and we had to place a chest tube to re-inflate her lung, but the bullet was lodged in her spine, and this 70 year old woman was now paralyzed from the waist down. We didn't have any rehabilitative services. There was no plan for her to go to surgery, and so she was sent to another area of the hospital. But ultimately, her family had to take care of her and take her to the tent that they were displaced to, and she would need 24 hour care by her family, but never getting the care that she needed because of the lack of services that were available.

We saw many children who were killed and wounded. The smaller children are often unable to withstand the blunt force trauma that occurs when a bomb falls on the building. They're much less likely to survive than an adult would. But I want to specifically mention an evening where I was rounding in the paediatric building of Nasser Hospital. Every room that could not have been larger than 20 square meters or 30 square meters, had four paediatric patients in each room, and all of the rooms were filled, and they usually would have one companion [such as] a mother. So these are very overcrowded conditions.

There's one particular room that only had three patients, and the corner had been damaged. The nurse that was rounding with me at the time told me that this was the room of Dunya Abu Muhsin. The reason I mentioned Dunya Abu Muhsin is because she's a 12 year old who had lived in Khan Yunis with her family, and her home had been bombed. Her entire family had been killed, her mother, her father and her three siblings, and she had been interviewed by many international outlets as she was recovering in Nasser Hospital. She lost her leg as a result of the bombing of her home and she was recovering at Nasser, the nursing staff told me that as the days began to pass, they also started to know that Dunya was growing increasingly withdrawn and depressed. She started to feel the loss of her family, and this was something that they were not familiar with how to address. I mean, there's something called psychological first aid, but then there's also the mental health needs of so many of the people that had been victims of the trauma. But on December 17, 2023 a month before, less than a month before I had arrived, an Israeli tank fired a shell at the hospital, which broke through the room and hit Dunya, killing her. So Dunya, two weeks after losing her entire family and was recovering, had been killed because there was a direct attack on the hospital by an Israeli tank.

And as I moved on from Dunya's room, I checked on over 25 children who were shot or wounded by Israeli forces. Many of them had injuries that were going to be permanently disabling and preventing them from gaining the degree of independence that would be needed for these children to actually have a chance. More than a dozen had External Fixators, which is a medical device used to hold broken bones in the right position while they heal. It's like a metal frame that sits outside, and there are these pins and screws that go through the skin into the bone. And the idea is to align the bones closely, and hopefully they'll heal. But for many of these kids, really healing the limb was going to be impossible, and getting function was not going to be something that was going to be reasonable. And so many of them would stay in these External Fixators for months with no real plan because of the lack of the services that were needed.

I want to also make a point about patients who require health care services. And we alluded to it as indirect deaths. I want to mention specifically cases that I had been involved with, and this is something that I don't think has been given as much attention, because these are, and there should be no mistake made here, this excess mortality that we're seeing in Gaza is being caused by the war on Gaza. It's being caused by the Israeli military. They are, you know, in other words, casualties of war.

Two specific examples from my time there, one is a 15 year old boy. His name is Mohammed al-Lahham and he had a congenital kidney disease where he needed dialysis, and dialysis is something that you cannot go a decent amount of time without. Most patients need three dialysis sessions a week. Well, with so many people being displaced in Gaza, the dialysis centre in Khan Yunis and any dialysis machines in Rafah were overwhelmed

and inundated with patients, and so the medical providers in Gaza felt that they would have to give each patient some degree of dialysis, but not enough. They would try to get by with what they could well. Mohammed al-Lahham was not getting enough dialysis, and came into our department suffering a cardiac arrest and dying because he was not getting the treatment that he needed.

And as is the case in many regions, winter brought about the spread of different respiratory illnesses. But given the lack of access to clean water, in fact, sometimes at Nasser Hospital, we would run out of water. We would turn on the tap and no water came out of it. We saw respiratory viruses like COVID, influenza, and RSV [Respiratory Syncytial Virus] spread rapidly. And for children with asthma who were suffering from a viral illness, this would cause their asthma to flare up, but we did not have the breathing treatments that you would typically be giving to these patients for them to be able to handle this. So they're getting complications from these illnesses. And we even saw at Abu Yusuf al-Najar Hospital in Rafah, an infant, who otherwise should have survived this illness, die as a result of probably COVID or RSV or flu. This leads to long term consequences to [many Palestinians] their health and development.

I want to mention, finally, just the targeting of health care workers and hospitals while at Nasser and Aqsa. While [I was] at Nasser Hospital, Aqsa (Shuhada al-Aqsa Martyrs Hospital) had become surrounded by Israeli forces, and so we saw physicians arriving at Nasser Hospital who had left, and the hospital at Aqsa had suffered damage. So the ICU, in fact, had a window where the physicians would go and rest during their 24 hour shifts that had a bullet come right through the window where a physician was sleeping at the time. And so on January 16, the Israeli military announced that a rocket had been fired from Nasser medical complex while we were there, and of course, [neither] myself, the international staff or the local staff, nobody had seen any rocket being fired or had heard a rocket that had been fired, and we knew that the Israeli military was getting closer and closer to the hospital at Nasser, just from seeing how their campaign had been conducted.

The WHO emergency medical team's leader sent a message to one of the international doctors that he was working with, and he put a link to the Israeli military claim, which they'd posted on X, that said that there was a rocket fired. And he just put a text that said, FYI. The next evening, Israeli tanks began to surround the perimeter of the hospital. We could see them from the window of the hospital, and panic ensued. All of the displaced people that were in the courtyard began packing their things at 2-3am and heading further south to Rafah. And many of the staff were also leaving the hospital to go and take their family to Rafah.

Over the next two days, the hospital looked empty compared to how it was packed the previous days, and we were moved from Nasser hospital to [Shuhada] Al-Aqsa hospital to work there. In the subsequent weeks, the hospital was raided by the Israeli military after had come under siege, and doctors that I worked with, Dr Khaled al-Serr, Dr Nahid [Abu Taiema], Dr Mahmoud, all physicians who I had worked with in the previous weeks had been abducted by the Israeli military, and there is there from the colleagues that have been abducted. Dr Nahid specifically was the leader of the surgical department at Nasser hospital. They mentioned that he was handcuffed and tied up, he was consistently telling the Israeli soldiers about how it was too tight and that his hands felt like there was no blood flow. This is a surgeon telling these soldiers this and

so kind of consistent with what we heard earlier. And the soldier responded by going to Dr Nahid and, you know, pushing on his fingers and saying, "No, it's fine. You're getting enough blood flow." Of course. You know, this is something that you know, as any medical professional would find ridiculous. Dr Khaled Al Serr spent six months detained by the Israelis [in Sde Teiman and Ofer Prison] and was released, never charged. Had lost over 80 pounds in the process, and detailed the different abuses that he was subjected to. Dr Nahid and Dr Mahmoud, who was in the ICU with me, we still have not heard from. They have not been charged with anything.

I would be remiss without also mentioning Dr Hussam Abu Safiye, who I've communicated with and whose family I'm still in contact with. And the reason his case is particularly noteworthy is he had already previously been detained and questioned by the Israelis in one of their many raids on Kamal Adwan Hospital in the north of Gaza every time, of course, they found nothing on Dr Hussam. But he became a more vocal advocate for his patients in Gaza. He wrote two op-eds in the *New York Times*. One October 29, 2023, and then again on December 4, 2024. He did many interviews with international media detailing the struggles that he was enduring, him and his staff, and their inability to be able to treat their patients.

And then in October 2024 the Israeli military surrounded Kamal Adwan Hospital yet again, and his son in October was killed in an airstrike on hospital grounds and buried on hospital grounds. He himself was struck with shrapnel and injured in November of 2024 and then at the end of December, he was forced by the Israelis to empty the hospital of its patients and send them to other facilities. This was quite dangerous with respect to the critically ill patients that were at the hospital. Then the Israelis in the following week, and of course Dr Hussam has the famous video of him having to walk up to the [Israeli] tank. The Physicians for Human Rights Israel had made requests to the Israeli military, and [the IDF] said there's no indication of an arrest or detention of the individual in question. And then they filed a petition with the Israeli High Court, and his location had been disclosed [Ofer Prison], and the Israelis finally confirmed that they were holding Dr Hussam. It's been over several months now, since Dr Hussam has been detained, with no charges, and his family has not been able to communicate with him. He's one of 150 health care workers still being held.

So the attacks on health care workers and infrastructure are important to understand in the context of everything that we've talked about today, in the context of the limitations and restrictions around access that are being imposed by the Israelis. We're seeing even health care workers with Palestinian backgrounds, international health care workers being rejected and denied [entry into Gaza], and in fact, other people arbitrarily being denied, like a 70 year old retired American paediatrician or a Chinese American military veteran. We see surgical specialists who coordinate months in advance, ready to perform surgeries, get denied at the last second by the Israelis, and this is all a part of this process of understanding how many people will suffer as a result of that. I myself was rejected on March 13 [2025], while I was in Amman, from entering Gaza, and I'm one of scores of health care workers who have been denied entry. The process is arbitrary and random, and there's a clear effort to discriminate against Palestinian backgrounds, but also to make it as difficult as possible for health care workers to mount an emergency response. With that, I thank you all. I appreciate it.

Witness Testimony

Dr Mimi Syed

Emergency Medicine Physician, Assistant Clinical Professor, and Fellow of the American College of Emergency Physicians

Hello, I'm Dr Mimi Sayed and, as my colleague here, what we witnessed was so similar, and we didn't know each other before I went to Gaza, and we went to different hospitals. We went at different times of the year. So I will just read my testimony, and you can see for yourself.

I'm Dr Mimi Syed. I'm a board certified emergency medicine physician, and I've been to Gaza twice. I worked last year in August for a month in Nasser hospital, and then I went again in December to Al Aqsa hospital again for four weeks. I stand before you today, not just as a physician, but as a mother and a human being who bears the truths that have been etched into my soul during my time in Gaza.

I have seen the unthinkable, the inhumane and the utterly heart wrenching. The children of Gaza, with their eyes wide open and full of innocence, have been subjected to horrors that no child should ever face. I have seen them murdered, starved and denied the most basic of human rights. Their cries for help echo in my mind, a haunting symphony of suffering that I cannot escape. The patients I treated in Gaza were the majority of children under the age of 12 on my first trip to Gaza in August. I have at least 18 documented cases of children who arrived in my emergency department with bullets to the head or the chest and by witnesses reported to have been shot by snipers or quadcopters. I have seen more brain matter out of skulls of small children due to shrapnel injuries that I ever thought possible in my entire lifetime.

I will never forget the image of parents bringing their dead children wrapped in blankets and laying them on the floor so we could check for a pulse before pronouncing them all dead. This was a daily routine in Gaza, multiple times a day, the long line to the morgue where family members would wait for their loved ones so they could bury them with some shred of dignity will always be an unforgotten memory for me, even when we did save some children from the jaws of death, their survival is at the mercy of the Israeli military's next airstrike or food deprivation.

On my second trip in December, during a mass casualty incident, I recall an eight-year old little girl named Allah. She arrived in an ambulance to Nasser hospital with her father next to her, she was hit by a piece of shrapnel that opened her skull to expose half of her brain, even though she was still moving slightly, given her devastating injury, the plan was to let her die, because the rate of survival was very low for her. However, when I looked into the eyes of her father, I could not allow her to die without at least trying to stabilize her for further treatment. I imagined my own eight year old daughter lying there. I immediately secured her airway with a laryngoscope I had to smuggle in because I wasn't allowed to bring it in by the Israeli military.

By some miracle, I was able to get her to surgery, and three weeks later, she was talking, reading and walking and even saying, "Shukran [thank you] doctors, ana bkhair [I am doing well]." Three weeks later, although I was able to help this little girl, she continues to have the threat of death looming over her at all times she needs medical evacuation because there's only a skin flap covering her brain, she's at risk for infection, malnourishment and death that was created by the Israeli government.

I have photographs that speak louder than words, images of children playing in sewage, their laughter echoing in the streets flooded with waste, the lack of a functioning sewage system and clean drinking water have created a public health crisis of monumental proportions. Babies, mere infants, were coming into our hospital with sepsis and organ failure, and their tiny bodies ravaged with high levels of E. coli. Chronic diarrhea is a constant for all children in Gaza, a completely preventable and unnecessary condition.

The Israeli government's restriction of supplies for water purification is a death sentence for all of the children there. We are not just talking about infrastructure. We are talking about the very essence of human dignity and the right to life.

It is important to note that all of these deplorable conditions are being manufactured deliberately by the Israeli government. In December, I treated a 29 year old woman who arrived at our hospital at Al Aqsa with three small children next to her on the cot. She was bleeding profusely from an overgrown breast tumour, a condition that was curable with timely chemotherapy and surgery. It started off at the size of an olive in her breast. Prior to October 7, she could have received this life saving treatment in Gaza, but now this was impossible. She was denied four times by the Israeli government for medical evacuation. By the time she reached me, there was nothing I could do to stabilize her. She came in bleeding from her breast tumour so highly vascularized, I could only give her two units of blood, a temporary reprieve before she inevitably bled out in front of her three children on the cot. My colleagues later notified me that she had passed.

This tragedy is not an isolated incident. The health care system in Gaza has been systematically dismantled with shortages of medical supplies, equipment and personnel. The lack of basic medical supplies has made our job as health care providers nearly impossible. We were forced to work without gloves, hand soap, running water or even electricity.

Many times I met health care workers who had been imprisoned and tortured; their crime simply working in the hospital. On October 7, they were beaten, humiliated and subjected to unspeakable acts of cruelty. Health care workers, who are supposed to be protected under international law, have also been repeatedly targeted. Dr Hussam Abu Safiya from Kamal Adwan hospital is a stark example. He remains imprisoned and abused without charge, his only crime being his dedication to saving lives.

Even paramedics are not spared. There would be air strikes towards ambulances which were getting shot at while trying to bring wounded patients to the hospital. Every ambulance I saw had bullet holes or damage done to it by the Israeli military. In the past 18 months, we have also seen a disturbing pattern of targeting journalists who are the eyes and ears of the world in these troubling times. Among them was my friend Ayman al-Gedi. The day he was brutally killed by an Israeli airstrike. Ayman visited me at Al Aqsa hospital. He was anxiously awaiting the birth of his first child with his wife. His excitement was palpable, and his hope for the future was a beacon of light in the darkness of Gaza, his car that was marked press was struck by an Israeli missile that night, he was killed along with four other journalists right in front of the hospital where his son was born the next day.

During my time in Gaza in December, I witnessed the targeting of Civil Defence workers. One night, a dozen workers who were trying to repair the sewage system arrived at our hospital. Half of them were already dead and others were severely injured. Another night, when long-awaited humanitarian aid finally entered through the checkpoint, the

Civil Defence workers, guarding it from the looters, were struck by bombs from the Israeli military. These were family men with young children. They all arrived dead, except for one man in his early 20s. I was able to save him for one night so his family could say goodbye to him. The next day he passed away. His crime was trying to protect the aid, so it could be distributed appropriately.

In all my time, when I lived there, working in the hospitals in Gaza, I never once saw Hamas fighters or weapons in the hospital. The only people we treated were civilians. The rhetoric the Israeli government uses to justify bombings is unwarranted, untrue and a downright crime.

With my testimony today, I would like to call to action. We must stop arming the Israeli government. We must place sanctions on them in order to stop this mass murder of innocent children. Starvation should never be used as a weapon. There must be a permanent and sustained cease fire and unlimited aid allowed to enter. We must not forcibly displace the people of Gaza, but empower them to heal and repair their own state.

It is difficult for me to criticize other countries when my own government is overwhelmingly enabling these crimes. Past US presidents have had courage to stop arms to Israel when it was unjustly bombing other countries. And I call on my own president, President Trump, to do the same.

Q&A Session

Question 1: What could we as people do other than just speak?

Question 2: You know, decades ago, there used to be, at least in radical and left circles, a concept of praxis in which there's an amalgam of expertise and the usage of expertise for human flourishing, for liberation, rather than the perhaps the dominant perspective of the new liberal, professionalized subject that we have today in academia, perhaps also in medicine. Obviously, all of you here [in] this session are ones who use this expertise for human freedom, for minimizing human suffering. So I wanted to hear your thoughts about your conception of your own practice, whether it's medicine or legal scholarship or interventions of the public sphere: how do you do that and why do you do that?

Heidi Matthews: I have been having this discussion a while, in terms of what you can do – part of it depends [on which country you are from] if one is from a state in the global west, north, whatever, who isn't in one way or another, complicit in this, I mean, you can be politically active, right? So get to know your representatives and really bother them a lot. Get involved in whatever sorts of direct action you feel comfortable with, but being politically active is something I think that's available to everybody. And it can feel futile, but is kind of the root of existing in society. And I think part of what I've been in terms of my own pet, like as a professor, it's pedagogically that's how I think of my own work too, is sort of helping students to become politically agentic people in the world, right? So as law students, those are the people I teach, not thinking of law in terms of a political professional identity, but directly in terms of political agency, you know, whatever that may mean for them. And that's actually something that I should say, especially in light of the last 19 months, in my own experience, that general kind of attitude toward praxis and political life is treated increasingly with suspicion, especially in places you're right to number among those we would have previously thought of as left or progressive in some loose way. You know, recently, I watched colleagues have a discussion about

how law students are starting to feel increasingly beleaguered and pessimistic with the world, and that's not good for their learning outcomes. So how can we help them to feel more optimistic? This is a literal discussion that took place and so I responded with, well, maybe we should help them be politically responsible people. I think we have to be really aware that the way in which those kinds of discussions happen is quite coded, right? It's not even always easy to recognize when it's happening in our professional spheres. I think so. Just being able to be attuned to that and ready to intervene, to disrupt those moments of like stabilization of the, whatever you beautifully described as the apolitical, liberal, professional, whatever, because it's all around us. So, yes.

Maryam Jamshidi: I wanted to be a doctor when I was growing up, and thank God for all patients everywhere, that did not happen. I wanted to be like the two of you. So thank you so much. Okay, so I'm not a doctor, so I can't do what they do. But you know, I hear you just talking, what is talking? It doesn't feel like anything, really. But where I come from, unfortunately, talking about this stuff is meaningful because I come from the US where, if you speak about Palestine publicly, if you teach about Palestine, if you write about Palestine, there is an entire ecosystem at the private level, at the public level, and at the very top of government, that could potentially target you. If you are on a visa, they could deport you, could arrest you. And so while talking still isn't enough, even in those circumstances, it is so vital in places where talking is prohibited, and those are oftentimes the places that are the most complicit and the most responsible for what is happening inside Gaza and inside Palestine that I encourage us not to think of talking as not worthwhile when you don't have a lot of other tools at your disposal.

Certainly you shouldn't do nothing, right? And so at the very least, we should speak, at the very least we should speak out. This is just really to echo what Heidi said. You know, there is still, surprisingly, so much apathy, so much I don't even want to say 'lack of information', because the information is there. People just don't care, and they don't want their comfortable lives disturbed by conversations about what's happening in Gaza that, to them, is a form of violence to their own lives, to their own stability, to their own comfort. And so, I think what we can and should do, and certainly as educators, we must do, is not allow for that comfort to go undisturbed. People should be uncomfortable. There should not be a moment of comfort for anyone anywhere, certainly not in the United States. I think of my own work, whether it's writing or speaking or whatever, especially in the United States, as being an opportunity for me to refuse to allow those around me who could otherwise avoid this topic to not be able to avoid the topic. Again, it's not enough, but it is at bottom, I think what we need to be doing, certainly as lawyers, certainly as people behind the podium and the Hind Rajab Foundation also potentially has an opportunity in the United States to go after those security companies who are supposed to be providing the assistance and support to this Gaza Humanitarian Foundation, and to go back once more to speaking and potentially to the threat of litigation. The executive director of the Gaza Humanitarian whatever in Switzerland, just resigned. This was an ex-army officer, I think, a sniper, a Marine, who said this organization cannot actually be compliant with the rules of international humanitarian law, so I am resigning. Again, it's not enough, but it's really important.

Dr. Thaeer Ahmad: I actually want to make a big comment. I also have a question, specifically, something you mentioned. One thing we've noticed, and we can say, is that the medical field in the United States has been a disaster in terms of the censorship and the double standard and the hypocrisy. I remember the American Medical Association

specifically called Ukrainian healthcare workers heroes for their response, and then somehow, when it comes to Gaza, not even a single statement, not even calling for a ceasefire, not acknowledging what our colleagues on the ground in Gaza are doing with so little so we're trying to work to fight that.

And I've had, you know my academic side as an assistant clinical professor trying to get academic promotion, it's very important for us to do something called Grand Rounds, where you're supposed to broach controversial subjects in medicine. And I've had two talks about Gaza cancelled within days of them supposed to happen. So it's clear the environment is very stifling at this point. I think for us, these organizations, professional societies. I mean, there seems to be like a popular mandate growing, but the leadership is not reflecting that. Even in the United States, the American Historical Association overwhelmingly voted talking about labelling what was happening in this as a genocide, and then somehow the Board of Directors decides not to issue a condemnation or a statement reflecting what the popular mandate shows. So that's one thing we need to work on, that these organizations, these societies, need to be held to account. They need to not just have the values that they write on their mission statements, but they need to demonstrate these values.

Audience: How can we do that?

Dr. Thaeer Ahmad: I think for me, it's very simple. What did you do in Ukraine? What did you do for Ukraine? You raised money through humanitarian organizations. You helped highlight the plight of what was happening in Ukraine. You worked to amplify the human narratives. Why are you not doing that in Gaza? Why are you not doing that in Palestine? and how come when it gets to the border that stops? Do that! At least be consistent. Can you be morally consistent? That's all you need to do. And I think the way that we do that, how we hold them accountable, is we say, "Hey, you care about our membership dues. Do you care about us? Well, we're gonna cancel it."

And so that's what we're working on. We're working and we're working to organize it. We have to do it, it should have been there already. But this woke everybody up. My question is, you know, when we came back, we had to put on the role of working in this advocacy space, and not just our testimony, but we had to ask lawmakers, people, National Security Council, State Department. One thing that came up in your lecture, specifically something that was told to me directly by Jake Sullivan, National Security Adviser. He literally said, the Israelis are telling us that this commander that they killed in Jabalia, that over 100 civilians were killed in the process, that his risk profile for Israeli citizens is much higher than that, thus justifying and the constant thing that we hear from the State Department when we're trying to amplify issues is bring us individual cases bring us individual cases. And I think you brought up how, if you take it from a bird's eye view, the Israelis can justify anything. And so I guess, how do we respond to that as we're moving forward trying to bring this up?

Dr. Mimi Syed: I don't have that much more to add, but I think you know your question is relative to where you're asking from, what country you're asking from. In the United States. And we all know the elephant in the room, if the United States wants it tomorrow, this ends, right? So the pressure needs to be on our country, unfortunately.

And some of the things that you know Maryam is talking about having the conversation, that is the biggest part of what I realized when I came back- giving people the tool to have conversations, because a lot of this is ignorance, unfortunately, and people don't

have confidence to have this conversation. They think it's too complicated. They don't know enough about the issue or the conflict, so they don't feel comfortable having the conversation. And so just simply educating people and giving them the tools, the narrative, the vocabulary. The vocabulary, sometimes is the most important thing you can provide somebody is how to talk about it. And I'm speaking from a kind of American perspective, but that's who needs to be convinced, unfortunately. You guys don't need to be convinced.

Audience: No, so it's not ignorance, if 70% no longer sees it legitimate. It's more than just ignorance.

Dr. Mimi Syed: But even if they're not ignorant, they still don't have the confidence to talk about it, because there is a lot of history involved. There's a lot of education that does need to be had, because people only know what they're indoctrinated with in the United States. And I'll tell you, and both of us, we were born in the United States, so we know what the school system and the education system indoctrinates in you, and that's the product that you see in the United States, the citizens, that's what they talk about. So we need to give them a new language to talk about. That is kind of my point.

Wesam Ahmad: And I think the talk is important because that's only the starting point. In the end, we need to shift the political will to action, that those words have to be the foundation through which action is called for, and the work that we do, engaging these legal mechanisms, they don't operate on their own. We have to force them, in order to move these wheels of justice.

That's all we can do from our particular part in this bigger ecosystem. But through this engagement, we expose other things and I think seeing our roles as part of a bigger ecosystem is very important, because in the end, all of us need to be pushing towards action. What we have seen, basically things stop at a call - for a call, for a call, but we are still waiting for someone else to heed that call. And I think after these last 19 months, it's also time for us to think about escalating what it is that we are calling for, if we are calling for sanctions and they're not being imposed, if we are calling for an arms embargo and it's not being imposed, we've seen civil society try to organize a flotilla that was targeted as well.

Now we've seen important rhetoric coming from countries like Spain and France about the importance of delivering aid. Well, maybe we need to escalate our call and call on them to take the action necessary, and bring the aid directly, and potentially put themselves in conflict with the Israeli position. But an armada of aid coming, using their naval ships to deliver the aid also falls within the justification of international law, the ensuring compliance with international humanitarian law, responsibility to protect - all of these things allow for states to take action if there's a political will to do so, but in order for them to take that step, there needs to be pressure that comes from the individuals, the public, civil society, and other actors that hopefully will lead them to take such an action.

Expert Talk

Raji Sourani

Steering Committee Member of the Gaza Tribunal, Human Rights Lawyer and Director of the Palestine Center for Human Rights

Hard times push either or to give up or to stand for a challenge. I think we, the Palestinians,

are in our hardest time ever in our history. Do we have the right to give up? Do we have the right to be good victims? Are we defending just for the right cause or not? Should we lose hope in tomorrow because of the massive killing, massive destruction, massive displacement and massive famine? Should we lose hope in strategic optimism that one day we shall overcome? Hard times, the pain, the blood, the souls should motivate us to stand up, to shape up not to talk as victims, as freedom fighters.

We are not a bunch of poor people who need some help, some food and some medicine. They want Gaza to be the graveyard of international law. Not for Gazans, not for Palestinians, but the whole world. Look, this is the fate, the destiny of those who can say no to masters. For those who challenge and they stand for dignity and justice and their self-determination, we have no right to give up; neither us nor those who believe in justice and dignity for man across the globe.

For those who believe in the rule of law of international law, international law. I was told by many when I was a young lawyer just beginning my career as a lawyer defending Palestinian political prisoners: you Palestinians are demagogues. You have big mouths, big words. Why don't you use this civilized Israel legal system? It's super. It's very western and they have fantastic judges, prosecutors. They are the oasis of democracy in the Middle East. As if we don't know that you never ever can have justice and dignity under occupation, under military, belligerent, criminal occupation. But with that we said fine. So we began effectively using the system on different levels from the military court to the Israeli high court of justice.

Over years we realized and the conclusion was simple and clear. This is an illegal system. It's the one who provided legal cover for the organized systematic war crimes committed by this criminal belligerent occupation. They legalized torture. They legalized house demolition. They legalized expulsion. They legalized extrajudicial killing, targeted killing, and building settlements. Even the annexation apartheid wall when it was built and the ICJ gave its advisor opinion and they say it's illegal and should be abolished, they said no, we decide and this is legal.

After we exhausted all remedies, we began to engage with universal jurisdiction cases. We wanted to use this incredible system and we filed our cases in Switzerland and in Spain and the UK and many other countries, New Zealand, US, South Africa, Sweden and we were blocked. By whom? By the legal system? No, we were blocked by governments. They changed the laws. They changed the procedures.

In Spain, Moratinos two days after the Audiencia Nacional [the Spanish National Court] gave a ruling against six of the Israeli leaders to be arrested and investigated. He apologized for Tzipi Livni publicly and to the Israeli government and he said we'll change the law. In six months the law was changed.

In UK we managed to have against Doron Almog and Tzipi Livni and the prosecutor first said you have to have authorization from the prosecution office. So you have to submit all the case before the court to us and we have to authorize you whether you have bases or not. And then they say no you have to go to the Metropolitan Police and you have to ask them whether you have sufficient evidence or not. And then if they find out there is sufficient evidence they can submit it to us and then we can decide. And then they said we will find out whether he or she the target do have or enjoying a permission of immunity or not. And if they are in a visit, official visit, you cannot target them.

Anyways, governments protected after years in Europe and US the Israeli suspected war criminals and determined for us to be rather mission impossible. When we resorted to the ICJ-ICC, a lot of hurdles and obstacles were put in front of us. But we managed to do that in January 2015 and we departed from there and immediately Trump came in his first presidential term and he issued a presidential decree criminalizing any who will assist in bringing U.S. or Israeli suspected criminals to the ICC. Fatou Bensouda was a piece of African marble and she challenged all that with heavy price and she concluded to open investigation against Israel after six years of filing this case.

After that Mr. Khan took over and Ukraine war erupted. We witnessed very unique thing, very special. The entire Europe and US said how dare Russia invade and occupy Ukraine. Shame on them. The west should stand for its principles against invasion and occupation and we have to challenge that and we will support Ukrainians right of self-determination, who support Ukrainians with their right of resistance, armed resistance against the Russians. And they called upon all European and US free citizens to take arms, go join the Ukrainians in resisting the invasion and Russian occupation. We were happy. They used our rhetoric and they began to speak about international law and human rights. They began to speak about Russian war crimes in Ukraine. They began to speak about children, women, bombardment of civilian targets, etc. And then they said we have to sanction Russia. And they imposed waves, seven waves of sanctions, paralyzed the Russian economy. And they say we will support it in front of the ICC and the ICJ and we will help them also economically and with arms. You have to respect the intelligence of the people. They have no respect for anybody's intelligence; selectivity politicization of international law. That's the rule. The human rights ICC office was opened in Kiev 43 days after the war. What about Palestine? As if we don't have invasion, as if we don't have occupation. As if we don't have real belligerent criminal occupation. I would go just the day pre 7th of October. What was the situation in the occupied territories? If any of us don't remember in Gaza we have 17 years of criminal blockade suffocated 2.5 million people socially and economically and turned Gaza to be an animal farm international community dumping to it some food and medicine. We were disconnected from the outside world. 65% unpaid or employed, 90% under poverty line and 85% fed by UNRWA. So they shifted us to be a nation of beggars. Shame on them. We have the highest percent on earth of university graduates. We have a strong business community. We have the most skilled workers in the Middle East. They shifted us to be a nation of beggars. They weren't satisfied with that. They launched the war of 2008-9 in the eye of the storm. Civilian and civilian targets. Goldstone report was simple, direct and declared. 2012, 2014, the Great March of Return, 2017, the offensive in 2021, 2022, May 2023. This is Gaza. West Bank, ethnic cleansing, Judaization of Jerusalem.

Sheikh Jarrah was one of the flags of the crimes committed there. Jerusalem situation ruled out almost and disconnected entirely from the West Bank. In the West Bank, the north disconnected from the south. Jericho Republic disconnected from the rest. Moving between villages, camps and cities is rather mission impossible. Settlements every day. Expanding vertically, horizontally. New settlements are built. Legal settlements, illegal settlements and after 30 years of Oslo accords the peace accords, what we are having is 1 million citizens in the West Bank. 1 million move to the West Bank. A new brand of apartheid has been created there. We moved from that in 2001 at the world conference against racism. All world civil society including the South African said this is a new brand of apartheid more bloody and more brutal.

When his excellency KK didn't move after October 7th, we kept from day one feeding him with facts, with information, with what's needed. He reacted by visiting the Israeli victims. He didn't listen to us. That's why we began to look for alternatives and that's why we resorted to many countries mainly Ireland and South Africa and luckily I mean South Africa reacted positively and went with that and 28th of December they filed the case at the ICJ. January 11th, South Africa made history and they showed the moral, human and legal superiority on the West when they represented in the best way possible the blood, pain and suffering of the Palestinian people in Gaza. They brought it to the theater. They brought the theater of the crime to the stage of the court and the whole world saw that and afterwards three provision measures which were needed badly were represented and the court dealt with them positively. But there is no political will among the states to take it and implement it. ICJ doesn't have the law enforcement agency to do that. States should do that. But this was rather intellectually practiced. They didn't react. They didn't take it. They didn't implement it. And that's why Israel continues with that. They continue because they know they are immune. Nobody will hold them accountable, and they will continue of their declared intentions in the genocide. Usually you can approve all what's needed as component of the crime.

There is one difficult component. The intent, the intent. In our situation, is the intent clear? Is it visible? Has it been stated in October 10th, 23, president of Israel said no innocent or civilian in Gaza, all of them are complicit partner in the crime. We will get them all without distinction. Netanyahu said Gazans should leave Gaza. Simple words. He didn't cheat anybody. We don't know whether he meant to the sky or to Egypt, galling was super clear. He said no water, no food, no fuel and no electricity for gazans. Gazans are human animal. We will give them all without any distinction. At least we were able to collect 470 statements as such by top Israeli ministers, political leaders of parties, Knesset members, army chiefs and commanders etc. So the intent simple and declare why they scared from the rule of law of international law humanitarian law. Is it Palestinian invention? This is the creme d'eme of the human experience. We didn't invent it.

But what they are doing evil violating each article of that I'm not neither stupid or naive and I never thought we will get justice from the Israeli legal system or through universal jurisdiction or the ICC or the ICJ that can bring you max 5 to 10% of the whole conflict. But why we are using it? Because in this area you deal with simple formula, facts, standards, conclusions. We had the best well-documented conflict in history. And I think those who worked on this showed unprecedented level of professionalism of integrity and they use the law in very effective law way. So you have the facts, you have the standards and the conclusions are simple.

They can beat us in any field on earth. They can beat us in security. They can beat us with arms. They can beat us on the battlefield. Two things they cannot beat us with. A we showed moral and human superiority on them and that's our just right to do that and we will stick on that. Always people who resist injustice, occupation, colonialism have to show all the way long moral superiority on their enemies, on their occupiers, on their genociders. We cannot go in the footsteps of them. I want one example to be shown for any civilian in Israel has been killed in the last 20 months. All our victims are civilians. And the second, neither the political parties or Palestinian people raised the white flags and they said sorry we gave up. We will never ever giving up as the Irish say till the last breath.

We have a problem. I have a problem with Europe. And I don't understand what what 18,000 Gaza children did for them. What what's what's the problem? I mean did these 18,000 whom has been killed did any wrong? I mean for Europe, what's the problem of 14,000 women in Gaza with the West? What evil they did? What's wrong with them? I mean, yet as Dr. Fadel Naim this morning the director of a hospital in Gaza. He said to me, Raji, they just bombed the school and I received from it 22 bodies and there is piece and parts of people. We were not able to put it together. They are in 52 bags just parts and pieces of people. Why are we bombed and killed with European arms. What evil we did to deserve all that. Why? Why his excellency Mr. Trump want to evacuate us? Why he wants to displace us forcibly? I mean displace us where to why why why he think I mean of Gazans and he insist to make it his own Rivera you don't have enough space I mean in US but I in the end of the day, it's a 365 square kilometers with 2.5 million people. The most heavily dense populated area on earth and he just want to take us disperse us across the globe.

We will continue our struggle. The last 12 days are the worst in the 20 months, the worst on the level of killings, on the level of destruction, on the level of using fire. Almost the north till Gaza city empty as a result of that. Khan Yunis area almost the entire city and the camp evacuated and and no people there and now they are developing the attack against Gaza city and the middle camps.

In May 7th, last year, Netanyahu launched the attack against Rafah. There was in Rafah and the Mawasi area 19 people concentrated in 34 square kilometers. And when he attacked from the east and the north, he wanted to push everybody towards Egypt. That was his final attempt to push Gazans towards Egypt and he knows Egypt will not shoot at them. But he didn't understand the chemistry of Gaza. Mathematically all what he did was absolutely right and logical and the ultimate outcome of that attack was people will go towards Egypt but 79% of Gazans are refugees he didn't know these people have the trauma deep in their heart and mind and never again never again Palestinians will have a new Nakba they were not instructed by anybody but that's the hard chemistry of Gaza and that's why everybody instead of going south. They just went back north. Now he's repeating that again by attacking the north, trying to push everybody towards the south and trying to concentrate them.

And I can assure you, I hope this doesn't happen again. But what at this time we are having we didn't have the famine on this level in the last 12 days. Hardly anybody in Gaza can have a meal in four days or three days. I'm talking about woman, children, old, young, whatever. Once again with what I began with, we are in a very hard time. We are strong, strong enough to confront this bloody criminal occupation, who is doing the genocide at the daylight with intent declared intent and it's a broadcasted and livestream but we know we are on the right side of history. We know we are the stones of the valley. We have been there since ever and we will continue there forever. And we will invest our best to bring dignity, justice for our people. We are entitled for our right of self-determination and we have no right to be good victims for genociders in the 21st century. Thank you.

27 May 2025 - Day 2

CHAMBER 2

INTERNATIONAL RELATIONS & WORLD ORDER

Introduction

Craig Mokhiber (online)

Steering Committee Member of the Gaza Tribunal, International Human Rights Lawyer and Former UN Senior Official

I'm Craig Mokhiber, I'm a member of the Steering Committee of the Gaza Tribunal, and I'm co-chair with Richard Falk of Chamber 2 of the Tribunal. Yesterday, Chamber 1 was about the law. Tomorrow, Chamber 3 will look at ethical and philosophical iterations, but today in Chamber 2, we'll look at the international order as it is, and as it should be, because the stage for the genocide in Palestine is not limited to the lands of occupied Palestine alone.

There is as well an international context, a context of international politics, of international relations, of international law, and of international institutions. Part of the international sphere has been a place of important resistance to the crimes of the Israeli regime, but others have been a place of shameful silence and even complicity. That which we call the international system is a complex construction of states and observers, of norms and treaties and protocols and institutions and courts and processes and people, all purported to serve the cause of international order, of international cooperation, of international law, peace and security, and human rights.

But what can we say of an international system that declares a norm-based order and yet defers to raw geopolitics and abusive power at virtually every critical moment? What can we say of a system that declares laws but denies enforcement? What can we say of an international system that speaks of human rights but allows a live-stream genocide to rage on day after day, week after week, month after month, and now year after year? What can we say of an international system that claims to uplift the principles of self-determination, to oppose the scourge of racism, and to reject colonization, and yet facilitates settler colonialism in Palestine, endorses ethno-supremacism, and tolerates a brutal apartheid regime decade after decade? What can we say of an international system that speaks of equality and the rule of law and yet grants an exception to one oppressive, deeply racist, and fundamentally violent regime? And what can we say about a system that refuses to call a ceasefire, to mobilize protection, to hold perpetrators to account, or even to name the crime out loud? Genocide. Genocide. Something is very wrong, but there are also some lights illuminating the international path to a more just course in civil society and social movements, on college campuses, in the initiatives of people of conscience like this tribunal, in the independent human rights mechanisms of the United Nations, and even in the international tribunals in The Hague.

Today in Chamber 2, we will hear from experts and witnesses that will help us to unpack these issues, with presentations on the impact of political realism in geopolitics and Palestinian freedom, the political economy of genocide in Palestine, including Nakba and the struggle for decolonization, starvation and the accountability gap,

ecocide in Palestine, and the horror of physically disabling tactics. After a short break, we'll hear expert testimonies from a truly distinguished international panel. And then we'll look at the deficiencies in the formal international order, including the role of the United Nations, the courts, and wider global society.

Next, after a discussion on ideas for an alternative jurisprudential paradigm and the role of people's tribunals, and then a final session on civil society activism and social movements, including *sumud*, steadfastness, and the struggle against Palestinian erasure, activism in North America, the relevance of the South Africa anti-apartheid experience, and the criminalization of student protests. We will then end the session with an open discussion on all Chamber 2 issues before concluding for the day.

Richard Falk (online)

President of the Gaza Tribunal, Former UN Special Rapporteur of the Human Rights Council in Occupied Palestine and Professor Emeritus of International Law

I just want to add a few reflections that pose some of the difficulties that complicate the way in which we perceive the role of law and morality and justice, as well as the performance of international institutions, especially the UN, and to try to understand that there is a kind of fundamental contradiction between what the charter of the UN promises and what the organization actually was constructed to do. It was built on the premises of an ideology of the winners in World War II, constructing a system that preserved their dominance, and yet made a pretense of breaking with the geopolitical past and creating a future premised on war prevention and respect for a law and morality. And I think the fundamental explanation of what has emerged as this central tension is the persisting prevalence of what might be called an ideology of political realism that at its core continues to believe that security and strategic interests are best pursued on the basis of military power, or what some have called hard power, to distinguish it from *statocraft*.

And that hard power helps us understand why the five winners in World War II were given, in effect, a get out of jail card with respect to their own behavior in the form of a veto in the Security Council, which was the only decision-oriented or decision-empowered organ of the UN and the basic arbiter of law and morality in international affairs. And so, one had this, on the one side, this idealistic development of a new order based on war prevention and respect for international law, but underneath you had the continuity of a power-oriented international system in which these permanent members of the Security Council, the so-called P5, could continue to dominate behavior through the primacy of geopolitics. That is, geopolitics, the discretion to pursue strategic interests, overrode any clash with law and morality.

So, that is, seems to me, one of the underlying issues confronting Chamber 2, and it's related to this cynical use of law and morality in that kind of a framework, so that for the political realists that make foreign policy for the dominant countries, law and morality is something that is ignored whenever it clashes with strategic interests, as illustrated by the Gaza ordeal, and its use is primarily as a policy instrument of state propaganda against adversaries. So, we see one set of reactions to what took place in Ukraine, where law and morality were mobilized at the international level with great piety, because this was an adversary of the NATO Western powers. When, and the same sort of approach outside the UN context was used to demonize what China was accused

of doing in Xinjiang province to the Uyghur minority, and one has to contrast that with the reaction of the liberal democracies to Israel's genocidal assault on the population of Gaza, and its more generalized pattern of lawlessness in the administration of occupied Palestine.

So, what law and morality are reduced to in the war peace context is a system of hypocrisy that is exhibited through a pattern of double standards, one standard for adversaries, another one for allies and oneself, and this undermines the regulatory authority of law and morality within the international order, and I think it's in that context that a people's tribunal is seeking to rehabilitate law and morality and justice as a way of clarifying adherence and its potentialities to the promise of the UN charter and especially its preamble. And so, one has at the base of this Gaza tribunal initiative the idea that law and morality are in the service of justice and are treated as norms applicable to the self as well as to the other, and so it foreshadows a different kind of realism that is premised on the unity of humanity and the essential imperatives of cooperation in this era to cope with the global challenges ranging from the catastrophic dangers of nuclear war to the problems of global climate change and the issues associated with migration and severe violations of human rights. So, it is against this set of considerations that our program today is designed to raise facets of this complicated but crucial set of issues, and it's now possible that we can begin the program by starting with its first set of presentations.

Session 1: Political Realism And Contemporary Geopolitics

Political Realism Revisited and the Law of Peoples Post Global Response to Genocide: A Record of Failure

Richard Falk

President of Gaza Tribunal, Former UN Special Rapporteur of the Human Rights Council in Occupied Palestine and Professor Emeritus of International Law

Paulina Chan

GT Chamber 2 Member, International Disarmament Advocate and Armaments Researcher at the UN

Richard Falk

I should say that the two papers that will be discussed in this segment were co-authored by myself and Paulina Chan, and we're dividing them in a way that both of us will speak to parts of the first paper, and Paulina will introduce the second one, and I'll speak at the end of that presentation. So let me begin.

And first I will try to speak of the basic elements of political realism and how that bears on the inability to stop genocide in Gaza. Ever since the Peace of Westphalia in 1648, the system of world order that has prevailed has been West dominated and state-centric, with a few great powers shaping patterns of behaviour by recourse to balance of power logic or according to their political ambitions and capabilities. Within such a framework, World Order has evolved in response to historical circumstances, while retaining its hybrid identity of statism and geopolitics, existing patterns of regulation are shaped by the formal equality of states, as modified in practice by the primacy of geopolitics. Which presupposes inequality and a hierarchy among states derive this from

this orientation even earlier patterns of international behaviour that revolved around historically grounded belief that make might makes right in relations between organized political communities. The often-quoted adage of Thucydides in his *History of the Peloponnesian War* (431-404 BC) remains a touchstone of contemporary political realism, and I quote: "The strong do what they will, while the weak do what they must." This was a favourite saying that Henry Kissinger often quoted, and it typifies also the kind of realism pursued by [Trilateral Commission co-founder] Zbigniew Brzezinski, in other words, the prominent political realists of the West.

This realist ethos was somewhat drawn into question by the world wars of the 20th century, with the Nazi genocide, the horrors of colonization around the world, and now more dramatically, by Israel's post-October 7 atrocities in Gaza.

After World War Two, the victorious states, building on these destructive milestones, proclaimed an intention to construct a new world order in effect, opposed to Westphalian framing of international relations that claim to supplant, or at least marginalize the role of hard power in the relations between sovereign states, and to respect the rule of law as guiding behaviour of the strong as well as the weak. It also purported to promote democratic procedures, the ideals of a human rights political culture and a common path to economic and political development.

The essential nature of this vision of global reform was set forth in the UN Charter, especially in its preamble, with certain commitments to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to accept an unconditional prohibition on aggressive or non-defensive uses of force, respect for international law, and to enact the furtherance of social and economic development for all nations.

However, even as this vision was set forth, so was its negation, and that is a central problem of post 1945. World Order, despite a seeming rhetoric of commitment the operational provisions of the UN Charter and the framing of the [1944] Economic World Order in the Bretton Woods institutions of the World Bank and IMF exhibited a pervasive, although unacknowledged ambivalence toward the ostensible abandonment of the pre-1945, hard power, the idea of world order. Above all, the UN Security Council, the only organ with the power of decision and enforcement authority, was deliberately crippled and de-democratized by conferring a right of veto and permanent membership in the West-dominated group of winners of World War Two [the 'P5': currently the US, China, Russia, France and the UK].

This meant that the strongest and potentially most dangerous states were given unrestricted legal discretion to pursue their strategic interests rather than to adhere to international law and the provisions of the UN Charter, including the governance of the use of force. There were additional features of the charter that justified an assessment that the UN was designed to be weak regarding global security and war prevention.

For instance, undermining the authority of decisions of the UN judicial Tribunal, the International Court of Justice, principally by making enforcement totally dependent on the Security Council's unified action, the ICJ was therefore limited by the need to circumvent the exercise of the veto. And the label of advisory opinions was used to dilute the effective authority of judicial outcomes. Unless a rare political consensus happened to exist among the permanent five members of the Security Council over the years, the result has been the marginalization of the UN and of international law, and particularly in the context of major conflicts and atrocities, particularly if they were attributed to the

P5 countries or their allies and countries that were. Their friends as such, the architects of the post-1945 world order, created conditions whereby the influence of Westphalian approaches to foreign policy continue to be expressed by most governments.

This has produced a gaping enforcement gap between the rule of law and geopolitical primacy. This gap has recently been dramatized by the failures of the UN or the P5 to take any serious action to stop Israel's prolonged, transparent genocide in Gaza, which it has carried out against the Palestinian people for the past 19 Months, a second failure of the operational realities of current world order is vividly exhibited by the complicity of governments in enabling Israel to continue the Gaza genocide in the face of a tidal wave of worldwide popular opposition and the Defiance by Israel of clearly applicable fundamental provisions of international law.

This complicity is asserted, rather than hidden, and has taken various forms, including the provision of weapons, financial contributions, diplomatic support, the use of official platforms to disseminate Israeli propaganda, and intelligence gathering. There exists an international reluctance to challenge formally such enabling behaviour, especially to mount allegations against the United States, the most prominent and unabashedly complicit government and the leading P5 supporter of Israel.

This is highlighted by the US, even being allowed, without visible signs of dissent, to exert a major surrounding media mediating influence on day-after arrangements pertaining to occupied Palestine.

In other words, despite its complicity, the US has not been disqualified from acting as a custodian of responsible negotiations for the future of the Palestinian people, more and more aptly, should have been made responsible for reparations as at least a minimum form of accountability as matters now stand. With reference to the destruction of Gaza, a serious complicity gap exists between affixing legal responsibility for complicity and its treatment in practice.

A third and final failure of this present world order is the priority, the prioritization of the primacy of geopolitics over the rule of law, which helps explain why enforcement and complicity deficiencies are tolerated in the post-1945 world. Its focus on the accountability of individuals, corporations and states is an integral, although flawed, systemic violation of the peace process that followed World War Two. The winners in the war collaborated also in creating the Nuremberg trials and The Tokyo War Crimes Tribunal [1946, aka the International Military Tribunal for the Far East - IMTFE] to assess the allegations against leading surviving military, political, and even corporate officials of the losing side in the war.

Crimes trials after World War Two, similar to the process that I have described in relation to the United Nations, meant that the application of judicial criminal justice was flawed by a startling injustice, namely, only the crimes of the losers in the war were made subject to prosecution and punishment, leaving the crimes of the winners, including the dropping of atomic bombs, beyond institutional or legal scrutiny.

Accordingly, the winners, by their own initiative, established the Tribunal that judged the losers, including its format and the selection of presiding judges for the defeated nations victimized by strategic bombing of their major cities, and culminating in the in the atomic bombs on Hiroshima and Nagasaki.

This produced a widespread cynicism, especially in Japan and Asia, about the relevance of international criminal law within a post-Westphalian legal order that claim to

embody principles of justice and equality in the application of law. No principle is more fundamental to the rule of law, than the precept equal shall be treated equally, which was fundamentally violated at Nuremberg and in Tokyo by this treatment of the crimes of the winners as exempt from accountability and by exerting exclusive control over the judicial framework to a judge guilt and innocence, innocence.

Paulina Chan

A nation due to a world order underpinned by political realism, which Richard has so eloquently elaborated on in our paper, goes on to argue how civil society has become not just relevant but indispensable. When governments turn away, when courts are neutered and when media channels are manipulated. It is up to the people acting collectively and courageously to raise the alarm, gather evidence, educate the public and demand justice.

Civil society activism in the international arena is not new, but its importance is growing. As mentioned yesterday, the Russell Tribunal on the Vietnam War [Bertrand Russell, two 1967 sessions in Stockholm and Roskilde, Denmark] demonstrated how non-state actors could hold powerful nations morally accountable for their actions, even in the absence of formal legal enforcement, though dismissed at the time by mainstream institutions and the media, the Russell Tribunal left a lasting legacy by establishing a model for civic intervention into global affairs. This tradition has since evolved into a broader movement of people's Tribunals, grassroots campaigns and transnational networks of solidarity, each seeking to spotlight and redress violations of human dignity where governments and courts have failed. These initiatives have addressed issues as varied as colonial violence, nuclear weapons, corporate exploitation, environmental degradation and military aggression.

What all these movements share is a belief that justice is not the exclusive domain of states or courts. It is a moral obligation and civic responsibility. Civil Society activism empowers ordinary individuals to become custodians of truth and agents of change. It offers a democratic corrective to institutions that are too often captured by elite interests or rendered inert by political gridlock in a world dominated by geopolitical interests and the failure of state institutions to uphold justice and human rights, civil society activism has emerged as one of the last remaining frontiers for ethical accountability, resistance and truth telling.

The most powerful function of civil society activism is its ability to redefine what is politically possible. Throughout history, movements that began as marginal or ridiculed by establishment have ultimately changed the course of nations and reshaped the global order. From the anti-apartheid movement in South Africa to the climate justice movements of today, such movements have challenged impunity when courts and states remain silent, and they have kept hope alive for those most directly affected by injustice, reminding them and the world that they are not alone.

The Gaza Tribunal stands in direct continuity with this tradition of principled civil society action. It is a Tribunal of conscience, a moral forum organized by and for the people, created in response to the catastrophic failure of international institutions to stop investigate, or even in some cases acknowledge the genocide taking place in Gaza. The Gaza Tribunal aims to document evidence of Israeli war crimes and genocidal conduct, to expose the complicity of other actors, including states, corporations and media

institutions, to educate the public and galvanize global civic action, and ultimately to pressure governments and institutions into adopting just and humanitarian policies.

The Gaza Tribunal is not a court in the conventional sense. It does not claim legal jurisdiction or the power to issue binding rulings, but what it does possess is the legitimacy of moral clarity, the force of public conscience and the ability to amplify marginalized voices by placing witness and experts at the Centre of its proceedings. The Gaza Tribunal not only validates the suffering of the Palestinians, but also builds a permanent historical record, one that could serve as a foundational tool for future Justice efforts. In the case of Gaza, where the mainstream media has often echoed state propaganda and obscured the scale of human suffering, civil society has played a crucial role in disseminating uncensored testimonies, videos and reports. It has also supported protests, organized aid efforts and launched campaigns for boycotts, divestment and sanctions. Tribunals like the guys at Tribunal, represent the formalization of this activism, giving it structure, continuity and a platform for sustained engagement.

While they cannot enforce their judgments, they exert indirect influence by shaping public opinion, inspiring movements and pressuring policy makers, civil society activism is no longer just a supplement for formal justice. It is perhaps one of the only functioning mechanisms we have left to uphold ethical standards, document crimes and confront global injustice. The Gaza Tribunal embodies this potential standing as both an. Indictment of international complicity and a beacon for how ordinary people can confront extraordinary wrongdoing.

Our second report calls past global responses to genocide a record of failure, aims to provide concrete examples of this phenomenon. It seeks to demonstrate to the jury of conscience that the world's failure to stop the Palestinian genocide reflects a broader recurring failure of the international community to act despite the Genocide Convention and decades of never again rhetoric after the Holocaust, by examining the genocide cases of Cambodia, Rwanda, Sudan, Myanmar and Palestine the record. The record traces a historical pattern in which geopolitical, strategic interests and racialized perceptions of whose lives matter most continue to shape international responses to mass atrocities. In the case of Cambodia, between 1975 and 1979 under the Khmer Rouge regime, Cambodians underwent a genocide in which approximately 1.5 to 1.7 million people were experiencing systematic execution, displacement, torture, starvation and forced labor.

Despite these crimes, Cold War politics led the US and its allies to support the regime as a counter balance to their then geopolitical rival communist Vietnam. Moreover, the UN continued to recognize the Khmer Rouge as Cambodia's legitimate government until 1991 despite its demonstrated record of genocidal conduct, as well as having been ousted in 1979 by a Vietnamese incursion in response to the international community's inaction, the 1979 People's Revolutionary Tribunal was initiated, but its verdicts on Khmer Rouge leaders were not internationally recognized. Then decades later, in 2005 the internationally supported Khmer Rouge Tribunal was established, and though it delivered delayed justice by indicting some key Khmer Rouge officials, the Tribunal was stalled by political and institutional hurdles, leaving many officials untried before their deaths in the Rwandan genocide of 1994.

Over the course of about 100 Days, roughly 800,000 people lost their lives despite being aware of the imminent and ongoing genocide through early warnings from UN

peacekeepers, NGOs and diplomats, the UN Security Council and the larger international community failed to act decisively. A crucial warning now known as the genocide facts was sent to the UN Secretariat three months before the genocide began. Yet no preventive measures were taken and requests for increased UN forces in Rwanda were ignored. Instead, UN peacekeepers in Rwanda were constrained by a limited mandate, which was then suspended following the onset of violence.

Meanwhile, in the heat of the violence, Western States sent elite troops to bordering nations to evacuate their own citizens from Rwanda, excluding Rwandans from such efforts. Lastly, and notably, key players like the United States putatively contributed to the Security Council's ambivalence by deliberately avoiding to label the crisis as a genocide, so as not to induce legal obligations. The Darfur genocide in Sudan between 2003 and 2008 saw the displacement of millions and the killing of at least 300,000 people through state sponsored militia attacks, despite early NGO warnings and escalating violence beginning in 2003 the UN Security Council failed to take effective action, while initial UN resolutions in mid 2004 called for peace and imposed an arms embargo. They lacked enforcement mechanisms and were quickly undermined.

Though the US declared the crisis of genocide. By late 2004 a UN Commission of Inquiry declared this was not the case, further complicating the international response. Rather than the Darfur genocide, the UN was focused on resolving Sudan's north, south civil war through a 2004 Comprehensive Peace Agreement, which ironically excluded Darfur and sadly, emboldened violence.

Lastly, efforts to strengthen the intervention were obstructed by UN Security Councils members strategic economic and military interests in Sudan, and also, although the ICC eventually indicted President Omar Al Bashir in 2010 for crimes against humanity, war crimes and genocide in Darfur, hundreds of thousands of lives had already been taken. In Myanmar, the Rohingya people have been subject to a state sponsored systematic genocide involving forced displacement, mass killing and sexual violence. Though this crisis originated 1978 it escalated in 2016 and 2017 after a Rohingya militant attack prompted state led brutal clearance operations, while the UN condemned these abuses and held briefings on the topic. In 2017 the UN Security Council did not take substantive follow up steps, early international measure, measures such as the US and EU military sanctions and arms embargoes were uncoordinated and lacked binding authority. Some governments hesitated to act forcefully due to geopolitical interests, viewing Myanmar as a fledgling democracy, democratic ally.

Many favoured quiet diplomacy, which avoided mentioning the Rohingya crisis rather than confrontation. This reluctance to hold the government accountable, along with the acceptance of narratives portraying Rohingya peoples as terrorists, enabled further violence. A turning point came in 2019 when the Gambia brought a case against Myanmar to the ICJ, invoking the Genocide Convention, the ICJ ordered provisional measures to prevent further atrocities, but such rulings lack immediate enforcement power, making them unable to respond swiftly to an ongoing genocide.

Finally, regarding the situation in Gaza, our report critiques Israel's military operations in the region and the broader Palestinian Territories following October 7, 2023 it situates them in a history of settler-colonialism, the Nakba and the ongoing denial of Palestinians' self-determination. International responses to Gaza echo past failures as powerful States stand idly by or even offer Israel political cover for its atrocities. The

international community's inaction and complicity is shaped by deep rooted geopolitical factors, such as Israel's historical alignment with Western interests, its portrayal as a democratic outpost in a volatile region, and the powerful influence of pro-Israel lobbying in the West.

These forces have enabled Israel to expand territorial control while avoiding meaningful accountability, despite widespread awareness of the genocide, thanks to digital technologies enabling real time documentation of events, and despite the death of over 53,000 Palestinians and an imminent famine across the Gaza Strip, most global leaders have only gone so far as to adopt symbolically critical stances rather than take concrete actions. This is a glaring reminder that states continue to prioritize their strategic interests over humanitarian law and moral obligations. In conclusion, the report asserts that the failure to prevent genocide from Cambodia to Gaza are not isolated mistakes, but symptoms of a deeply flawed international system.

Legal instruments like the Genocide Convention are repeatedly undermined by political and economic calculations, racial and civilizational hierarchies further influence who receives international sympathy and intervention, even when legal bodies like the ICC, the ICG [International Crisis Group], or the ICJ [International Court of Justice] act, they do so slowly and their actions often do not carry the enforcement necessary to halt ongoing atrocities, the report identifies a recurring pattern of selective moral engagement when victims are geopolitically inconvenient or racially marginalized, action is delayed or denied. Real prevention and accountability require more than legal frameworks. They demand a radical shift in global political will, an ethos of common humanity and that instruments that are insulated from geopolitical manipulation. Thank you, and I'll pass it over to Richard now.

Richard Falk

I want to follow up on what Paulina Chan has laid before you, and to offer a couple of reinforcing generalizations, the first of which is that tries to emphasize on the one side, the distinctiveness of each general, each genocide that partakes of a particular set of circumstances. But despite this distinctiveness, international history from colonial times, from pre modern times, exhibits this inability and unwillingness to effectively protect victims of genocidal violence, and in that sense, the spectacle. Of atrocity that we've been witnessing in Gaza is part of a recurring pattern that even applied to the Holocaust, where nothing materially significant was done to halt a genocidal project of the Nazi regime until it waged a war of aggression that challenged the strategic interests of the Western powers, and so it's extremely important to recognize this resistance to waging peace, so to speak, on behalf of human rights, no matter how fundamental, no matter how much they shock the conscience of humanity and in the digital age, this shock is portrayed to the eyes and ears of the world on a daily basis, that creates a certain kind of populist moral fervor that exhibits traits of solidarity with the victims of genocide, And in this sense, the Palestinians struggle for self-determination has been characterized by exceptional resilience and resistance under very unfavourable conditions, and does represent a challenge to the whole of humanity. It is really the become the moral crisis of the 21st Century, and our Tribunal, the Gaza Tribunal, it makes an effort to acknowledge this deficiency in the global order and to work toward the empowerment of people to overcome the failure. Failings and shortcomings of the structure of world order, and we place great hope in this possibility of mobilizing,

solidarity, initiatives of a non violent character that can shape the outcome of a conflict more than the balance of military forces. This was demonstrated in. The Vietnam War, where the United States had total control over the air, sea and land dimensions of the war and yet lost the war. It was also demonstrated in South Africa by the degree to which an unexpected and surprising transformation of the white supremacist leadership didn't involve a moral awakening, but it involved a posing a choice between an apartheid, racist isolation in the world and a normalization based on the renunciation of institutional racism. We hope that we will become part of that process that not only contributes to Palestinian national liberation and attainment of self-determination, but also is a pedagogical experience for humanity in the need to give Law and Justice a much more central place in the preservation of security and the well being of humanity. Thank you very much.

Session 2: The Political Economy of Genocide and Obliteration of Gaza

Nakba, Liberation, and Decolonization through a Political Economic Lens: from 1948 to the Gaza Genocide

Lara Elborno

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My presentation today is entitled Nakba liberation and decolonization through a political economic lens, the case of the Gaza genocide. Before I begin, I would like to take a moment to remember the victims of the Israeli airstrike on the Fahme al-Jarjawi school in Gaza City two nights ago. Like it regularly does, Israel bombed these displaced Palestinian families while they were sleeping, killing more than 35 people, including at least 18 children, as Patrick Wolfe observed [Settler-colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event (Cassell, 1999)], "settler-colonialism destroys to replace."

Wolfe illustrated this logic by citing Theodor Herzl, the founder of political Zionism, who wrote, "If I wish to substitute a new building for an old one, I must demolish before I construct" [from *Der Judenstaat*, 1896].

From its inception, Zionism was conceived as a settler-colonial project. In 1895, Theodore Herzl penned a letter to Cecil Rhodes in his diaries appealing to the imperialist and architect of British settler-colonialism in Africa to support quote "something colonial" in a colony to be founded in a piece of Asia Minor ~ in other words, Palestine. It was no secret that this "something colonial" would require force to bring about. In 1919 the King-Crane Commission concluded that, "no British officer consulted believed that the Zionist program could be carried out except by force of arms."

In 1923 [Le'ev] Jabotinsky openly admitted that Zionist colonization, even the most restricted, must either be terminated or carried out in defiance of the will of the native population. Between 1897 to 1947 with the support of the British Empire, the Zionist movement established the institutional architecture for its settler-colonial project. It created organizations which attempted to acquire Palestinian land, coordinate Jewish-only immigration and settlement, fund raise globally and promote exclusive Jewish labour

policies. The formation of the Haganah in 1920 provided a paramilitary force capable of enforcing Zionist objectives through organized violence.

During this period, the majority Palestinian population was denied comparable rights. In 1925, Zionist banker (Zalman) David Levontin (1865-1940) argued that colonization of Palestine should take place using economic means, that is, the accumulation and control of land and capital by Jewish financial institutions and other enterprises. Levontin's approach would eventually prove insufficient, as by 1945 the Zionist movement had only succeeded in purchasing less than 6% of Palestinian land, and Jewish people remained a demographic minority despite extensive efforts to finance and incentivize settlement as Zionist leaders long recognized the project to establish a Jewish majority state in Palestine would not be fulfilled without the mass forced displacement of Palestinians.

Between 1947 to 1949 this objective was violently realized when Zionist paramilitary groups committed over 70 massacres, driving 80% of Palestinian society from 78% of Palestinian land upon which a self-proclaimed Jewish state was established. The settler regime's next major land grab came in 1967 with the beginning of the occupation and the remaining 22% of Palestine in the West Bank and Gaza.

While the Palestinian experience under Zionist colonization varies in the type and scope of violence, depending on geography, often described as different laboratories of oppression, Israel's treatment of Palestinians anywhere they are, reflects a single objective, to privilege Jewish Israelis in the distribution of land and resources and to ensure that the fewest possible Palestinians remain on their land.

Therefore, that Israel would seek to ethnically cleanse Gaza is not surprising. The majority of Gaza's population are refugees or descendants of refugees expelled from their homes in 1948 and denied their right to return for the Zionist movement, whose founding mythology rested on the fiction of a land without people. For a people without a land, Gaza has long represented a political and demographic contradiction, a physical and proverbial thorn in its side as the living reminder of the ongoing Nakba. Israel denies the enduring Palestinian right of return, which Israel has spent decades attempting, unsuccessfully, to extinguish. We also know that successive Israeli governments have consistently framed Palestinians as a "demographic threat," citing fears that the Palestinian population growth would surpass that of Jewish Israelis. By 2021, there were roughly 6.8 million Jewish Israelis and 6.8 million Palestinians living between the river and the sea, including 2.3 million Palestinians in the Gaza Strip alone. It's not difficult to understand why, absent mass displacement or extermination, the indigenous Palestinian population may have eventually outnumbered Jewish Israelis, thereby threatening the sustainability of the settler-colonial regime.

In 1948 and 1967, Israel's settler-colonial expansion advanced under the fog of war. The same logic appears at work today, while Israeli officials publicly frame their ongoing campaign in Gaza. In terms of self-defence and the necessity to retrieve hostages and destroy Hamas, these narratives functioned as 'hasbara', or propaganda, intended to obscure Israel's true motives and manufacture consent for Israel's crimes. In reality however, Israel's leaders have repeatedly and explicitly affirmed their genuine intentions for the Gaza Strip, carry out a new Nakba to forcibly displace Palestinians and permanently resettle the territory.

In October 2023, a leaked document from Israel's Ministry of Intelligence proposed the mass expulsion of Gaza's population into Egypt's Sinai Peninsula. Around the same

time, Israeli finance minister Bezalel Smotrich expressed support for the quote, "voluntary immigration," [14 November 2023] which should be understood as forcible transfer, transfer of Palestinians from Gaza to other countries. On 12 November 2023, Israel's agricultural Minister Avi Dichter proclaimed that Israel was, quote, "now rolling out the Gaza Nakba." By December, an Israeli real estate firm responsible for building illegal settlements in the West Bank began advertising a new real estate project for settlements in Gaza.

In January 2024, dozens of Knesset members organized a conference attended by thousands of Israelis devoted to planning Jewish settlement of Gaza. They even picked out the names of the new settlements which were to replace the Palestinian cities. In May 2024, Israeli Prime Minister Netanyahu revealed the Gaza 2035 plan, which envisioned the territory as a demilitarized economic zone. The plan involved rebuilding from nothing, exploiting Palestinian gas fields for Israeli profit and Palestinian labour to support the development of Israeli led industries such as electric vehicle manufacturing. In February 2025, plans to colonize Gaza were elevated to the international stage, when US President Donald Trump announced during a joint press conference with Netanyahu that the United States would quote, "take over" and, quote, "own the Gaza Strip," and redevelop it into, quote, "the Riviera of the Middle East." By April 2025, over 800 Jewish Israeli families had signed up to move to would be Gaza settlements. In May 2025, Netanyahu overtly declared for the first time since October 2023, Israel's intention to permanently, quote, "control all of Gaza." Adding that quote, "the war would only end on the condition of implementation of President Trump's revolutionary plan to depopulate Gaza." That same month, Israel's Finance Minister Smotrich admitted that within six months, the Gaza population would be confined to a narrow swath of land, with the remainder of the enclave "totally destroyed."

Meanwhile, the obliteration of Gaza has unfolded at an astonishing scale. By December 2024, Israel had destroyed over 92% of all housing and approximately 70% of all infrastructure. In May 2025, it was reported that, since October 2023, the Israeli army had used over 100,000 tons of explosives, committing over 12,000 massacres in Gaza. And today, the Israeli military has turned over 70% of Gaza into a no-go zone, pushing Palestinians into non-contiguous, shrinking pieces of land within the Gaza Strip.

Whether or not Israel succeeds in expanding its settler-colonial project remains to be seen. Nevertheless, there can be little doubt that left to its own devices, Israel will not stop until it erases Gaza and its Palestinian owners and replaces them. Viewed through a political economic lens, settler-colonialism creates vast opportunities for unjust enrichment for the settler regime and its partners, while imposing devastating losses on the colonized.

Let's look now at the private companies and state backed enterprises which are profiting as part of the ongoing Gaza genocide. The most direct form of enrichment occurs through the appropriation of land assets and resources. And as I already mentioned, the Israelis have already turned over 70% of Gaza into a no-go zone. With Israeli officials declaring their intentions to permanently control Gaza, the prospect of formal annexation of parts of or all of Gaza looms.

Israeli military forces have also engaged in widespread looting. The Israeli army's loot unit has stolen approximately 30 million US dollars in cash from Gaza and Lebanon. Soldiers were also documented reselling stolen personal items of Palestinians online.

Palestinian natural resources were also not spared. In November 2023, BP and other energy firms were granted gas exploration licenses in occupied Palestinian waters by the Israeli Ministry of Energy, flagrantly violating the Palestinian right to sovereignty over natural resources. And note the timing of this move. It was one month into Israel's bombardment campaign.

A second layer of profiteering stems from the destruction itself, the genocide has fuelled profits for arms surveillance and technology firms. In the first year, the US provided Israel with \$23 billion in military aid, funds that largely returned back to us weapons giants such as Boeing, Lockheed, RTX (formerly Raytheon), General Dynamics and Caterpillar. By late 2024 US arms manufacturers were recording record profits resulting from Israel's assault on Gaza and the then expansion of its war on Lebanon.

To give you an example, RTX, which manufactures the 2000 pound bunker-buster bombs that turned most of Gaza into rubble, saw an annual return of 82%, outperforming the S&P 500 by about 46%. This was in 2024. Israeli defence companies also saw windfalls. The state-owned Rafael Advanced Defense Systems' revenue jumped that year 27%, to \$4.8 billion, with 54% coming from Israeli military contracts. Its order backlog hit a record \$17.5 billion. Israeli Aerospace Industries reported a higher than ever backlog of orders in 2024 mostly for exports as Antony Lowenstein documents in *The Palestine Laboratory* [Verso Books, October 2024]. Israeli weapons marketed as "battle-tested on Palestinians," have reached 140 countries worldwide.

Arms deals also increasingly shape Israel's diplomatic relationships, often included in the normalization agreements with Arab states. Profiteering has even extended to private security and humanitarian aid schemes. Following Israel's relentless attacks on UNRWA, a private US military contracting firm run by a former CIA officer was hired to man checkpoints in Gaza and oversee the delivery of humanitarian aid to Palestinians who passed biometric face scans, cementing Israel's efforts to weaponize the delivery of aid and increase surveillance of Palestinians. Understandably, this plan has sparked outrage for the plan's incompatibility with humanitarian principles. The country of Jordan has also reportedly profited up to \$400,000 for every air drop of aid into Gaza, and up to \$2,200 for every truck entering Gaza through Jordan.

Tech companies have also profited. Google and Amazon's \$1.2 billion US cloud computing contract with the Israeli government Project Nimbus, continues to provide surveillance and AI infrastructure for Israel's military. Microsoft's Azure enabled the Israeli surveillance of Palestinians, and has been used by the Israeli Air Forces Ofec (aka Ofek 3241) unit, which manages databases of potential targets for air strikes. In parallel, Palestinians seeking to flee the genocide through the Rafah crossing were charged between \$5,000-10,000 a person by a private Egyptian firm Hala Consulting and Tourism Services, whose owner, business tycoon Ibrahim Al-Organi (aka Al-Arjani), made at least \$2 million per day, earning a reported \$118 million in a mere three months.

A third form of enrichment takes place once the destruction is complete. At that point, reconstruction presents a new frontier for capital accumulation. The interests lining up there are clear. Construction, cement, steel, real estate, energy security, technology and investment firms all stand to profit from reconstruction. On the flip side, Palestinians, experiencing this have been dealt a severe economic toll, a UN, EU and World Bank Report estimated reconstruction alone will require at least \$53 billion, yet the impact of the Gaza genocide cannot be understood without understanding the context in which it arose.

Decades of de-development, a 17 year siege, regular bombardment campaigns, a 56 year-long military occupation, and the 1948 Nakba have all eroded Gaza's economy. Consider that UNCTAD [UN Trade and Divestment] estimated that without Israel's 17 year-long siege, Gaza's gross domestic product would have been, on average, 77% higher than its actual level between the years of 2007 and 2023. As for the 1948 Nakba, Atif Kubursi [Institute for Palestine Studies] estimated that Palestinian monetary losses alone, which were never compensated, equalled \$11 billion.

Nevertheless, the biggest barrier to Gaza's economic recovery is the ongoing genocide. Gaza can recover, but for this to happen, Israel must first and foremost, cease its daily atrocities. As Dr Fayez Abu Shamali, the former mayor of Khan Yunis, explained, "I do not believe those that say rebuilding Gaza will take 10 years, or that rebuilding Gaza requires billions. This is an exaggeration meant to push people to leave the Gaza Strip and give people the impression that they will not be able to stay on this land. We, the people of Gaza, are capable of rebuilding it with any Arab assistance. The proof of this is the municipality which managed to restore the water supply, organize and clean the sewage networks, open the roads and bring life back to Khan Yunis with nothing but a single old bulldozer. Through the efforts and determination of the people, we can rebuild Gaza. We are staying in Gaza, and we will not leave this place."

And I know I'm running short on time, so I'm going to close with just a thought for your audience. I really want to emphasize this point as we discuss the genocide, it's very common to hear emphasis on the destruction of Gaza, and yes, this is true, but if we're only speaking about the destruction, without emphasizing the capacity, the ability and the will of the Palestinian people to remain on their land, their ingenuity, their brilliance, we may be doing more harm than good. It may lead some to conclude that Gaza is a lost cause, that nothing can be done. But there are still 2 million people in Gaza today, and they insist on living, and we must do everything within our power to ensure that they can remain on their land.

I have one last sentence. Palestinian revolutionary George Habash [1926-2008; founder of the Popular Front for the Liberation of Palestine] understood that the real enemy is not Israel and Zionism only, but American imperialism, describing Israel as a quote, bodyguard for American imperial interests. In this light, the Gaza genocide exemplifies the political economy of settler-colonial violence, in which the elimination of Palestinian life and future is inseparable from global systems of extraction and profit. While ideology, geopolitics and other drivers certainly play their roles in this colonial project, the material incentives sustaining this violence must not be overlooked. As others have observed, settler-colonialism cannot be dismantled without dismantling the capital systems that feed it. Thank you.

Enforcement and the Accountability Gap: The Crime of Starvation (online)

Hilal Elver

Steering Committee Member of the Gaza Tribunal, Professor of International Law and Former UN Special Rapporteur on the Right to Food

Good morning, dear friends and dear Palestinian sisters and brothers, I really wanted to be with you, but my very unfortunate accident left us here in California rather than to be together with you. I am very sorry about that. And also what we are talking about

now, what's happening in Gaza, it is extremely concerning. And every day I start to listen in Instagram Bisan Owda [from Gaza]. She always starts, "Here, I'm Bisan; I'm still alive." Recently, she doesn't say anymore. Because she has no energy. She cries and tries to tell us what was happening in Gaza everyday. So everyday when I start my life with Bisan, we are really preoccupied with how to go ahead and finish these days for them and us, it is a very personal issue.

My presentation starts from the ninth of October 2023. The Gaza Strip has been subjected to a complete blockade and sustained military assault that has produced mass killings and injuries, forced starvation, house demolition, infectious diseases, clean water shortages, destruction of agriculture and fishing fleets, ferocious livestock as well as broken health systems. All indirect attacks to the livelihood have created much more loss of human lives than direct killings in battlefields. There is no battlefield in Gaza. The combat zones are homes, tents, hospitals, schools, food distribution centres, bakeries, markets. The targeting of health and aid workers, journalists, teachers, children and pregnant women were not simply consequences of war or collateral damage, but they were victims of carefully planned, deliberately executed, coordinated state actions designed to destroy life in Gaza forever. These dire conditions were increasingly regarded around the world as an instance of textbook genocide.

After 600 days, atrocities are continuing to assault in front of the eyes and ears of the entire world, even more severe than ever, and yet Gazans continue to show uncanny resilience. The convergence of military strategy, political shielding and legal fragmentation has created one of the clearest famine cases of our time, and yet this famine seems exempt from any relevant accountability procedure.

Starvation as a political tool is a weapon of genocide and a societal torture that creates slow, painful death and destruction of the current and future generation, based on clear and multiple sources of evidences. Famine in Gaza is both a prelude to and a component of genocide that has profound societal ramifications. Using hunger as a tactic of war is not unique to Israel. It is one of the oldest weapons of warfare, from ancient conflicts to modern wars, yet it remains one of the least prosecuted war related crimes in both national and international courts. Hunger-induced atrocities, such as those witnessed during the Cambodian and Bosnian genocides have largely gone unprosecuted.

Establishing starvation as a distinct crime is difficult, because famines can have many causes, such as crop failures, unequal distribution of resources, economic problems and political conflict. Also, hunger-related deaths are often attributed to infections and exhaustion, making it less convincing to blame starvation for many food related deaths.

The absence of convictions for starvation crimes under international law has resulted in the lack of precedent and impunity. Powerful states that have a law-making role on the international level prefer to keep starvation crimes rather obscure. They all used it in the past, in colonial and post-colonial settings, and it could be used in the future. However, never has this failure been more salient than in Gaza, despite mounting evidence that starvation is being used by Israel. In many years as a method of occupation, oppression and warfare against a besieged civilian population, accountability remains elusive, if not altogether absent. Gaza, in fact, exemplifies the broader structural and political barriers that make starvation a crime that is rarely, if ever, adjudicated.

Unlike other starvation cases such as Sudan, Gaza is also fundamentally different.

The siege is centralized, applicable to the whole of the Gaza Strip, state led and publicly well documented. No escape, no exception. Israel controls everything, every stack of flour, every connection to the outside world. The UN Human Rights Council's Independent Commission of Inquiry Report and several special rapporteurs have corroborated these findings, as well as reports from UN specialized bodies and international NGOs.

In Gaza, starvation and blockade have a long history.

As we all know, during Israel's 17 year blockade of Gaza, it has researched how much food Gaza's residents need to survive at levels of bare subsistence. Israel even drafted a formula and put together calorie tables called 'Gaza Diet.' For this purpose, Israel entered the war with a vast amount of knowledge about the basic needs of Gaza's population, and made a conscious choice to deny access to adequate supply of food and portable water. Average food availability in Gaza, at best, fall 1400 calories per person per day, humanitarian ration is 2100 calories. As a result, Gaza now globally, a place where over 80% of the starving people are living there, which is an incredible statistic considering the tiny size and small population. A few months after the war began, mass starvation spread throughout the Gaza from north to the centre and from centre to the south. By December 23, when winter arrived, most Gazans were already living in tents or partly demolished buildings with no access to food, water, heating, cooking and toilets. The UN coordinated famine review system, called the Integrated Food Security Phase Classification (IPC), and the FEWS-NET, the United States based organization, both concluded famine was imminent. Actually, famine was there. Israel repeatedly denied starvation reports, and the US government belatedly ignored the dire warnings and the undeniable evidence. For a long time, almost all Western governments carefully ignored to use words famine and genocide. The visibility of the crisis, the abundance of reliable evidence, plus the involvement of powerful actors, makes starvation in Gaza both a test case of impunity for perpetrators and a tragic outlier with respect to international humanitarian law and morality, accountability gaps and ongoing impunity. Actually, starvation crime has been widely discussed among international law scholars. However, until very recently, Gaza had never been cited as an example of siege starvation when discussing criminality and impunity. This has to change.

Famine is never declared in the Gaza Strip. The technical definition of famine itself carries political weight and implies legal and moral responsibility. The IPC, which I mentioned before, a globally recognized framework, defines famine based on specific three thresholds. Despite abundant evidence of catastrophic living conditions, severe malnutrition and starvation, the IPC hesitated to issue a formal declaration in Gaza. The excuse given was the inability to collect data during the war and access into Gaza. The IDF has never allowed any international organization to enter Gaza since October 7, and the war conditions made reliable data collection nearly impossible.

Between 28th of April and 6th of May, just recently, the World Food Program and the IPC conducted a phone survey of Palestinians in Gaza. They asked what people were eating, how often, and what they were doing to get food. It was the fifth such survey since the outbreak of war 19 months ago. The IPC results were published in summary from the most recent one on the 12th of May, estimated that almost a million Gazans, 45% were already experiencing emergency, acute food insecurity, close to the starvation threshold.

Although the assessment and declaration of famine are put forward as purely technical exercises, they're often intertwined with political dynamics that can significantly impact the timeliness and adequacy of aid. Declaring famine in Gaza would increase political and legal pressure on Israel. This would trigger greater political and public scrutiny on states supporting Israel, military or diplomatically. Moreover, a famine declaration would put pressure on the UN and international community to confront their inaction and passive complicity. This reluctance and delay causes further suffering and underscores a critical aspect of the humanitarian crisis in Gaza helping to shield Israel from punishment or even authoritative sensory initiatives.

UN Special Rapporteurs consistently called famine in Gaza. They received strong criticism along the lines that UN Special Rapporteurs that are neither qualified nor empowered to declare famine. Despite the establishment of a monitoring mechanism about humanitarian aid with the UN Security Council Resolution 2720, which was made on 22 December 2023, has never been properly implemented. Israeli authorities consistently denied any wrongdoing. Even when a limited number of trucks were periodically allowed to enter Gaza, most of them never reached distribution centres because of the formidable blocking obstacles. When it comes to delivery, Israel accuses Hamas of stealing aid for its fighters, but hasn't provided evidence of this happening at scale. Even if it has, it hasn't prevented aid getting to the children who need it most.

To give a perspective. Let us take a look at humanitarian massacres in Gaza. There have been three outstanding massacres in Gaza. The timing of the three is very interesting. These are the revealing that attacking humanitarian aid was not only a weapon of war, but also it functioned as an integral part of the genocidal plan, as well as Israel's arrogant behaviour.

The first incident was the 'Flour Massacre', 29 February, 2022, a day after the World Food Program reported that more than half a million Palestinians were at risk of famine. Israeli forces opened fire with snipers while the Palestinians were seeking food from eight trucks on the coastal Al-Rashid Street in Gaza City. At least 118 Palestinians were killed and 760 injured. Survivors described that the massacre was an ambush.

Second incident occurred one month after the Flour Massacre, the attack on World Central Kitchen, an international NGO aid convoy attack on 1 April 2024, three days after an anonymous ICJ interim ruling included language suggesting the "plausibility of genocide". This attack created international outcry as the first time, a European NGO has been an Israelis target, reaching beyond the Palestinian aid workers, because European lives were more important.

In the third incident, the US government, to avoid harsh criticism by the public, built a temporary pier on the Gaza coast to facilitate transport of food aid. The multi-million dollar pier closed within days due to bad weather, then reopened on June 24. Israeli soldiers infiltrated the Al-Nuseirat refugee camp, disguising humanitarian aid trucks and killed more than 274 Palestinians, including 64 children, and injured over 700 more. It was a perfect scenario. The US paid for the pier, armed the Israeli forces, and followed by offering diplomatic cover in the aftermath of the massacre.

These three incidents were clear messages by Israel to the international community that no matter what international law principles obligated Israel, their behaviour will not change. On the contrary, it will be intensified. Three months ago, on 2nd of March, Israel refused to allow the entry into Gaza of a single truck of humanitarian aid on all

commercial goods, the longest period that Israel has imposed such a total blockade. The Israeli Defence Minister said: "Gates of Gaza closed, Gates of Hell opened" on March 27th: UNRWA left Gaza, followed by the World Food Program, which ended its operations because it ran out of food to distribute.

Most recently, Israel and the US organized privatized humanitarian aid called the Gaza Humanitarian Foundation (GHF) as an alternative mechanism for aid delivery. However, this initiative has faced criticism and skepticism from established humanitarian organizations and its director recently resigned today, citing concerns over its independence even the director, which is part of the machinery of the US and Israel. The UN refused to take part because the system fails to respect international law and humanitarian principles of humanity, impartiality, independence and neutrality. Experts are suspicious about the cooperation between Israeli private business people, former CIA operatives and anonymous donors. A prominent scholar Alex De Waal called: "This is surveillance humanitarianism, the full target encounter packed to the IDF algorithms that select who to bomb".

The attack on UNRWA by Israel was known to everyone. UNRWA played a long standing critical role in Gaza and in the wider region. After October 7, Israel unleashed a vicious PR campaign equating UNRWA with Hamas and blamed the agency for promoting extremism and terrorism. The US, the agency's largest donor, cut its entire contribution during the Trump presidency.

On October 24 Israel's Knesset passed a law banning UNRWA from activity. On April 28, 2025 the International Court of Justice (ICJ) listened to a variety of arguments supporting a UN General Assembly request for an advisory opinion on Israel's obligation to allow humanitarian assistance in Gaza and the West Bank. Israel boycotted the ICJ proceedings. 39 states made presentations in the Hague, along with Palestine, the UN, the Arab League, and the African Union. Only the US and Hungary supported the Israeli case. Israel's Foreign Minister, Gideon Sa'ar, called the ICJ: "anticipated response to another shameful proceeding designed to de-legitimizing [his country]" and branded the "ICJ hearing as a circus".

I think my time is completely ending. I was talking about the double standard in ICC, ICJ compared to other cases, but when we have time, we can go more on that part.

In sum, Gaza's uniqueness lies not only in the severity of the starvation, but in the clarity of the violation and the visibility of the suffering in real time, yet it is far beyond the reach of accountability and enforcement. It is the most visible starvation crime in modern times. This is not a remote or inaccessible crisis. It is digitally documented, politically debated and legally framed. The very clarity of the case exposes the structural failing of international law to geopolitical pressure.

Gaza has become a litmus test. If starvation so evident, so deliberate and so publicly go unpunished, then the international legal system's promise of humanitarian protection and genocide prevention is hollow. It also reveals the limits of law and legality in a world where power, not principle, often dictates whether justice is attainable. Gaza is not simply a humanitarian catastrophe, it's a legal and moral failure of the international community. It reveals the structural impunity of criminal law, the political economy of war and humanitarianism, and the selective invocation of human rights principles. In doing so, it offers a stark reflection on the limits of legality in the face of political

power. Let's hope Gaza ends the long standing impunity of the starvation crime for all. Thank you very much for listening.

Ecocidal Violence in Gaza: Is it Part of Genocide or a Separate International Crime? (online)

David Whyte

GT Chamber 2 Member, Professor of Law and Director of the Centre for Climate Crime and Climate Justice at Queen Mary University

I'm Professor David White, and I'm a professor in the School of Law at Queen Mary University of London. This evidence is on ecocidal violence in Gaza and addresses the question, is it part of the genocide, or is it a separate international crime? Well, first of all, the concept and term Ecocide emerged in the context of the US anti-war and anti-imperialist movement, and it sought to describe the mode of warfare used by US forces in Vietnam that targeted the ecosystem as its modus operandi, and that modus operandi had two purposes: first, the removal of foliage, chemical clearing of dense forest areas to remove the physical, visible obstacles from U.S. surveillance and to make U.S. ground operations easier by removing the Viet Cong's physical cover; secondly, eradicating the social base for any resistance or the capacity to exist outside U.S. Occupation, mass defoliation, sorry, forced people out of their homes to strategic hamlets, as the US military called them, settlements that could be more easily controlled and monitored.

In his publication of a draft law of ecocide, (*Environmental Warfare and Ecocide Oslo: Universitetsforlaget*), 1973, Richard Falk launched a devastating critique of the demonic logic of counter insurgency theory, stressing that the US is intention was to separate the people from the land by making the land uninhabitable, on undermining any support at all for resistance. The evidence here, set out here and in my written submission, addresses the extent to which the destruction of ecosystems in the ongoing military attacks on Gaza or the ecocide can be regarded as an integral part of the genocide as a point of departure.

This presentation uses Part C, of Article Two, of the Convention on the Prevention and Punishment of the Crime of Genocide as a point of orientation, ie, the deliberate inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part. A number of provisions in the Geneva Conventions also refer to the prohibition of methods of warfare which are intended or may be expected, to cause widespread, long term severe damage to the natural environment and attack civilians through the destruction of environmental infrastructure. This similar provision features in Article eight of the Rome Statute the International Criminal Court, although there is, of course, a get-out clause that environmental damage needs to be clearly excessive in relation to the concrete and direct overall military advantage anticipated, and this would most likely be argued by the Israeli state.

The evidence here, however, doesn't seek to establish a case in law that any of those thresholds have been met. Rather, it uses those thresholds as a departure point for the discussion that follows. I want to start with some comments on the geopolitical domination of key imperial powers in the Middle East and the roots of war in that context, the establishment of the State of Israel is closely bound up with British and US geopolitical interests. Israel has been an important channel for both British and US interests in the region, and along with the cultivation of friendly relationships with some Arab states, has

enabled both Britain and the US to maintain access to oil in the Middle East, and indeed, has enabled Britain and US companies to maintain a strong position as producers and traders of oil and gas in the region. The US relationship with Israel allows it to maintain its continuing military and economic presence, and I detail this more in my written evidence. This is an entry point into understanding the war on Gaza as an ecocidal war.

The War on Gaza can't be described as a war for oil per se, yet, war here is only and the vicious attacks on Gaza can only be sustained because the US is Israel's largest military ally, and this is due largely to the geopolitical motivation for the US to preserve its influence in the region. It is the imperial thirst for oil that is fuelling the attack on Gaza. At the same time, Israel's integrated energy strategy at the moment, is aimed at positioning itself more centrally in the Middle Eastern economy, and allowing it to consolidate economic relationships with the Arab states it seeks a closer political relationship with, including Egypt and the Gulf states. Israel therefore sees its integration into the Middle Eastern gas economy, particularly as central to its aim of political regional integration more broadly.

As I discuss in my evidence, the development of both the Levant Basin and the Negev Desert pipeline are an indication of Israel's diplomatic opportunism and its strategic positioning on this front. Israel sees its political integration in the region as closely bound to its positioning as a broker for the oil and gas industry between Asia and Europe. And therefore, we cannot understand what's going on in the Middle East unless we understand this wider context of where Israel fits and where the large global powers fit, in a fossil fuel driven geopolitical environment.

I want to address my comments, particularly though to the introduction that I set out around issues of ecocide as the modus operandi for warfare. The environmental toll of military operations in Gaza, including carbon emissions, the desertification of arable land and the contamination of water and air have been detailed in all submissions, and I have noted evidence of this extensively in my written evidence. But in summary, the cumulative effects of the unimaginable levels of ground air and water pollution have created a concentration of interconnected health crises that is almost unimaginable in its scale and impact on the people of Gaza.

Deadly toxins already ever present and part of the integral structure of Gaza's roads and buildings have reached unbearable levels in its air, its groundwater, and its land, not to mention the complete destruction of biodiversity in coastlines and wetlands. The collapse of agricultural systems, waste disposal and water management has meant disease proliferation and further environmental toxicity. The near total collapse of Gaza's water sanitation and hygiene systems has created the public health emergency of unimaginable proportions. Gaza is enduring the systematic and intentional destruction of the natural environment for strategic military ends, and its purpose and effect is the eradication of the capacity for all life in Gaza. There can be no doubt about the very deliberate strategic aims of this strategy, given the overwhelming evidence that I document in my written evidence.

Pursuing Physically Disabling Combat Tactics

Penny Green

Steering Committee Member of the Gaza Tribunal, Professor of Law and Fellow of Academy of Social Sciences

Since October 7, 2023 Gaza has experienced what UNRWA Commissioner General described as a pandemic of disabilities, with thousands of Gazans subjected by the Israeli occupation forces to the horrors of limb amputation, spinal cord injury, life changing burns and acquired brain injury, there have been more than four-and-a-half-thousand documented amputations, and thousands of cases. I mean, it's a difficult statistic to find, but there will be thousands of spinal and brain injuries as a result of the genocide. A disproportionate number of these injuries have been afflicting children.

A year ago, a World Health Organization analysis estimated that between thirteen-and-a-half-thousand to seventeen-and-a-half-thousand Gazans have suffered severe limb injuries, placing an unimaginable burden on as we heard so eloquently yesterday, a near non-existent rehabilitation service. According to a report by UN humanitarian coordinator Sigrid Kaag, in less than a year, Israel has inflicted life changing injuries on more than twenty-two-and-a-half-thousand people in Gaza, and that figure has surely risen very, very dramatically.

Genocide is a process developing over many years. It begins with practices of institutional dehumanization and ends in erasure. And throughout, it involves periodic massacres, practices of apartheid, segregation, systematic weakening and social reorganization. I'm going to discuss that more in my submission to tomorrow's Chamber 3 submission. But for now, I think it's very important to understand that genocide is a process and not an event.

In Israel's genocide of the Palestinians, the production of mass individual disability and the institutional disablement of a once functioning Gazan society are both critical elements in advancing Israel's goal, its organizational goal of the annihilation of the Palestinian native. Genocide necessarily involves the prior and organized weakening of those to be eliminated. The process is attritional and includes state strategies of physical destruction through overcrowding, malnutrition, starvation, targeted disablement, epidemics, denial of health care, torture and rape, and state strategies of psychological destruction through humiliation, abuse, persistent violence, denial of basic rights and the undermining of community solidarity through collective punishment and collaboration.

Evidence of both the physical and psychological components of Israel's strategy to destroy Gaza has long been provided by human rights organizations, and Paulina Chan stressed the significance of civil society in this role. Systematic weakening is enabled through practices of segregation and apartheid, and is most potent once the target group has been physically and socially isolated.

When Israel's minister, then defence minister, Yoav Galant, on October 9th, 2023, two days after the Hamas attack, announced the complete siege of Gaza with no electricity, no food, no water, no gas, Gaza's infrastructure had already been weakened to a point which made daily life in this trip almost untenable for the disabled, newly injured and chronically ill. Access to life-saving and life-enhancing treatments and assistive devices had been restricted for many years before the current annihilation phase of Israel's genocide, Gaza had been placed under a brutally restrictive Israeli air, sea and

land blockade, which the UN anticipated would make Gaza what it described as 'unlivable' by 2020. During the sixteen years prior to October 7th, Israel exerted total control then over the movement of goods and people into and out of the enclave. Access to essential items was severely constrained or simply prohibited, including certain medicines, batteries essential for assistive devices, water and sewage pipes, concrete and diesel fuel, which Israel claimed had a dual function and could potentially be used to support terrorist infrastructure.

Israel's prohibition on the import of carbon fibre, elements that are used to stabilize and treat limb injuries, and epoxy resins used in the production of lightweight and comfortable prosthetics, has meant that the injured and the amputees of Gaza were and are being denied assistive technology that would allow for independence, mobility and a far greater quality of life.

Decades of systematic and targeted attacks on Gaza's health and rehabilitative structures, covered with almost two decades of blockade and the now mass bombardment of hospitals and total siege have ensured that the newly injured, the chronically ill and the disabled are denied adequate health care and rehabilitation resources, such that they remain in a state of injury rather than transitioning into what Jasbir Puar of Rutgers University has called functional disability. (Note: *The Right to Maim: Debility, Capacity, Disability* (Duke University Press, 2017)) To be functionally disabled, as opposed to being in a state of injury, represents, for Israel, an act of Palestinian resistance, a resistance that must be suppressed. Any assertion of Palestinian resilience and recovery somehow represents an existential threat to Israel's identity. By disabling the capacity of Gaza to heal and rehabilitate the injured, to feed the starving, to educate the young, and to house the dispossessed, Israel attempts to weaken resilience and the possibility of resistance.

Israel's calculated and wholesale and relentless decimation of Gazan healthcare represents something hitherto unseen in modern genocides. It might be termed senescide. By debilitating health care infrastructure Israel has ensured that the injured are much more likely to become permanently wounded, placing an ever greater strain on Gaza and health infrastructure already disabled by the blockade.

But in the annihilation phase of genocide in post-October 7 Gaza, Israel has turned hospitals and rehabilitation services into killing fields. On the 13th of November 2023, the IDF posted but later deleted a tweet in which they called hospitals and ambulances legitimate military targets. As well as bombing hospital infrastructure, murdering patients and destroying incubators, ambulances, medications and life support systems, the occupying forces, as we heard so poignantly yesterday, have tortured, disappeared and assassinated hundreds of doctors, nurses, physiotherapists, paramedics and first responders.

In April 2024 the Gaza Ministry of Health announced that some 500 medical sector staff had been murdered and 1500 injured by Israel. Again, that number has increased dramatically, with 155 health facilities damaged and 35 hospitals and 53 health Centres rendered non-functional. The Ministry further reported that 309 medical staff at that time in 2024, including hospital directors in Gaza, had been kidnapped and detained by Israeli forces.

In Jasbir Puar's excellent book, *The Right to Maim*, she argued that in Gaza, I quote: "The infrastructure that ought to sustain life is transformed into a system threatening life

itself.” By creating a population which is heavily reliant on a health care system to survive, while simultaneously decimating that system, Israel has been able to create much more damage than it caused with the initial injury event, causing an injury that makes one’s existence reliant on a certain medical device or treatment vital to livelihood. For instance, sterile dressings, the use of catheters, stoma bags, feeding tubes, medication, antibiotics, painkillers, prosthetics, mobility aids, and then denying that resource. So spreads the stigmata of injury and disability far further than that of the individual person who has been disabled in such a context, where the very structures designed to treat, assist and rehabilitate are themselves dismembered. The injured cannot transform into the functioning disabled.

Violently disabling large numbers of the group, and disabling the very infrastructure which supports life in the Gaza Strip are central means by which Israel has advanced this organizational goal that I talked about earlier, of imposing a Jewish ethno-national state in Palestine. The consequences of using the Gaza Strip as a weapons laboratory have been profound. During the First Intifada, for example, the deployment of high velocity, fragmented bullets, which left a lead snow storm, resulted in multiple cases of disability.

Now, the policy that Israel employed at that time has been abandoned. It’s simply mass death now, replacing targeted disability. Dr Adnan al-Bursh, who we heard about yesterday, before he was tortured and raped to death, described what he witnessed working as a doctor and the way in which Israel creates a disabled generation by using destructive types of bullets and deliberately shooting protesters and others in the knees and in their joints.

Ghassan Abu-Sitta, a plastics and reconstructive surgeon who worked at Al Shifa Hospital for 43 days, described in tweets the devastating impact of Israel’s deployment of quadcopter drones with sniper guns. He said, one night, we had 30 injuries, 30 injuries when we were sent, when they were sent to shoot at people trying to get to Al-Ahli hospital.

Reham Shaheen, a humanity and inclusion rehabilitation expert, suggests that the type of weapons used in Gaza mean that 70 to 80% of the people coming to hospital have been amputated or have spinal cord injuries.

These particular injuries require immediate intensive care and rehabilitation and equipment provision spinal cord injury rehabilitation in the United Kingdom, for example, requires a minimum three month inpatient stay and the involvement of multiple different specialists for rehabilitation purposes, as well as sniper and gunshot wounds, vast quantities of explosives have rained upon Gaza, all of which directly contribute to amputations, traumatic brain injuries, spinal cord injuries and other serious internal injuries, often due to collapsing rubble.

There have also been eyewitness accounts of white phosphorus being used in densely populated areas of Gaza, all of which pose a high risk of excruciating burns and lifelong suffering. According to UNICEF, more than a thousand children underwent limb amputations in the first three months alone of the genocide, and an estimated 10 children per day continue to lose one or more limbs through bombardments, crush or sniper injuries. As a consequence, Gaza is home to the largest cohort of child amputees in modern history.

A report published in *The Lancet* in July 2024 reported that up to 186,000 or even more deaths were likely to be attributable to Israel’s genocidal assault. This shocking, yet acknowledged by the author’s conservative calculation, factors in the indirect and

premature deaths caused by reproductive, communicable and non-communicable diseases that are the inevitable consequence of the total siege, mass bombardment, orchestrated starvation, mental and physical trauma, and the mass deaths and injuries inflicted by Israel on the population of Gaza.

Evidence, as we heard yesterday, of hepatitis and meningitis outbreaks have been reported by Gaza’s health ministry, and the highly infectious poliovirus has been detected in sewage outlets in various areas of Gaza. Lack of access to sufficient food and water slowly disables a previously able population by causing vitamin deficiencies, muscle wasting, cognitive impairment and immune suppression, increasing susceptibility to infectious diseases, while physical injuries and the consequences of starvation and illness in the context of genocide are so extensive as to be difficult to enumerate. The scale of mental health damage will impact every single Gazan. The first detailed report from Gaza on the genocide and mental health exposed what Victoria Brittain has called ‘an ocean of need’.

The scale of mental trauma and its attendant pathologies, of PTSD, depression, anxiety and more is incalculable. Nonetheless, the Gaza Community Mental Health Program anticipates that as the war continues, every child will need mental health support. And what of the previously disabled at a time of genocidal disablement? Haunting images of families impossibly pushing antiquated wheelchairs through rubble and destruction as bombs explode behind them, the starving child with cerebral palsy, [ten-year-old] Yazan El-Kafameh staring pleadingly from a stretcher in Rafah’s Abu Yusuf El-Najar hospital. Noor al-Huda, an eleven-year-old girl with cystic fibrosis admitted to Kamal Adwan Hospital, suffering from malnutrition, dehydration and a lung infection. The deaf sisters Iman and Abeer who cannot hear the bombs or the warnings of those around them, or Mohammed Bahar with Down’s syndrome, who could not understand the murderous intent of Israeli soldiers as they invaded his home with their dog who was eventually to murder him.

These are the faces of disability in Israel’s genocide. Evidence from other genocides, notably the Holocaust in Rwanda, suggests that some of the earliest and most damaging effects of genocide are likely to be felt by the existing disabled community. Following 16 years of an illegal blockade, which, as I said, systematically and comprehensively weakened the whole Gazan population, disabled people were disproportionately impacted, having long been denied adequate access to the liberating assistive devices available in the West, including power assisted attachments for wheelchairs, crutches, latest development prostheses and hearing aids. Gaza’s disabled population face a host of extreme barriers as they experience the destruction of genocide through the lens of their own disability, in effect, becoming doubly disabled as Israeli bombs rain down on civilian homes. And in the wake of the relentless stream of evacuation orders, the medical and physical assistive devices essential to health, well-being and ultimately, life, are frequently lost. Left behind or destroyed in the chaos of terror and flight, the disabled become separated from their essential caregivers, a terrifying situation for people who rely on trained others for their most basic daily needs, without catheters and other continence essentials, adaptive toilet seats, wheelchairs, prostheses, walking frames and other mobility equipment, hearing and sight aids, as well as life-saving medications, disabled people become dangerously vulnerable. For those members of that population relying on total parental nutrition, TPN and other forms of medical tube feeding, the impact is equally devastating, immediately devastating.

Electric wheelchairs and other assistive devices require a constant source of power. The siege renders these devices unusable, and the consequences can be devastating, as we heard yesterday that Rafah is entirely without electricity. Without electricity, lifts don't function, rendering the many physically disabled who live above ground floor in Gaza's high rise apartment blocks unable to evacuate. In an orphanage in northern Gaza, evacuation was an impossibility, given the very high care needs of the 12 children who were disabled in its care for those able to flee, leaving accessible homes and supportive devices for a future of uncertain, inaccessible, inaccessibility imposes an added terror.

Over 90% of the population of Gaza have been forced to flee their homes. I think it's 95% now, sometimes multiple times. And the tents and shelters to which they have fled are extremely inhospitable homes for those who require assistive devices, disabled toilets, medical mattresses and sterilized conditions. For the disabled whose mobility was impeded, death then becomes the most obvious consequence. And to conclude, Israel's mass annihilation solution for the Palestinians of Gaza has followed decades of state-orchestrated dehumanization, apartheid, sporadic violence and systematic weakening. The disablement of the Gaza Strip through bombardment, ground invasion and siege and starvation, means that every single Gazan trapped within its narrow confines has effectively been disabled. The purposive life that they lived, the places where they loved, worked, socialized, maintained health and were educated, have vanished as homes, schools, hospitals, universities and public offices have been obliterated through the wholesale genocidal. Israel has ensured that death rather than functional disability now follows injury and trauma. Thank you.

Expert Witnesses

Fatma Benli Yalcin

Lawyer and Former Member of Turkish Parliament

Dear participants, you may remember that in 2020 Australia shot and killed 5000 camels from helicopters, saying that they caused damage to air conditioners and infrastructure in their search for water. And people from across the world mobilised, to save as many camels as they could. I am sure if you talk about 2.3 million camels or cats, the world would have done whatever it took to prevent 100,000 bombs from being dropped on them, to stop them from being burned alive in tents and buried under rubble, or dying in pain from organ failure caused by starvation. However, when it comes to Israel, unfortunately, for the past 20 months, the world has failed to prevent the 38,000 children losing their mom or dad or both. The international committee has failed to stop 900,000 children from facing starvation, while thousands of aid trucks have been waiting off the border. As you know, famine causes children go blind first, if. Even if a miracle happens after they survive today, months without food and clean water and medicine mean they will not have healthy lives, even in the lands to which they are forcibly displaced. We are living in a period in which international convention and the rules of humanitarian law that should be applied in conflicts are completely disregarded. Countries are ignoring their duty to prevent genocide and supporting war crimes by still providing weapons to Israel. Beyond children, Israel killed thousand babies under the age of one.

These media outlets and statements still continue to label the situation a war or conflict. It is not a war, not a conflict at all. Actually, from the very first day, it has been act

of mass destruction with the clear goal of the occupation and annexation. Is it known? On May 5, 2025, Israel approved the plan to expand the attacks on Gaza. According to this plan, more of Gaza will be occupied. The buffer zone, which already take more than 30% of Gaza will widen. The IDF force will not leave the occupied areas.

Netanyahu openly said that now we will change the face of the Middle East, but this is not the point that was reached gradually over the past 20 months because of Netanyahu said on October 7, actually, I say to the residents of Gaza leave now, because we will operate forcefully everywhere. We will reduce everything into rubble. Actually, that has already happened for entire Gaza. The same day, Nissim Vaturi, who is Deputy Speaker of the Knesset and member of Likud party, wrote on social media, "we are now united to one goal, to wipe the Gaza Strip off the face of the earth." They did, but they said, actually; Gaza is now humanitarian disaster zone where nothing is left for survival.

As the Ombudsman Institution of Türkiye, which is the constitutional body. We have been documented to genocide in Gaza for over 17 months. Copies of copies of our work are available here. With you. You can also find them on our website, www.ombudsman.gov.tr Just five months after October 7, we published our special report, *Gaza: Nakba of Humanity*, from the world's largest open-air prison to the world's largest children's cemetery, which clearly states that Israel has been committing genocide. In February 2024 we sent our report to ICC and ICJ and stating that unless the war stops, the main goal is full occupation of Gaza. Since then, we have published seven thematic reports on starvation in Gaza, prohibitive weapons in Gaza, the longest occupation of the century, also being a child, being a woman, being a health worker in Gaza.

And as understood by the reports, the reality has been clear from the very first day. As you know, on September 22, 2023, two weeks before October 7, Netanyahu spoke at the UN General Assembly and mentioned a "new Middle East" in relation to Israel and Saudi Arabia, and the map he displayed showed the Gaza Strip, the West Bank, and even the East Jerusalem marked as Israeli lands. Actually, since day one, Israel has worked to take that map a reality.

Just two days after the attacks, Israel began using starvation as a weapon of war to force 2.3 million people from their homelands. On October 9, 2023 Israel Defence Minister Yoav Gallant said on TV, "we are imposing a full siege of Gaza, no electricity, no food. Everything is closed. We are fighting human ordinance, and we will act according to Israel's target, the entire civilian population."

From the beginning on October 12, 2023 Israeli president has openly said that it is the entire nation out there that is responsible. That is why 69% of those killed are women and children. Unlike in any other war before, in the first week, Israel bombed water sources and began starting destroying the agriculture at livestock facilities. It left Gazan people completely dependent on external humanitarian aid to survive. 93% of the aid was blocked by January 2025, after it was announced that Gaza could become the Riviera of the Middle East on March 2, Israel completely stopped the aid.

You know, just six days after the October 7, Israel issued an evacuation order for 1.1 million people in the North to move to the south, to the Egyptian border, seeking to wipe out all the Palestinian existence. From the very beginning, Israel has destroyed not only houses, but also archaeological sites and even cemeteries. They even bombed a fifth century church, the Greek Orthodox Church of Saint Porphyrius, which is the third oldest church in the world.

Israel has ignored international court from the beginning, just after the ICJ decision on January 29, 2024 just four months after October 7, the return to Gaza conference was held, 40 ministers and many MPs attended. The minister start a map of the settlements that will be on Gaza, both in Gaza. Minister Ben Gvir said, "We need to encourage the immigration of Gaza," while the Minister of Finance state that soldiers fighting in Gaza would be favoured for settlement there. Therefore, unfortunately, it's not surprising that one and half years later, they announced the occupation of Gaza. They state that the entire population of Gaza has no alternative but to leave and confirmed talks with other countries about the possibility of accepting large numbers of Gazans.

Israel is openly destroying and stealing their lives and also their homelands of 2.3 million people with bombs and systematically man-made famine. From the very beginning, Israel has been describing Palestinians as inhuman, animal, sick people. Even described them as the Amalek people who must be destroyed without mercy, including infants and also breastfeeding mothers.

On August 8, 2024 Minister of Finance of Israel said, "Blocking libertarian aid to this Gaza Strip is justified and moral, even if caused 2 million civilians to be anger, to die of hunger. I want a Jewish state that includes Jordan, Lebanon and parts from Egypt, Syria, Iraq and also Saudi Arabia." On May 6, 2025, Minister of Heritage of Israel, Amihai Eliyahu of Otzma Yehudit (Jewish Power), said, didn't hesitate to say on TV, "They need to starve. If there are civilians who fear for their lives, they should obey the immigration pillar which they have been following." This immigration plan the government explained on the second day of the attacks in 2023.

In the past, videos showed children from 6 to 10 suffering and dying in Gaza. But today we see infants, only a few months old, suffering, covered in blood. In April 2025 they amputated the arm of ... 2-month-old baby without anaesthesia, and I don't know what further horror is waiting for them. The world has not stopped Israel from killing 20,000 children, most of them under the rubble.

Whatever happens today, the free world must not allow the Gazans to be expelled from their homelands. If the satellite city is built on top of the bodies of children and on the world's largest children's cemetery in Gaza, the annexation will not be end there. Israeli minister Smotrich already openly declared that 2025 will be annexation year of the West Bank. You know, there are 6.4 million Palestinian refugees worldwide because of Israel: it is only a matter of time before another 2.3 million people from Gaza and 3.3 million people from West Bank join them when that happens, believing that Al-Aqsa mosque will remain untouched is just a dream. Israel believes they will always have impunity, and they feel free onto this to speak of stealing homelands, the others' lands, because they have never been held accountable for the measures they committed over the past 75 years. Even if that is virtual court for now, it is important to document these crimes and make them pay for it eventually. For this reason, I thank you for all for being here today and for all your efforts. As you know, they plan And Allah plans, and Allah is the best of all planners (referring to a verse in the Quran). Thank you for your time.

Mazin Qumsiyeh (online)

GT Advisory Policy Council Member, Nobel Peace Prize Nominee, Professor of Biology and Founder of the Palestinian Museum of National History and the Palestine Institute for Biodiversity and Sustainability

I'm going to be very brief in describing. We have a genocide, of course, going on, but

we also have an ecocide, scholasticide, a medicide. Scholasticide, for example, destruction of the universities in Gaza, destruction of the schools, educational system, etc. I won't talk about that. There is an ecocide, which is destruction of the environment and the infrastructure for the people and for nature. And not just in the Gaza Strip, but also throughout Palestine. From the Galilee north to the Negev south, there has been a damage to our environment in the past eight decades of colonization. I'll mention a few examples again, because of lack of time, but I can send you a database on environmental injustice issues.

Example number one, drainage of the wetlands in the Hula (Valley) area in the north that devastated the lives and livelihood of the people, and actually they were expelled. 11 Palestinian villages and communities were expelled. But this also damaged the environment, because when you drain the wetlands, the migrating birds have no place to settle down, so it impacted diversity in the area. 219 species disappeared from the area, and the wetlands are gone.

The second example: diversion of the water of the Jordan River Basin from Lake Tiberias to the West Jordan River used to flow at 50-million cubic meters per year. Now it flows at 20-million cubic meters per year, which is barely a stream, and it's polluted. The death, again, had devastating impact on the lives and livelihood of the indigenous people around the Jordan River Basin, whether Jordanians or Palestinians or in the upper reach Syrians and the Golan Heights area. That devastation also is damaging, not just to people, but also to the biodiversity of the Jordan River Basin, to agriculture, to everything else in the Jordan River Basin. That's example two.

Example three: After Israel was created, they ethnically cleansed about 540 Palestinian communities, villages, towns, Bedouin communities, etc. And when they did that, they destroyed the landscape around these villages and towns. That includes destroying domestic trees and wild trees, bulldozing them, basically, domestic trees like figs and almonds and olives, of course, and wild trees like carrots and oaks and Hawthorn and so on. Millions of trees were uprooted and in place of those depopulated Palestinian villages and their trees and their plants, Israel planted pine trees, European pine trees. And this was devastating for the biodiversity of the area and for the people's lives and livelihood.

This is example three. I could list you another 100 examples over the past 77 years or so, but I want to list some examples from Gaza, so I'll just jump onto the situation in Gaza and in Gaza, we did some research. We have data now, for example, we did a publication in the [open-access] *Journal of Remote Sensing*, where we use point-five meters and three-meter resolution satellite images to look at the destruction of tree cover and greenhouses in Gaza.

And destruction is devastating in some parts of Gaza, it was 94% like in Gaza City Governorate, 94% of tree cover was destroyed. In other areas like South Gaza and Rafah. It was less, but that was until the period of the study, which was one year from October 19, 2023 to September 2024, one year destruction. Since then, of course, there has been more destruction. So essentially, we now estimate that on average, 95% of tree cover in Gaza is gone, and the same for greenhouses. By the time we did the actual initial study, in one year most of the greenhouses in the northern half of the Gaza Strip were gone. In North Gaza district itself, only three greenhouses were left, and those have since been demolished. So we see this damage that's devastating, from this study

and from subsequent studies. We did another study on the natural plant cover and the habitats of species, including endangered species listed on the International Union for Conservation of Nature / IUCN Red List, and those species have been devastated, also according to our imaging and data analysis of their habitats and so on.

The Food and Agriculture Organization of the United Nations did some study on agricultural fields, found similar that 82 to 85% of agricultural fields were damaged.

The cost of this damage is incalculable. Well, I mean, you can estimate, and you can do some calculations, but this requires a lot of research, time and effort and estimates of a reconstitution, and it's difficult at this point to judge cost for restitution. For example, we don't know the level of the residual white phosphorus and depleted uranium and heavy metal.

I will end by saying the ecocide could be more devastating long term, for human health and human livelihood. In Gaza, for example, the risk for cancers from the residues of the bombs that are left, from the smoke from the debris. All of this requires a lot of research. There is already some research, including ours and others. There's probably a few-hundred papers just on the Gaza ecocide damage that are out there in the literature. But this research needs to be compiled, documented and summarized in legal briefings and so on, but we clearly know that the damage is horrendous. The damage to the water aquifer in Gaza, for example, it would be very difficult now to think whether the water aquifer will be possible to replenish or not, because Israel flooded the tunnels that the resistance movement has built. They flooded them with sea water, and so sea water in the tunnels the soil structure, sub strata structure goes into the aquifer. The aquifer has become unusable now, but would it be possible to replenish it in 20, 30, 50, years? The answer to that is unknown and requires some additional research on what we have done. I will stop here, and I'm happy to give you more information if you email me or whatever. But there's a lot of data that is to be summed up, and the data is overwhelming. The damage is probably my own estimate of just last, the last year-and-a-half, is estimated at least \$500 billion. Thank you.

Sami Al Arian

GT Chamber 2 Member, Professor of Public Affairs and Founding Director of the Center for Islam and Global Affairs (CIGA)

My argument today deals with the essence of the Israeli Palestinian conflict. We do not have a Palestinian problem. What we have is an Israeli problem. And the essence of the Israeli problem is the Zionist movement. The Zionist movement that started over a century and a quarter ago, as Lara Alborno said earlier, is a settler-colonial movement that embodies a racist and supremacist ideology aims to approve the indigenous people in Palestine and replace them with Jewish communities from around the world. Because of the limitation of time, I'm going to skip the impact of that Zionist movement, not only on the Palestinian people, but also in the whole region. The Zionist in coordination and support of imperialist powers, first the United Kingdom, briefly France and since at least 1967 the United States have been able to complete their project and enterprise in colonizing not only the whole of Palestine, but also imposing their hegemony on the whole region. And through lots of political gimmicks, there was a facade that there's somehow a political process by which Palestinians could regain some of their rights. This process culminated in the 1993 fake Oslo Accords. The idea of the Oslo Accords was very simple. Palestinians, in the name of their official representatives, would recognize

the Zionist project on 78% of Palestinian territory in exchange for a Palestinian state on 22%. It was a fake process. The number of settlers in September 1993 were about 125,000, today, the number over 800,000.

There was never actually a recognition by any Israeli government, left or right, throughout the process, of any kind of Palestinian sovereignty in any part of Palestine. And of course, when the right wing took over through much of this process. Particularly since 2009, what we have is a project of Greater Israel. The Zionist state, the Zionist regime, had choices, had options.

Particularly after 1993, these options were that they had to choose two out of three things: being majority Jewish, calling themselves democratic, and claiming the whole land of Palestine. If they were choosing being democratic and Jewish, that is the so called two-state solution. They rejected that option, and today, there is no viable mechanism by which there could be two-state solution. This fact actually was reiterated by John Kerry in the waning days of the Barak Obama presidency, in December 2016, in which he says there is no two-state solution. That train has come and gone, it's left the station, the ship has sailed.

The other option would have been democratic, calling themselves democratic, and the whole land of Palestine, from the river to the sea, and that would be a one-state solution. That would be the demise of the Zionist regime, the Zionist ideology, and of course, not a single Zionist party would accept that.

So that left them with the third choice, which is to be Jewish majority, because half of the population would not be recognized, Israelis calling themselves democratic, but only within the Jewish context, and keep the whole land to end up with an apartheid regime. That apartheid regime, Israeli style, would not have been sustained. The whole world could look the other way for some time, but over time, it's going to be extremely difficult, if not impossible, to sustain.

So they created a fourth option, and that option is genocide and ethnic cleansing. The same process they followed, they implemented it, perfected it in 1948. If anybody has any doubts, they can go to much resources now, particularly after the 'new Israeli historians' have exposed many much from the archives. What we're seeing today was nothing short of the implementation of taking opportunity in Gaza and in the future in the West Bank, if they are successful in Gaza, to make sure that this demographic problem that they are facing could be resolved through this brutal genocide and ethnic cleansing today in Palestine. Between the river and sea, you have 7.3 million Palestinians who have basically no rights, civil or political or otherwise, with 7.1 million Jews.

I don't have time to go through the analysis what that actually means over time. But my central argument here today is that after the October 7 attacks, after what we've seen. After we saw thousands of people being exterminated, plurally no mercy, men, women, children, the elderly. After we've seen the devastation in Gaza, there should never be a compromise with the Zionist ideology, with the Zionist regime, with the Zionist project. Our central goal should be to dismantle the Zionist structures, the Zionist institutions in Palestine and throughout the world. That's what the world needs. That's what the region needs. The alternative is a complete hegemony of the Israeli regime, of the Zionist ideology, not only in Palestine, but also across the region and beyond. These are the true facts that we are facing today. What Netanyahu represents today is this vision in which Israel could be in control of the whole region, in which the whole region

could be actually further fragmented, not as 22 or 23 countries in the aftermath of the Skyes-Picot Agreement, but of being 40 or even 50 different fragmentations, whether de facto or de jure.

Now the question is, you are talking about dismantling this powerful state that is empowered by the most powerful country in the world, the United States, given everything it needs, given military equipment, hardware, the most technological ones, unlimited funds, political protection, diplomatic protection, and so on and so forth. You must be dreaming. And I say that's not about being dream. That's not a dream, that's a human project that's need to be confronted with human efforts now to dismantle the Zionist institutions and design structures. That means we have to understand its sources of strength. Why is it powerful? And if we do the analysis and whoever is interested, I wrote a chapter in the book that was edited by Ilan Pappé and Ramzy Baroud, in which I talk about this in details, you will find that they are sources for this strength: *Our Vision for Liberation: Engaged Palestinian Leaders and Intellectuals Speak Out*.

We have to deal with that. And the formula is very simple: the Palestinians are the primary victims, but hardly the only victims. What we see today as the present, the present of the Palestinians could be the future of other people in this region. And therefore this is not a problem for Palestinians to solve. Again, the formula is very simple. You cannot dismantle without the Palestinians, and you cannot dismantle these racist structures with the Palestinians alone. It's a problem that everyone should be involved in. You're not just a supporter. You must be part and parcel of this project to dismantle this menace, this evilness, this brutal structure that wants to control the region and beyond. Now, once we identify these sources of strength, we need to deal with them properly.

Now I identify 12 imperatives, 12 sources. I call them pillars. It's like a building. Israel is like a building that is sitting on 12 pillars. Once we identify these 12 pillars and start to deal with them properly, then get everyone involved again, not just Palestinians. Palestinians can hardly deal with three or four, which means Palestinians alone cannot dismantle that. We need everybody's effort in every field, politically, diplomatically, commercially, economically, legally, academically, culturally, in arts, entertainment, sports, human rights, media and so on and so forth. When everybody is part of that struggle, it's like having a hammer and you're identifying part of which column you're in, and everybody is hammering after a while, 6,7,8 of these pillars would collapse. The whole building collapses, and the world would be better for that.

So once we identify these things, identify which part those people who come together to dismantle this evilness, and in which geography they work on, then we are in a global movement. So the idea is to build this global movement. This is not a problem that will be solved at the end in the military field. Perhaps at one point there could be, because they're going to employ every source of power, including nuking people that they think they are danger to them. We need to be prepared for that as well. And that, by the way, is one of the pillars that's been one of their sources of power. They think, because they have access and they have nuclear weapons, that this is the ultimate weapon they could use against anyone, meaning that we need also to deal with this.

That's why they go. They went after Saddam, they went after Syria, they went after Iran, everyone they want to monopolize that they could have that weapon without having to fear that it could be neutralized.

So to summarize, what we need to do is to build this global movement with the aim of dismantling racist Zionist structures and institutions around the world. And to be a Zionist, it's not just being Jewish. To be a Zionist is to believe in the Zionist project is to wave or acknowledge or recognize that exclusively Jews have sovereignty over Palestine. If you believe in that, then you're a Zionist. You could be Jewish, could be Christian, could be Muslim, it could be Hindu. You could be Buddhist, could be non-religious, could be atheist, whatever. So the structures that feed into this Zionist project are beyond this region. They are everywhere. We've seen it in the United States. We've seen the power, how they're able to silence anyone who dares to challenge this project. Palestine today is the only cause that is capable of uniting all those forces around the globe. Give me one cause that can bring all the capitals of the world to demonstrate against what the Zionists are doing in Palestine. I don't think you'll find any so we need to take advantage of this reality, that Palestine today is the compass, the scale, the symbol towards the emancipation, not only of the Palestinians. Actually, if look at the struggle around the world, you'll find that the Palestinians have been way in advance than other struggles, so we need to support them, but we need to be part of that struggle.

So to conclude, I'd say that we have two missions. Our first mission is to support the steadfastness, the resilience, the perseverance of Palestinians to stay on their own land. Without that, there is no struggle. We have to support them to stay there. So that's why what Trump and Netanyahu are trying to do in Gaza is so, so dangerous. They're trying to move wholesale the people from Palestine, we need to make sure that never happens. Make sure that people in the West Bank and other places that they stay on their own land. And if the Palestinians only do that, that's enough, that they stay for that struggle, to stay on, to continue.

But the second mission is where everybody is involved, is to engage always, as well as to confront all Zionists, structures, all Zionist efforts across the globe, in every field. Whatever field you're in, you're going to find Zionist influence. And your mission is to eradicate, to weaken, to lessen, to end that Zionist influence over time, this Zionist movement will crack and then will be defeated, will be eradicated, will be dismantled, and only then will we have victory. Thank you so much.

Noura Erakat

GT Chamber 1 Member, Professor of Law, Human Rights Attorney, and Activist

Today is Day 585 of genocide. And every day we witness unprecedented atrocities. Two days ago, we saw a baby in a red onesy, not yet, one year old, half of both of her tiny legs amputated. We witnessed a missile ripped through a hospital, to kill a renowned journalist receiving treatment, and learned of the assassination of a 12 year old boy who witnessed the massacre of 15 paramedics and their burial in a mass grave. Israel has destroyed 92% of Gaza's residential buildings, incapacitated its 36 hospitals and prevented the entry of food and basic goods. In doing so, it is not only killing Palestinians now, but threatening the possibility of a Palestinian future. A campaign that seeks to obliterate the future of a people is a genocide. Yet, despite these chilling statistics and an ICJ decision indicating its plausibility, there remains controversy as to this basic fact, why the most pervasive talking point is that Israel is not targeting Palestinians as a people, but only targeting Hamas, putting aside significant issues in law and fact that militate against this point, let me just share with you some statistics.

What we know so far is that 2% of Palestinians in Gaza have been killed, including over 20,000 children buried and disappeared. The names of those under the age of one fill the first 14 pages of a 649 page document. So far, 1200 entire families have been erased forever from the Civil Registry. Three months into the war, the UN humanitarian chief described Gaza as uninhabitable, and since then, the situation has only gotten worse. This certainly exceeds Hamas militants, according to Israel, these horrifying numbers are irrelevant, because they are the result, they say, of deliberate human shielding by Hamas. Again, putting aside significant issues of law and fact, let me just share with you the tactics of the army itself. It has sniped children twice above the waist. It has used quadcopters to spray and kill children who are sprawled and injured on the floor. It has destroyed the largest in vitro fertility clinic, including 4000 embryos. It has executed patients with their hands zip-tied and thrown into mass graves.

They have sexually assaulted detainees captured without charge or trial. Bombed safe routes where Palestinians were ordered to flee. Bombed safe zones where Palestinians were ordered to shelter tortured medical doctors to death. Destroyed more than half of Gaza's desalination plants, undermining access to clean water, levelled all four major universities attacked factories, libraries, bakeries, heritage sites, 247 mosques, three churches and bulldozed 16 cemeteries. As put by Professor Shirin Seikaly, any honest observer of this war understands that the target of Israeli force and US supplied weapons is the Palestinian civilian.

Hamas is the collateral damage. The purpose of this campaign is the destruction of the Palestinian people for the sake of achieving long term Israeli security. What I term 'Nakba peace,' is a violent oxymoron that predicated Jewish Israeli safety on the elimination of Palestinians in pursuit of its territorial ambitions to achieve unchecked Zionist settler sovereignty. Israel has removed Palestinians for 77 years-and-counting. It has imposed a permanent military occupation on the West Bank and Gaza for 58 years and counting, and it has besieged 2.3 million Palestinians, who are now possibly only 2 million because of this past 19 months. Besieged them for 17 years-and-counting. What we have been witnessing for the past 585 days is the cruelest and most violent episode of the ongoing Nakba. This did not start on October 7, nor was it a response to October 7 that provided a useful cover in order to accelerate this massive removal.

On October 12, 2023 agricultural minister, Avi Dichter, told us plainly: "This is Nakba 2023 a campaign that is evidenced across Palestinian geographies, including in the northern West Bank, where some 40,000 Palestinians have been removed. Just this year, the Trump administration has adopted this goal in its current build bid to build a Gaza Riviera, to remove Palestinians to the Sudan, Somalia, or Syria. And most recently on May 4, 2025, the Israeli cabinet unanimously voted to reoccupy all of Gaza and ethnically cleanse its remaining inhabitants. This is why the return of more than 300,000 Palestinians to their homes in North Gaza in early 2025 was so incredible. It was the first time in nearly eight decades of ongoing Nakba that we witnessed the return of Palestinians in mass, a return that embodies the national aspirations of the Palestinian people, as chronicled by Ahmed Abu Artema, who marched home on that day: "I walked as I had never walked before. About 15 kilometers non-stop, I entered Gaza City, a dream long cherished during the days of war, now realized."

Despite unprecedented cruelty, Palestinians refused to surrender and marched home by foot. This is precisely why Palestinians are racialized as a security threat, because they, we, refuse to disappear. The Nakba is ongoing, and so is Palestinian resistance to

our elimination. There is sufficient law to end the genocide, to lift the blockade, to end the occupation and to realize Palestinian self-determination. Had international law ever been enough, however, Palestinian refugees would be growing their families and their gardens on their original lands, rather than searching for the remains of flesh of their babies beneath the rubble.

Remarkably, the time of genocide has also been a moment of significant judicial strides furthering Palestinian Liberation. In January 2024, the International Court of Justice determined that Israel's campaign was plausible genocide. In May 2024, it issued another Provisional Measure, ordering the withdrawal from Rafah. That same month, the International Criminal Court finally issued arrest warrants for Benjamin Netanyahu and Yoav Galant. In July 2024, the ICJ issued an advisory opinion determining that Israel's presence in the West Bank and Gaza is unlawful, ordering it to withdraw its settlers and military from the territory and to provide reparations for the Palestinian people. Last month, the ICJ heard an argument on the legality of banning UNRWA, the UN refugee agency responsible for humanitarian relief and now banned amid a starvation campaign that has killed 57 children in two months.

This is not a legal controversy, it is a political one. The United States, among other states, has its hands behind judicial rulings, but this is selective deference to the court. In its last days of Office, the Biden administration recognized there's a genocide of the mass elite ethnic tribe in Darfur by the Rapid Support Forces. When asked whether they can use the same standards to make that decision to adjudicate Israel's campaign in Gaza, Beth Van Schaack, the US Ambassador-at-Large for Global Criminal Justice said, quote, "it will ultimately be for the ICJ judges to decide," with zero irony, that they did not have to submit their evidence on the Sudan before the ICJ.

This is not a legal controversy. This is a political one. The selective deference to the ICJ on the question of genocide of Palestinians is an attempt to deflect responsibility and the ongoing counter revolution and is an attempt to revise a history of the present. Since 2020, an emerging consensus among legacy human rights organizations in the 'World Court' have defined Israel as an apartheid regime. Rather than boycott, divest from and sanction apartheid Israel, the global community has attempted to normalize it. Five years later, we see the danger of allowing that exception. Apartheid and genocide are on the same continuum.

The three of the specific acts conducted to maintain apartheid are identical to the acts committed to commit genocide. In the former, for apartheid, they are done for the purpose of domination. In the latter, they are done with the intent to destroy. Genocide is the logical outcome of any project to conquer and settle the land upon which and other people live, unless it is checked. Many of you here, many of you have either survived colonialism, or are the ancestors of those who have survived colonialism, and you are painfully aware of its legacies. That's why, in 1974, this body firmly resolved that Palestinians are a juridical people. Palestinians exist and deserve to exist. By relegating Palestine to a bilateral political issue beyond the reach of international norms, you have steadily normalized occupation by failing to apply sanctions and engage in boycott.

Many of you have normalized apartheid, and now by failing to act, you are at risk of normalizing genocide. But if you normalize genocide, you will have nothing left. If it is permissible to deny a people exist, to cage them, to subject them to systematic warfare, then to use AI technology to bomb them at unprecedented rates in their homes, to burn

them alive in tents, to experiment on them with suicide drones, to deny them medical care, to allow premature babies to rot in NICU, Neonatal Intensive Care Units and mamas be denied anaesthetic, to have C sections, to starve them while their food decays in miles of aid trucks, all without consequence and worse, while insisting that their lives are secondary, if not altogether insignificant, relative to Zionist settler sovereignty, then I promise you that no one is safe. As put by Colombian President Gustavo Petro, "Gaza is a rehearsal for the future."

Israeli finance minister Bezalel Smotrich recently said that the victory in the war would mean the full destruction of Gaza and the displacement of its residents. He has also boasted that Israelis, quote, "are finally going to conquer the Gaza Strip. We are no longer afraid of the word occupation." Smotrich's audacity is our failure. You must make it impossible for Smotrich or anyone else to boast of conquest through genocide in the 21st Century. Make those who speak it have to say it in hushed whispers in closed rooms, rather than boast about that conquest.

But let us speak honestly. Most of you fear US retribution. The genocide in Gaza is one of the major atrocities of our time, and most people in the world are against it, our inability to stop it, reflects an international system where the equality of nation states remains an aspirational principle.

It might be good for us to remember the United States is an empire, but the United States is not the world. In this precise moment, US lawmakers welcome the international war criminal Benjamin Netanyahu into the White House. US lawmakers and universities welcome Minister of National Security, Itamar Ben Gvir, who is disqualified for military service because of his affiliation with the Kahane movement, which has been declared a terrorist organization by the US and Israel. Can you imagine being so extreme that you cannot serve in the Israeli army, the same army that sprays five-and-a-half year-old girls with 335 bullets and executes 15 paramedics, and buries them along with their ambulances in a mass grave? The Israeli army wouldn't have Ben Gvir, but US lawmakers and several US universities embraced him, just as they colluded to kidnap, disappear and deport students. Do not look west for moral or political leadership. The United States has long absconded on that position. Do not let the United States and Israel append the global system in its defence of Israel. The United States threatens the entire legal structure established since the Second World War. In just 19 months, the US has vetoed five cease-fire resolutions to end this genocide, despite the extraordinary invocation of article 99 by the UN Secretary General and two invocations of uniting for peace resolutions. Both the Biden and Trump administrations have denigrated the ICJ. US National Security Spokesman John Kirby described the ICJ case on genocide and the Genocide Convention as, quote, "meritless, counterproductive and completely without any basis in fact whatsoever."

Our World Court is being denigrated. The primary judicial organ of this body is being denigrated by those who claim global leadership. The US is not even a signatory to the Rome Statute which established the International Criminal Court, but the Trump administration has passed an executive order to place sanctions on the prosecutor and anyone who cooperates with the court. In October 2024, 107 members of Congress threatened to cease financial support to the UN if it unseated Israel, literally threatening its budget for doing its job. What is the purpose of the UN if it cannot stop a genocide and prevent the calculated starvation of 2 million people? The international community has failed many times before and at great cost. One of the most significant times was in 1936

when the League of Nations allowed Mussolini's fascist Italy to invade Ethiopia, an independent member state of the league. Then the league imposed cosmetic sanctions, rather than an oil embargo to stop the war. It tolerated Italy's use of chemical weapons, and described Ethiopia's people's war as human shielding. The consequence of racist imperialism was ultimately the dissolution of the League of Nations.

The UN was born of this failure. It was born of the commitment to not let atrocities of genocide, from Namibia to the Armenian Genocide to the Holocaust happen again. It is that commitment that is at stake today, if you do not stand up and speak out this very system will be a casualty of the US, Israel, genocidal war on Palestine and the Palestinian people today.

We do not need the United Nations to be a powerful symbol of international cooperation. We need your collective action to simply be powerful. In this moment, we have many choices. We can acknowledge Israel's campaign as genocide and impose an arms embargo, block the ports, sever diplomatic ties, sever all civilian and military trade, impose cultural and academic boycotts and unseat Israel for its obstinate transgressions. If the term 'genocide' is too much, you can confront this atrocity as a war, specifically a colonial war, against a racist regime and alien occupation regulated with the additional protocols and customary laws of war that recognize the captives as POWs, ensure them humane treatment, recognize Palestinian militants as combatants, and permit third party intervention. We can use the law to protect hospitals and schools and shelters, to protect the journalists and doctors and aid workers, to forcibly open the humanitarian corridors and abide by the ICC arrest warrants to arrest Netanyahu and Galant upon arrival.

If 'war' is too much, you can confront this atrocity as a humanitarian tragedy, and you can send in a peacekeeping mission to protect Palestinians who have been denied the right to self-defence for nearly eight decades. And if 'humanitarian tragedy' is too much, you can find a way to have mercy on the Palestinian children, the ones who have been pulled from the rubble with two limbs and no family and find themselves in a cage without food or water.

So do not sit in the seat of power and do nothing. The United States is an empire. But the United States is not the world. You are the world. Each and every one of you has the capacity to halt this charade, to fulfil the minimal mandate of protecting a people's right to exist individually. You are each a result of an ancestor, and you will be an ancestor to someone. Our time on this earth is ephemeral, and I implore you to give it meaning, as the Palestinian poet Mahmoud Darwish reminds us, "We are not the most chosen people in the world, but no one is more chosen than us." You cannot abandon Palestine without betraying your legacy, your progeny and yourself. May we transform this world into a place worthy of our children. May you be protected, may you be strong, may we be victorious, free Palestine and may Palestine free us all. Thank you.

Azzam Tamimi

Academic, Author and Political Activist

Bismillah al-Rahman al-Rahim. (In the name of Allah, the most Gracious and the most merciful.) Al-hamdullillah (All praise is due to Allah.) Wassalamu wasalamu 'ala Rasul Allah, wa 'ala alehi wa sahbihi wa man wal'ah. (And may peace and blessings be upon the Messenger of Allah, his family, his companions, and those who follow him.)

I'm grateful for this opportunity, and I would like to thank the organizers for honouring me with the invitation to be to be with you in this function. I was born seven years after the Nakba and the testimonies we heard yesterday, and we've been hearing similar Testimonies for the past 20 months. Keep reminding me of the bedtime stories that my mother kept telling me and my siblings about how she and her family, entire family, were evicted from Be'er Sheva / Bir al-Saba, where she was born and where she was raised up to the age of 16, and had to live like hundreds of thousands of other Palestinians.

What is happening today in Gaza is happening in a modern technological warfare, but the principle is one and the same. It happened to my mother and to so many Palestinians in 1948 and, since then, it's continued to happen throughout this occupation.

Now, when we talk about global responsibility and what should have been done or shouldn't have been done, what really comes to mind is that the first global sin which it comes to Palestine was recognizing the legitimacy of what Israel did in 1948. Recognizing a Jewish state in my mother's house and on my father's land is a most sinful act perpetrated by the United Nations and the leading powers of the day and afterwards, by quite a few Arab regimes that don't represent their peoples. How could anyone recognize the legitimacy of depopulating a land, of removing its indigenous population, of committing heinous crimes like the ones perpetrated in the years since, and continue to be perpetrated in Gaza today and in much of the West Bank? Why?

In my opinion, it has been so sinful to do so, because, as Dr Sami Al Arian explained, we are dealing here with an inhumane ideology, an ideology that doesn't recognize the humanity of the other. Because what they did to my mother, to my grandparents, to hundreds of thousands of other Palestinians, and continue today to date, to millions of Palestinians, is simply unacceptable under any norms under international law, under whatever ethics one may recognize.

But in fact, this is exactly what the Europeans did in so many parts of the world before, same ideology, same attitude, with almost the same result. Michael Prior talked in detail about this in his great book, *The Bible and Colonialism: A Moral Critique* (Sheffield Academic Press, 1997), explaining how the Bible was used in order to justify the *la conquista* of the Americas and the eradication of the indigenous population there, and then in New Zealand and Australia, the apartheid regime in South Africa, and then the creation of a Zionist entity in Palestine, when a certain group of people believed that God gave them a license to take other people's lands, to kill them, to do whatever it takes to remove them as an obstacle.

How can you deal with such a community? How can you deal with such a mentality? It's impossible. You cannot deal with them because they believe they have a divine license. And just recently, the BBC showed a brilliant documentary about the settler movement in the West Bank, and one of the settlers, a lady I remember from more than 20 years ago, when I saw her first interview ever, on the BBC as well. She was asked, "How do you justify coming from Europe and doing this to the Palestinians?" And she said, "Had God not told me to do so, I would have been a criminal blaming it on God." What sort of God is this?

And that's why, as Dr Sami Al Arian explained, Zionism is not just a threat to the Palestinians. Zionism, as an ideology, is a threat to humanity as a whole. Actually, Zionism has been the reincarnation of Nazism. Israel is a reincarnation of the Third Reich, and the world is beginning to recognize this. The young students in America, in Europe and

elsewhere in the world are now realizing that their parents and their grandparents who supported or sympathized with Zionism for so many years were sinners. They were wrong, because you cannot do this anymore. Even Jewish students are now saying, "Not in our name." They're realizing that Zionism is a greater threat to themselves in what it claims in terms of a divine right to do to the Palestinians.

The 7th of October has resulted in the destruction of much of Gaza. That is true. But I think, as was written by two American writers on the 7th of October, that it might well result in what the Tet Offensive in Vietnam in 1968 resulted in, and that is the end of Zionism in Palestine, just as the Tet Offensive started the process of ending American imperialism in Vietnam.

And that's why I'm truly optimistic, despite the pain, despite the deep wound in Gaza and elsewhere, I'm truly optimistic the next generation in America and Europe will be a different generation, the students who are today being suppressed by the Trump administration, who has suppressed Columbia University and is trying to do the same thing to other universities, and the various European governments that are trying to suppress people and prevent them from expressing their true feelings toward the Palestinians. The next generation will be different, and the next generation will be like the generation of the late 1960s that brought pressure to bear on decision makers in America and in Europe that led to the end of American imperialism in Vietnam.

The other thing that is making me optimistic about this is that, for a change, an increasing number of people are acknowledging the right of the Palestinians to resist, and not just peacefully. There is no such thing as only peaceful resistance. Resistance is in all forms. Whatever you have then, you can use, if you are the victim of foreign invasion, the Palestinians have the right, and will continue to have the right to carry weapons and invent means and methods of resisting Zionism. And the world will, step-by-step, realize that this is a God-given right in which they should be supported rather than condemned. Those who condemn the Palestinian resistance as terroristic are accomplices in the current genocide in Gaza. The Palestinian resistance, including armed resistance, is legitimate resistance, and this is what the new generation of young men and women around the world are recognizing. Soon, tomorrow, the day after, probably I won't be alive when this happens, but Palestine will be free, and people and our people will return to it. Inshallah. Thank you very much.

Session 3: Deficiencies of the Formal International Normative Order

The International System in the Age of Genocide (online)

Craig Mokhiber

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The Israeli exception to international law and the complicity of the international system in creating and sustaining that exception dates back to the earliest days of the post-war order, of the UN, and of the Israeli state itself. Allowed to grow and fester for eight decades, the virus of exception has now thoroughly infected the political corridors of international institutions like the UN, even as some parts of the system, especially the ICJ, the UN's independent special human rights procedures, and the international humanitarian

agencies have continued to push back and to defend Palestinian rights and humanity. The expedited genocide of the past 19 months in Palestine, and the inaction, and even complicity of some international institutions, have revealed the depth and breadth of the infection. They have shown, as well, that there are in fact two UNs, one committed to the norms and standards of the Charter and of the human rights instruments, and another (more empowered in the international order) which operates in obsequious deference to state power. As a result, and despite historic developments in the ICJ, skilled and principled work by the special procedures, and heroic work by UNRWA and other humanitarian actors, the response of the international system to the genocide in Palestine has been wholly inadequate. The Security Council has been paralyzed by the US veto, the UNGA, despite some important action, has continued to allow Israel's full participation and has failed to mobilise protection for Palestinians or insist on accountability for Israel. And the UNSG and senior Secretariat leaders, including those responsible for human rights and for genocide prevention, have failed to even call out the genocide, taking refuge instead in the safe language of "conflict." As a result, the Israeli regime has been afforded broad space to prosecute its genocide in Palestine with continuing impunity. Correcting these faults in the international system, some emerging from design and others from abdication, is literally a matter of life and death.

I think, to understand the international system, we have to not only observe what actors in that system do, but also what they do not do, and what they do not say. The fact is, there is a forbidden lexicon at the United Nations, words that officials dare not say. For example, it's simply undeniable that one of the most important forces impacting the international quest for human rights, for peace and security in our world, is 'imperialism.' That was so at the founding of the United Nations, and it remains true today. It's a force that affected the design of the organization, privileging power, excluding colonized peoples, ignoring social movements, obstructing sovereign equality, disadvantaging self-determination and fostering conflict, and it is a force today that stifles the Security Council, that distorts organizational budgets, that corrupts voting in intergovernmental bodies, and that variously directs or constrains Secretariat and agency officials. And yet that word is never uttered in the halls of the United Nations.

And the same is true of the word 'colonialism,' once, not only a common subject of discussion at the UN, but one of its explicit areas of responsibility, but that word all but disappeared at the UN after the wave of decolonization in the 1960s and 70s, the intentional failure to decolonize Palestine alongside its oppressed siblings in the Global South, the subsequent discarding of the cause itself in the political halls of the UN and the century of suffering of the Palestinian people are all products of the International system's deference to imperial power over its normative obligations. And yet that word is never mentioned either.

The third term that's subject to deliberate neglect and an implicit gag order in the UN is 'apartheid.' Unwritten safeguards have long been in place in the Secretariat to prevent UN officials from using the 'A' word. This, despite the adoption of a UN Convention on apartheid with universal application, despite decades of findings of Israeli Apartheid by independent UN experts, and despite the findings of the International Court of Justice that the Israeli regime practices apartheid and racial segregation, the organization as a whole still reserves the use of that term for historical discussions on South Africa only. To enforce this, UN reports have been censored, staff have been punished, and public inquiries have been sidestepped by spokespersons on official UN podiums.

And then the fourth word that many do not dare speak in the corridors of the UN is 'genocide.' The word genocide is specific crime defined by the UN Genocide Convention and by the Rome Statute, and the prevention of which is a duty of the UN, is nevertheless only permitted in reference to history, not for genocides that are happening today, and certainly not for the genocide in Palestine. To enforce this, the UN has adopted a rhetorical trick, a system-wide talking point, to insulate itself from pressures to address ongoing genocide, that talking point echoed virtually every day in the past 19 months by officials across the organization seeking to deflect questions about the genocide in Palestine. It goes something like this: "Only a court can determine genocide."

Never mind that the same thing can be said about any other crime, but does not seem to prevent officials from speaking about torture or summary executions or collective punishment or other crimes. Never mind that they regularly invoke the word 'terrorism' without the need for a judicial decision, even though it has no agreed international legal definition. Never mind that the organization has obligations of genocide prevention, which is a logical impossibility after the crime has already occurred. This shameful tactic protects officials from having to utter a word that will anger powerful actors like the US, the UK and Germany.

Victims be damned, but words matter, and language can either serve the cause of accountability or that of impunity. If you refuse to even name the disease, you will not find the cure.

Of course, these distortions are not new. Indeed, the roots of these problems are as old as the UN itself. 1948 in particular, was a watershed in the development of the modern international system. The coincidence of the adoption of both the Universal Declaration of Human Rights and the Genocide Convention, on the one hand, and the horrors of the Nakba that same year on the other, was just one more historical contradiction. But this historical contradiction was the birth of a virus, the virus of the Israel exception to international law that has haunted the organization for decades. Decades carved out space for genocide and ultimately threatened the very legitimacy and sustainability of the UN itself.

As the genocide in Palestine has underscored, unlocking the shackles that have compromised the political corridors of the UN, ending the Israel exception to international law, and moving toward the international law-based functioning of the organization is not only urgent, but it is literally a matter of life or death. Today, Palestine sits directly on the fault line between those who believe that the global order should be determined by great power, politics, violence, aggression, war and imperialism, and those who demand the building of a reliable international system built on international cooperation and the rule of law. The entire edifice of the modern international system built up since the second world war has been constructed on a promise of replacing the anarchic international order that led to the horrors of the first half of the 20th century with a new global dispensation in which international peace and security would be maintained and human rights protected by the rule of law.

But that system, as designed, is rife with contradictions and with flaws that undercut its ability to ensure enforcement of the norms and standards upon which it was constructed. Some of its failings are a matter of abdication by officials or other actors, but others are by design.

Foremost among these is the tendency hardwired into the system from the start to compromise its mandates and principles in deference to state power, to individual state power, not collective state power. The result for Palestine has been the continuation of a century of colonization, persecution, ethnic cleansing, apartheid and genocide. So what went wrong?

Long before Israel's assault on Gaza in 2023, the international norms and standards were in place, codified in the UN Charter, in international human rights instruments and international humanitarian law. The institutions were in place, from intergovernmental bodies and political offices of the UN to the judicial Tribunals of the Hague. A UN Office entirely dedicated to the prevention of genocide was fully staffed and operating at UN headquarters in New York. A sophisticated, multi-layered UN human rights system was functioning with its headquarters in Geneva and offices across the globe, including in Palestine.

And yet, the genocide continues to rage, supported by complicit governments and undeterred by international institutions over which the West wields disproportionate power. For their part, the international Tribunals have been subjected to an unprecedented and sustained campaign of interference and obstruction, including direct threats from the executive and legislative branches of the US government, public smears from Israel proxy groups, the imposition of state sanctions against court officials and behind the scenes threats and inducements from notorious Israeli spy agencies.

So the genocide in Palestine has underscored a fundamental contradiction in the international system. There are, in fact, two UNs. The first is the UN of the charter norms, constitutionally grounded in a mission of human rights and peace and development and international law. That's the UN of the human rights treaties of the Independent Human Rights mechanisms of the International Court of Justice. It's the UN in which the use of force is prohibited in all but a few narrowly defined circumstances. That's the UN of decolonization, the UN in which all human beings are born free and equal in dignity and rights, and in which peoples have the right to self-determination. It is the UN in which colonialism, apartheid, gross violations of human rights and genocide are absolutely prohibited. And it is the UN in which some officials rang the genocide alarm bell as far back as October of 2023, the UN in which Special Rapporteurs stood up to the slings and arrows of abusive Western governments and Israel proxy groups to speak truth to power and to challenge the Israeli regime and its collaborators with law and facts and uncompromising principle.

But there is another United Nations, a UN that permitted the colonization of Palestine, partitioned the land against the will of the indigenous people, ratified the ethnic cleansing of Palestine by recognizing Israel in 1948 and tolerated decades of apartheid. It is the UN that suspended the application of international law for three decades in favour of a disingenuous political process called Oslo, under which the UN, for three decades, told Palestinians they must negotiate for their rights with their oppressor, and that the mediator for that process would be the world's sole superpower, which also happened to be Israel's closest ally and arms supplier. And it is the UN that has remained almost entirely silent as genocide raged across the land, trepiditiously avoiding any reference to the crime of genocide or to its root causes. This UN was unable to order a ceasefire or to hold to account perpetrators openly committing genocide. The genocide in Palestine has shown the veto power of the five permanent members of the Security Council.

The only UN body with formal enforcement power is the most obvious example of failure-by-design, the power has been used throughout the genocide by the US as Israel's chief ally and co-perpetrator of the genocide, to prevent any meaningful act of protection for Palestinian civilians, enforcement of international law, or accountability for Israeli perpetrators. Five (now 6) successive vetoes have been exercised by the United States since October of 2023 bringing us vetoes, to protect Israeli impunity to a total of 49. After each veto, thousands more Palestinians were killed in the ongoing genocide. No sanctions have been imposed by the Council on the perpetrator regime. No military intervention has been mandated, no protection force mobilised, no judicial decisions enforced, and the Israeli regime even remains a full member of the United Nations with full privileges, despite its perpetration of genocide, its serial acts of aggression against a number of UN member states and frequent attacks on the United Nations itself, its staff and its facilities.

What then can the UN its member states and all who support its founding principles do to end a genocide, protect its victims and hold its perpetrators to account when a veto wielding permanent member of the Security Council is itself implicated in the perpetration of the genocide and fully committed to its continuation? Do the *jus cogens* (fundamental principles of international law) and *erga omnes* (universal obligations) norms of international law, such as the prohibition of genocide and apartheid and the right to self determination simply disappear in the face of a US veto? Or are states and international organizations able and indeed obliged to take other meaningful action?

The answer, from both a moral and legal perspective, is that they can and they must, and this in part, is where the general assembly comes in. For its part, the General Assembly has convened an emergency special session under the extraordinary procedures of the uniting for peace resolution, and has adopted important resolutions to respond to the genocide in the face of a captured and moribund Security Council. And the assembly has declared that all countries are obliged to comply with the detailed findings of the International Court of Justice. In the wake of successive failures by the Security Council to act, the General Assembly has adopted resolutions for an immediate cease fire, and most significantly, it has adopted a resolution in September of 2024 endorsing, in its entirety, the findings of the International Court of Justice, in its advisory opinion of July, 2024 declaring the Israeli occupation to be entirely unlawful, demanding its immediate end, an end to the settlements, to the wall and to the apartheid system, that Palestinians must be allowed to return home and be compensated, that Palestinians do not have to negotiate for their rights with their oppressor, and that all states are obliged to cease all military, diplomatic, economic, commercial, financial, investment, trade, political and legal relations with the Israeli occupation.

It declared as well that the provisional measures of the International Court of Justice on the Israeli genocide in Palestine must be implemented. These actions by the General Assembly were historic, and they were adopted with overwhelming majorities, demonstrating a commitment of most of the world to Palestinian freedom and Israeli accountability.

But even as the horror drags on and Israel shatters record-after-record for civilian blood-letting, the UNGA has yet to use the full range of powers at its disposal. The General Assembly continues to recognize Israel's credentials and the regime's voting rights remain intact. Even as Israel attacks and smears the organization, blocks its operations,

raids and demolishes its installations and abducts, detains, tortures and murders UN staff, the UN GA has yet to reactivate the UN's anti-apartheid mechanisms. It has established no Tribunal or other mechanism for accountability. It has not moved under Uniting for Peace (UN General Assembly resolution 377[V], adopted 1950) to mandate a protection force, and it has not followed up its important September 2024 resolution in order to solidify the call for sanctions and other urgent measures to isolate the Israeli regime and hold its officials to account elsewhere.

Switzerland, acting as depositary for the Fourth Geneva Convention, ultimately declined to convene the Conference of High Contracting Parties (18 September 2024), despite the fact that it was requested by an overwhelming number of UN member states. It cited an absence of consensus on a draft declaration that it had prepared as the basis for its inaction, an excuse that could hardly hold water, given that such conferences had previously been convened without such consensus.

Indeed, the last such conference in 2014 was entirely rejected by Israel, the United States and Canada, all of which even boycotted the conference itself. And yet, the 2014 conference was convened and it adopted an important outcome document in 2025. By contrast, Switzerland effectively granted a veto to Israel and its complicit allies, raising questions about the very idea of Swiss neutrality. In the end, the decision of Switzerland as depositary not to convene the Conference of High Contracting Parties was widely seen as the latest failure of long established international institutions to respond fairly and effectively to the genocide in Palestine.

But beyond these intergovernmental bodies, the tendency to compromise UN principles in deference to power, especially the power of the US and its Western allies, has also been evident in the positioning of the UN Secretary General, his senior staff and agency heads across the system. Where the Israeli exception has been in plain view throughout the perpetration of the genocide, the UN's senior most political leadership, including the Secretary General and the High Commissioner for Human Rights and even the Special Advisor on the prevention of genocide, have remained unable or unwilling to directly address the genocide, or even to utter the word. Instead taking refuge behind the safe language of armed conflict, the amorphous promise of a two-state solution someday and the necessity of humanitarian aid. Worse, they've adopted a kind of 'both sidesism', which fails to recognize the true dynamics of colonizer and colonized occupier, and occupied oppressor, and oppressed genocider and victims. And barely a whisper has been heard about accountability for Israeli perpetrators as such.

The significant reserve of moral and political power in the senior most podiums of the organization has been left largely untapped. As a result, root causes, normally, the first area of inquiry and conflict resolution have been almost entirely ignored in successive diplomatic processes and political interventions on Palestine. They are left instead for consideration only by the Human Rights mechanisms, but they find no place in political processes.

The seizure of Palestine in 1948, the colonization of Palestine, the theft of land and homes within the green line, the ethno-nationalist state, the system of apartheid, the systematic gross inequalities, official racism and dehumanization and the plight of generations of Palestinian refugees, and colonial domination, none of these have received any significant attention in the statements of the political leadership or in the succession of failed political processes launched first in Oslo during the 1990s. This is despite

the fact that it is, by now recognized as axiomatic that sustainable conflict resolution cannot succeed without attention to root causes. Perhaps worse, the political offices operating under the direct authority of the Secretary General, including those responsible for Political Affairs, for the prevention of genocide, for sexual violence in armed conflict and for children in armed conflict, have not only largely ignored the genocide in Palestine, but in some cases under external, mostly Western political pressure and without exercising the most basic level of due diligence, have sometimes non-critically endorsed or disseminated the Israeli regime's fabricated propaganda for genocide, and its justifications for international crimes for months as the genocide raged, and as human rights monitors, UN officials, independent UN Human Rights mechanisms, the UN Special Rapporteur on the situation in occupied Palestine, as well as genocide scholars around the globe, rang the genocide alarm bell.

The Office of The Secretary General's Special Advisor on the Prevention of Genocide (OSAPG, Alice Wairimu Nderitu, appointed 2020), remains entirely silent on the carnage in Gaza. When she finally and belatedly issued a statement after a global wave of criticism for her silence, after calls from within the UN for her resignation and a determination by the International Court of Justice that the charges of genocide against Israel were indeed plausible, she managed only a weak, equivocal statement that quote "echoed equally weak statement already made by the Secretary General." She took note of the order of the ICJ and, on balance, expressed more concern for the perpetrator state than for the victims of genocide in Palestine. The Secretary General's Special Advisor on Sexual Violence in Armed Conflict, (Pramila Patten, appointed 2017), under an organized pressure campaign from the Israeli regime and its proxy organizations in the West, parroted Israel's fabricated accusations of a mass campaign of rape by Hamas. And then, in doing so, contributed to the regime's false narratives that were designed purposefully to manufacture consent for genocide in the West.

And the office of the Special Advisor on Children and Armed Conflict, (Virginia Gamba, appointed 2017), under political pressure from and through the Secretary General, repeatedly censored its own annual listing of countries systematically violating the rights of children in situations of armed conflict, to remove Israel and ensure its continued impunity. Only in 2024, in the context of the murder of thousands of Palestinian children by Israeli forces and sustained pressure from civil society, the special advisor was finally compelled to include Israeli forces in its annual listing of violators to the Security Council.

We should not be surprised by these failures. Indeed, these offices were designed to be politically controlled so as not to offend key political constituencies. They are not human rights mechanisms. They are political mechanisms.

Well, I've painted a dark scenario on the international stage, but as I conclude, let me finish with three points of light:

First, the principled role of independent UN Human Rights mechanisms, in sharp contrast to the historic failings of the political offices reporting to the Secretary General in New York, the Independent Human Rights mechanisms mandated by the Human Rights Council in Geneva have maintained a principled law-based approach to their human rights monitoring and reporting duties. Despite massive pressure from Israel and its Western allies and ongoing harassment from Israel proxy groups, these independent special procedures have exhaustively documented Israeli's crimes, affirmed its culpability for genocide and helped to maintain public attention to the genocide in Palestine.

An especially important role has been played by the Special Rapporteur on Human Rights in the Occupied Palestinian Territory in the face of a sustained campaign of harassment and smears by the Government of Israel its allies and proxies. Rapporteur Francesca Albanese has been undeterred, producing a series of meticulously documented, analytical reports on the genocide and its colonial roots, maintaining a continuous, visible media presence and close collaboration with Palestinians and global civil society. And several other independent mandate holders, have also worked diligently, both individually and collectively, to defend the human rights of the people of Palestine and to build the case for Israeli accountability, despite efforts to discredit or silence them.

Notice that throughout the genocide, the contrast between the principled, fact based law-centred and accountability-focused approach of the independent special procedures on the one hand, and the equivocal, politicized and trepidatious rhetoric of the Secretariat on the other could not be starker.

Secondly, there is the International Court of Justice. The ICJ is also a part of the UN system. Thanks to the court, the Israeli regime is today on trial for genocide, the court has issued several rounds of provisional measures. It has found the regime is guilty of apartheid and racial segregation, and has held that its occupation of Palestinian territory is entirely unlawful and must end quickly and entirely these pronouncements provide even more proof of the legitimacy of the Palestinian cause and the illegitimate the illegitimacy of Israel's project and crimes in Palestine.

Finally, the UN also includes courageous humanitarian workers from a host of agencies, foremost among them the people of Unruh, who to this day continue to operate in the depths of Gaza's Hell to support the survivors of the genocide, despite the smears of the Israeli regime and its collaborators in Washington and Europe, despite the bombs, the bullets, the widespread destruction, the targeting of UN facilities, the abduction and torture of countless UNRWA staff and the murder of more than 310 of them, many, along with their families. They, too, are the United Nations. They represent the best of the UN system, and they embody its highest principles, and they deserve our unwavering solidarity. Thank you.

Looking Ahead to Enforcement (online)

Phyllis Bennis

GT Chamber 2 Member, Writer and Activist

Thanks to the organizers for putting up, pulling us all together over these days, everything that Craig has just said about the weaknesses of the accountability institutions of the United Nations is absolutely true everything he said. And it's primarily the lack of direct institutional enforcement that brings that weakness. There's a famous saying that came from a US military leader that said, "How many divisions does the Pope have?" when someone was discussing moral leadership. And the you know the answer was, well, yeah, that's not where it comes from. You could also say that about the International Court of Justice, they not only don't have troops, they don't even have a police force. They don't even have a process server that is in a position to drop off their papers around the world. So I agree with everything that Craig said about the limitations, and what I think is very important is that this is not only a system with deficiencies.

There is a critical question of redefining what enforcement looks like. And I would assert that enforcement lies with us, with civil society. The United Nations, as we know, was

not established to represent people, despite the soaring words of the charter, "we the peoples." It's really about 'we the governments,' and in that context, the most powerful governments exert the most power throughout the institution.

So what happens with something like the decisions of the International Court of Justice, which has been in an extraordinary role over these last couple of years? South Africa violated all of the earlier understandings about what the International Court of Justice was all about. It was designed to be a court for the powerful, a court for the White colonial countries, and here was South Africa, an African country having recently overthrown its own system of apartheid, to say, no, that's not how the world works. Not anymore. This is the post-colonial world, and we are taking this institution into our own hands to say we are going to hold accountable the most important ally in the region of the most important and most powerful, most influential country in the world, in terms of economic, military and most other forms of direct power.

So the question then becomes, "How does that decision get implemented for the International Court of Justice?" This is, of course, the World Court, the Court of the United Nations. It was delegated out to the United Nations agencies. It said explicitly, the Security Council and most of all, it said the General Assembly are now responsible for making real these decisions made by the International Court itself. Then it goes to individual governments. And my position is that ultimately, the power to make that change, to implement the decisions, lies with us, with civil society and social movements around the country, and we have an example to look at, so we know this works.

Throughout the 1980s in the era of South African apartheid, you had a situation where, similarly to now, the Security Council was controlled by the US veto, occasionally the Brits, but mainly it was the United States. In a period from 1970 until now, 1/3 of all US vetoes were cast to prevent the United Nations from condemning or imposing sanctions on South African apartheid. So the Security Council was essentially paralyzed. The work turned to the General Assembly, and resolution after resolution after resolution was passed calling for sanctions, for banking sanctions, corporate sanctions, sports sanctions, one of the most important in terms of influencing the majority of White voters and White people in South Africa those who were allowed to Vote.

So the problem then became, well, General Assembly resolutions are not legally enforceable, unlike those of the Security Council or, ironically, the International Court of Justice, those are considered binding resolutions, but there's no structure to enforce them. So what we had was a situation where anti-apartheid movements grew all around the world, taking up the demand to impose sanctions, to isolate to stop banking with South Africa, to stop corporate relations with South Africa, and to stop importing South African goods. Trade embargos, arms embargoes, all happened, not because government necessarily wanted to do so, but because their capitals were flooded by anti-apartheid protesters. This was also true in the United States, who were demanding that their own government use these resolutions of the General Assembly as a menu, if you will, as a as a list of all the things that needed to be done.

And international activists pressed their own governments hard enough that one government after another began to impose sanctions, stopped dealing with apartheid. South Africa fought back against us pressures to continue those relationships, so eventually, enough countries, including those that were close allies of the United States had taken up the issue of sanctions against South Africa that the United States government itself,

after long years of pressure, led at that time by the Black Caucus of the US, Congress, was forced to agree, was forced to give in, allow the Congress to pass laws demanding sanctions against South Africa. President Reagan, at the time, vetoed the decisions of this Congress, but there were enough votes in the Congress to override the veto, and eventually the United States itself was willing to impose sanctions.

Now that wasn't willingness of the government. It was forced on the government by the pressure of a powerful social movement. What we now face with Israeli apartheid and now Israeli genocide, is a very similar situation where the International Court of Justice has issued its preliminary opinions about the plausibility of Israeli actions constituting genocide has called essentially for an absolute end to Israeli actions by saying that, in its provisional measures, even before a final determination of genocide, because the Genocide Convention, like the apartheid convention, calls for not only the stopping of genocide, but the prevention of genocide.

The International Court has said explicitly that all of the signatories to that treaty, which is the vast majority of countries in the world, of course, including Israel itself, but more importantly, including virtually all of Europe, the United States, all of the powerful countries that have been backing the Israeli genocide, calling on them to act to prevent a genocide from occurring, and if it happens, to stop it, that means the obligations of international law are now looming over every one of these governments. So we're not even talking here about sanctions. We're talking about implementing the requirements of international law, and if that is refused, we are then talking about rogue states, outlaw states, pariah states that are deliberately publicly refusing to implement an order, an enforceable order of the International Court of Justice, and the overwhelmingly majority opinion of the General Assembly of the United Nations.

So in that context where the General Assembly, of course, has no veto, it called for, as Craig Makhber described so brilliantly, in a resolution last September, September of 2024 all of what the secure, what the International Court of Justice had called for and added more. It called for massive restrictions on arms sales that would have meant, because the language was a very low bar, it said that there must be no provision or transfer of arms or related equipment where there is, quote, "reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory," that they only have to suspect that they could be used, which is anything, because we know Israel is now using everything in its arsenal, short of nuclear weapons, so far, against the people of Gaza. In that context, arms cannot legally be provided to Israel.

So my government, the government of the United States, is violating international law on a daily basis with its provision of arms, as are Germany and, to a much smaller degree, Italy. So if we follow that South Africa model, we know it works. It that at that time, like now, it was led by governments of the Global South, who responded more quickly to social pressures. But in this context, we have a tool to stop the banking relations, stop the corporate relations, stop trading, stop arming, stop engaging with another apartheid regime 50 years later. So in that context, when Israel has been ordered itself to prevent the actions that it is carrying out from becoming genocidal, and specifically to prevent its military from committing any of the acts enumerated in the commit the Convention Against Genocide, killing members of the group, seriously injuring members of the group, creating conditions that prevent the existence of the group, to excuse me to survive. All of these are now direct violations of the court's legal judgment, and

that means that every action of every Israeli soldier, whether they are commanding or carrying out illegal orders, stand in violation of international law and under the theory of universal jurisdiction, should be vulnerable to arrest and trial anywhere in the world.

The court decision and the resolution of the General Assembly remind states of their obligations to abide by the Genocide Convention, like the apartheid convention, including that notion of preventing and punishing both, there's a list of ICJ requirements. It's it, as I said, it's like a menu to provide governments with all the things that they need to be doing to be in accordance with international law and not stand in violation, to withdraw military forces, to stop importing settlement goods, ceasing the provision or transfer of arms and munitions and related equipment. That means that transition of weapons across airspace, across waters is also illegal, so enforcement needs to be redefined. We know that the system of the United Nations was not designed to enforce the rules of the UN itself on governments. Quite the contrary, governments are supposed to be able to go their own way, but the General Assembly, which represents by far the most democratic component of the United Nations, is the least able to impose legal requirements, except in the most extraordinary circumstances, which it is now using under the United for Peace Resolution of 1951.

Real enforcement, as we know, is not going to come by volunteers among those governments. It's going to come from governments who are pressured by their own people, demanding through organized movements, the global anti apartheid movement, the global movement now against genocide, that is what is going to create, the power to force governments to abide by international law. We know it works. It worked 50 years ago, under enormous pressure.

Remember, it was the centre of the Cold War. The opposition to apartheid in South Africa was cast in the West as supporting communism. It was cast as supporting terrorism. You all know that President Nelson Mandela remained on the United States' terrorism list until 2008 when he was no longer the president. He had already been released from Robben Island prison. He had been elected the first elected president in South Africa, and was still on the US terrorism list. Given that the ability of that movement to force a change in the United States at the height of the Cold War was extraordinary, we know it works. It is not that kind of voluntary choice of governments. This is the requirement of international law. So now we know what our government is going to have to do. The United States, I'm afraid, is going to still be the last, as it has been before, dragged kicking and screaming reluctantly into abiding by international law that is binding by the rest of the world. All of these efforts say, this isn't about international law.

This is about the international system, an international rules-based order. Well, who determines that rules-based order? That rule that forms the rules-based order doesn't exist. What does exist is international law. You can violate it. You can abide by it, but it exists. You know what it says, and that's our job now, as movements, to force our governments by dint of nonviolent pressure in the streets, in the suites in economic pressure, in boycotts, and by divestment sanctions against our own governments that are refusing to abide by international law. We know it works. This is how our movements taking on the lessons of half a century ago will make the change to end the genocide, to end the apartheid, to create the conditions for Palestinians to win their own battle against those horrific phenomena, as did the people of South Africa 50 years ago. Thank you.

Working with and Beyond International Courts (online)

Michelle Burgis-Kasthala

GT Chamber 2 Member, Lawyer and Professor of International Law

My brief then is to talk about, to come back to courts. And I think my talk really builds very well on both Craig Mokhiber's and Phyllis Bennis' wonderful contributions. And I'm going to think broadly about obviously the International Court of Justice, but also the ICC, and really try to make the point that international courts, by definition, are shaped by states, are reliant on states, and are the product of states. So whatever we do with them, we have to be cognizant of those limitations, but that also there are still ways in which we can work productively, creatively with them. So I'm going to sort of give you a bit of an overview of the possibilities there.

But because Palestine itself has struggled for so long around this question of statehood, I think that reality has shown us how limiting its engagement has been up until relatively recently. I think that perhaps then in stressing the point of statehood at this moment, even the midst of genocide, is a new way in which to sort of re-centre some efforts.

So firstly, we've definitely heard that the ICJ in the past was very much a product of the UN system, which itself is highly Imperial in many ways in nature. And the ICJ, particularly around the problem of apartheid that Phyllis has told us about, had been almost destroyed in terms of its legitimacy from the 1960s up until 1971 over this very question of its role in potentially trying to stop or to continue the apartheid regime in South Africa. And so it's quite interesting that we're now, at this moment again, the ICJ is becoming this sort of central site in which to think about legitimacy for an apartheid and now a genocide struggle. I think what's really important is that after that debacle of the 1960s, or the 1950s and the 1970s, the ICJ did in many ways. I mean, this is a sort of standard narrative in literature, the ICJ righted itself, particularly through the Nicaragua case of 1986 and if you look at the docket since, it's absolutely skyrocketed. There have been so many new global south states that have brought various issues to the court, not necessarily relating to the big issues like genocide, but even just sort of basic issues, particularly in relation to things like boundary disputes. So the court, really, I think, is well established now, not simply as a site for the global north, but very much, maybe even more so, as a site for the global south. But only if you're a state. This is the big problem for Palestine.

And so, until 2012, Palestine could not directly participate in any meaningful way before the court, because in terms of the contentious jurisdiction of the court, we need it to be based on state consent. And until 2012 when Palestine became a 'non-member observer state' at the UN General Assembly, those steps really couldn't be taken. Now the problem with Palestine's formal membership of the UN, up until today, is the fact that we need both Security Council and General Assembly agreement, essentially, and this is constantly blocked by the US veto. We've already heard from Craig about the problems of the US veto. This we saw most recently in April 2024, when there were renewed efforts to try to get full UN membership for Palestine.

We have to remember as well that because of the court's reliance on state consent, it is extremely deferential to states. It can't, as we've heard from Phyllis, actually implement policy through its own police force. It can't actually ensure that its decisions are implemented. It has to rely on states, either themselves, or most acutely, through the Security Council. And so, particularly for Palestine, this presents quite a problem.

So in the past, issues relating to Palestine before the court have been incidental. Have been ancillary. These cases firstly began a century ago. It's important to remember that from the very inception, not simply the ICJ, but of the Permanent Court of International Justice, questions around the conduct of Britain in its Mandate at the time came under scrutiny. Okay, in an ancillary fashion, in an oblique fashion, but through the maverick matters dispute, questions later around Palestine arose as well before the ICJ in relation to the headquarters agreement. So we did have some murmurings about possibilities of how to use the court. But these are obviously not very significant.

I think we need to focus our effort. What Phyllis has brought out, though, is the potential of advisory jurisdiction powers of the court. And so we've now got two decades of practice here. If we turn our minds back, for example, to the wall advisory opinion [reference to the separation wall]. I mean, it's sort of scary that that's now, unfortunately, two decades ago, but this was a really significant decision at the time, and we now have had, as we've heard from our speakers as well, the July 2024 advisory opinion, and now the pending advisory opinion in relation to Israel's ban on UNRWA.

Now, as we've heard, advisory opinions are not technically binding. They are not a contentious case, as we have between two states, you know, South Africa, Israel, that what we should see them as, is simply an iteration of a very persuasive statement on the binding commitments of all states, especially through notions of customary international law. Even if a state hasn't signed a treaty, much of the time, these norms are binding on states, and so I think we should see them as authoritative statements that need then to be taken up by actors, particularly, for example, as Phyllis said, in relation to civil society actors and what, for our purposes as well, even if they're binding that, even if they're not binding.

At the end of advisory opinions, we always get this list of demands that the court makes, and we saw that in 2004 where the court, for example, called on Israel to dismantle the wall, to provide compensation for the destruction that had resulted, and it also called on third-party states to take a number of actions. And because Israel has failed to respect that advisory opinion, we've now got 21 years of a failure to respect that advisory opinion. I think this is excellent material in which we can try to establish a pattern of impunity.

And for me, this pattern of impunity is fundamentally making a case in particular, for calling for Israel's suspension or expulsion from the UN, because, particularly if you have the example of a UN member state failing to comply for over two decades with the principal judicial organ of the UN, this, I think, is a case to make. And then we also have to take the struggle domestically, as Phyllis has laid out with our own respective governments.

Much more important, though, really for our purposes here, I think, is the July 2024 advisory opinion. Advisory opinions are always basically responses to questions that are brought to the court, usually by the General Assembly, sometimes by the Security Council, and the questions put to the court there were essentially partly around specific violations taking place across the Occupied Palestinian Territories, but also with these practices combined. The general question being, how do these policies and practices of Israel referred to above, in first question, affect the legal status of the occupation, and what are the legal consequences that arise for all states and the UN from this status?

And this is crucial, because, as Nimer (Sultany) was talking about yesterday, so much of the time, I think huge amounts of energy have been focused on listing, detailing ad

nauseam specific violations of Israel in the OPT. This work is important, but doesn't ask the big question of what's happening per se here. And so finally, I think the court could actually grapple with that. Now, of course, the court was only thinking about the 1967 reality, it wasn't thinking about the situation since 1948. So we can critique this advisory opinion in and of itself, for still being far too restrictive and constrained in its scope. But for what it was doing, it was still very significant. I would say. And so, this is what we have to work with, to think about these broader questions.

The Court handed down a really detailed and well-reasoned opinion, and it went through all of these systematic violations. It basically, largely overwhelmingly agreed with all of the contentions brought around these violations. But crucially, it held that there was a breach by Israel of two peremptory norms, firstly, the right to self-determination for the Palestinian people. And secondly, the prohibition on the acquisition of territory by force under customary international law.

Forget about treaties. These are three norms and they are binding on all states, and no derogation is possible for Israel or for third-party states. Okay. And so this then meant that no there could be no tweaking here of the occupation. The occupation wholly was illegal. It was very black-and-white. Here, the only possibility of stopping this illegality then, is for Israel to withdraw, in total, entirely. It also, was then called on to evacuate all of the settlements and to provide reparation. And we heard from one of our speakers earlier on that there have been many efforts to document the sheer scale of damage that has been caused over the years by the occupation.

So this work needs to continue. We should try to honour this call for reparation in the future. Also, the court made a number of findings in relation to what is required of third-party states, particularly in relation to not recognizing the status of Israel in the occupied territories, not to render aid or assistance, but actually to go further and to try to take steps to end it as soon as possible. So I think this has been really central, this this decision, particularly in terms of informing, as we've heard from Craig, the special UN the General Assembly Resolution in September. Now that resolution, for my purposes, in thinking about statehood is really important. Because firstly, it said that Israel has to withdraw by this September, so it gave Israel a year to withdraw from the occupied territories. We're talking four months from now, so we need to use that as actually a clear pressure point.

And secondly, it called for a conference to be held on the two-state solution as one possible response to this advisory opinion. That conference is going ahead next month at the UN. Of course, we can all critique the two-state solution, but if we try to use it at least as ammunition to think through the possibilities from this, from this advisory opinion, I think it's important now for our focus on Gaza and the genocide. This decision is also very important, because the court, even though it said we're not going to talk about what's happening over there, sorry, it did say that, it still presumes the situation of Gaza is one of occupation. And what that entails then is that Israel has positive obligations in terms of the welfare of the population while it is occupying power.

I would say then that once we've had an amplification of the denial of the welfare of the population, which we've seen, particularly since the siege, since the blocking of humanitarian aid, that I would say that's an aggravated breach of this requirement upon Israel, as the occupying power, to look after the population.

And so then, in some ways, and this is a further breach to the requirement to that obligation from the court itself, okay, but obviously we know that, in fact, instead of honouring that requirement of welfare for the population, Israel has actually done the very opposite. Instead of providing life-sustaining provisions and infrastructure, it has produced its very opposite, which is genocide. And we've seen then that the court has also been engaged directly in relation to the question of genocide. We've had that explained a little bit by our speakers, so I won't. I'll try to sort of skim over it.

One aspect I find really interesting that, it's not substantively massive, but this is something that I think we could push for as well, if we're thinking about future efforts on our own states. It's that there is a mechanism within the ICJ statute to allow for intervening states to participate in contentious, bilateral state-to-state disputes. And thus far, we have 13 states that have intervened in the South Africa, Israel case; Belize, Cuba, Palestine, Ireland, Bolivia, the Maldives, Chile, Turkey, Spain, Mexico, Colombia, Libya and Nicaragua. This is one of the largest examples ever of states intervening. I think it shows the enormity of the case, and I think that could be one pressure point in which at least some civil society activity could be taken so we know that the ICJ has, so far, issued three provisional measures orders. These are binding. And I think our focus should be with these provisional orders, even though in some ways, they're unfortunately quite dated. It's just devastating to think about the fact that there was a moment before Rafah was totally, totally flattened.

But I think again, what they underscore is not simply the breach of these orders, but their aggravated breach, the fact that Israel was called upon not to carry out its operation in Rafah, that it has been called on to continue its obligations as an occupying power to provide for the welfare of the population. It has then instead gone about and, for example, banned the activity of UNRWA. These are all further examples. Not only is Israel not a neutral account here, it's actually further going against these fundamental requirements placed upon it by the court. So I see these as all pressure points.

I had wanted to talk about the ICC but don't necessarily take up too much time. I would say that the ICC story, as I have tried to set out with the ICJ, is one very similar, because of the problem of statehood. Palestine first tried to become a member of the ICC in 2009, but it only actually became a member, though in 2015, after all of this stuff happened at the General Assembly through Palestine's non-member observer state status. But even then, it took six years more for the ICC to confirm that it would actually act on Palestine's accession. When, in the pre-trial Chamber decision of 2021, it confirmed that, at least for the purposes of its jurisdiction, it was happy to take up investigations in relation to possible offenses carried out by Palestinians, or those on the territory of Palestine understood as the West Bank, the Gaza Strip and East Jerusalem. So this 2021 decision was absolutely crucial then, because it meant that once we got, unfortunately, to October 2023, we could say straight away, "No, the court has very clearly said it's happy to exercise its jurisdiction." There's no dispute now about Palestinian statehood, in terms of the court actually launching an investigation.

But yet again, for the paralysis, it took so much time to get those arrest warrants that we finally saw basically a year later. For our purposes, what we need to think about in terms of how to use the ICC would be how to lobby for expanding the list of charges that are currently against both former Defence Minister Yoav Gallant and Netanyahu himself, crimes such as genocide. We also need to think about other officials, civilian

and military, being charged by the ICC itself. But I think for more importantly, we need to see the ICC as part of this cascade of domestic law options, of civil society options, because we are in a moment now where very clearly we have statements of Israeli criminality from ICC, or alleged criminality, the possibility of it, as well as Israeli illegally, on the part of the ICJ with its finding of Israel's illegal presence. And so we need to capitalize on all of this to then bring about further activity.

For example, as I tried to hint at through pushing for Israel's suspension or expulsion from the UN under Article Six of the Charter. We also need to think, I suppose, whether to just give up on something like the two-state solution for the conference being held next month, or whether we can think creatively. Because I think what I've really tried to show is that when it comes to international courts, the most important aspect is always, unfortunately, statehood. And so it's about how to try to exploit that creatively, to stop the genocide, and to realize Palestinian self-determination. And then finally, as well, and to push for reparations. Thanks very much.

Session 4: Gaza Tribunal Conception of an Alternative Jurisprudential Legal Paradigm

Peoples' Tribunals as Alternative Justice Sites: Assessing the Role of Civil Society (online)

Michelle Burgis-Kasthala

GT Chamber 2 Member, Professor of International Law

This section explores the impetus behind peoples' Tribunals since their first iteration as the Russell Tribunal until today. In particular, it explores the way in which such Tribunals as self-avowedly non-state entities have sought to broaden and deepen notions of state and non-state forms of accountability. It considers the dominant substantive concerns of such Tribunals as well as their typical procedural dimensions. All of these experiences are crucial in reflecting on the unique contribution that the Gaza Tribunal can bring – as a self-conscious civil society effort that emerges from decades of broader struggles around accountability and self-determination for the Palestinian people. The section looks to the future to reflect on the potential legacies of the Gaza Tribunal, particularly in its aim to generate an archive of accountability.

As an international lawyer, obviously, you know, I tend to focus on courts, as I just talked about, but increasingly, I've been quite captivated by people's Tribunals as alternatives, and so I really want to try to use this segue, then to sort of acknowledge what is available formally through what I've talked about already, international courts, but at the but then think about people's Tribunals.

But then further, think about how the two work together. You know, we don't want to separate them and set up this binary of international courts versus people's Tribunals. We're sitting here right now, at the same time as there are important cases before international courts. So we need to think really about what work we're doing through the Gaza Tribunal, but we also need to think about how we can inform the work of international courts. So thanks for giving me the opportunity to speak to you on this today.

Just to underscore, I mean, firstly, I cannot stress how singularly state-based the international system is through adjudication. I mean, it is solely based, wholly based on state

content, either through states creating courts, or through international organizations creating courts, and international organizations themselves are creatures of state content most of the time as well.

Issues of accountability never even get to the international system. They are instead considered by states at the domestic level. So no matter how you look at it, there's always state power behind these formal mechanisms of accountability. And I think there are three key reasons really for why. Then we have a problem with civil society engagement in these forums.

Firstly, international adjudication is just highly fragmented in terms of its own jurisdictional coverage. For example, the ICJ only has 74 states who have signed up to its compulsory jurisdiction. It's called the 'optional clause,' but it basically entails compulsory jurisdiction. But even for those 74 states, many of them have sort of shrunk the scope for what the court can hear about, through issuing reservations to that acceptance. The Rome Statute for the ICC is a bit better. It has 125 states parties. But we have to remember that even though we have this patchy jurisdictional coverage, it's really significantly eroded by the fact that the key powers internationally hardly ever choose to go before these courts. And furthermore, as Craig Mokhiber had highlighted, oftentimes these courts are actually actively undermined by the most powerful states.

Second, of course, there's always political considerations that will inform the accountability efforts undertaken by states, both domestically and internationally. So much of the time, many of the key issues just never came before courts. And I think most interesting for our purposes, though, is the fact that the law itself is a creature of state creativity. So, states make the law, as we know, domestically and internationally. For international law, that is through treaty or through custom. There's almost no scope, especially directly, for civil society actors, to contribute to the creation of international law. And so then we might see this as a circuitous loop of states making courts, of courts adjudicating on state-made law, and within that loop, then it's very hard to penetrate and to try to think about creative accountability options for civil society actors.

Nevertheless, we've had really quite amazing activity on the count of civil society in creating people's Tribunals. And some people have referred to these efforts as accountability entrepreneurship, or popular protest, or some type of forum for a global conscience. And although, of course, people's Tribunals, as we've also heard from Paulina Chan and from Richard Falk this morning, they take on many different specific institutional forms. I think we can say that, generally speaking, they're all united by their sort of response to a failed interstate system. So again, we're coming back to this problem of the state: what to do with the state: to call for its end, or to sort of work creatively with it?

I think this is what people's Tribunals really struggle with, and so I think some of them are more happy to piggyback, adopt, build on, embrace aspects of state accountability. Others want to reject it outright. But there's this very interesting dynamic, I think, between forms of state responsibility, formal state structures, and then how civil society can engage in it. I think at the very least we might say as well that oftentimes people's Tribunals try to be quite expansive in how they think about modes of responsibility, for example, by thinking more historically around forms of wrong. Also, about bringing in a number of different types of actors who might be responsible or who might be affected by wrongs. Okay?

And so if we think generally about that as being the basis of many people's Tribunals, then unfortunately, the Palestinian people are an exemplary subject for which a people's Tribunal should be constituted because of the denial for so long of Palestinian liberation and statehood, and for now, in particular, because of the Gaza genocide. We've already seen efforts on that through the Russell Tribunal on Palestine, between 2009 and 2014, with sessions in Barcelona, London, Cape Town, New York City, and Brussels.

And so here, for the rest of my talk, I just want to sort of talk about how here today, in this new iteration of the people's Tribunal for Palestine, we need to think about how we can build on some of the earlier experiences of other Tribunals to really shape what we're doing here today, but also, I think more crucially, for the future.

People's Tribunals have been around for almost a century, the first being in 1934, in response to the 1933 Reichstag fire in Berlin. The typical starting point, though, for people's Tribunals, tends to be told with the Russell Tribunal. And I think starting with the Russell Tribunal is very helpful, because that then places us very much in this post-'World War Two, UN Charter ecosystem that we've all been focusing on today. And I think really in that system, the acute problem, or the acute paradox of the sort of liberation potentiality of international law coupled with its imperial dimensions, is really stark. That was made acutely stark, with the Vietnam War. And so that it was just such an unbelievable example through which to respond in the face of such a profound failure of accountability. And so that's when we had the establishment of the Russell Tribunal, which was basically the creation, with civil society, and brought together 25 prominent intellectuals and activists from 18 states.

Their role was basically to be citizen jurors, and it was firstly to provide a forum, simply to air the experiences of what was happening in Vietnam, but to the much further, to also serve as a fact finding space, but also then to actually pronounce on guilt. So the Tribunal itself was asked a number of questions in relation to specific violations of international law relating to, for example, to aggression and genocide and International Humanitarian Law violations. It had to make a finding in relation to these questions. And ultimately, it did find the US responsible for most, not by absolute consensus on all points, but overwhelmingly for most of these crimes. Of course, we can't say that the Russell Tribunal then ended up resulting in the US pulling out of Vietnam. But I think what's important is these very powerful, persuasive statements on at a moral level, is what we heard from this morning, from Richard Falk, are really, vital then in informing later civil society efforts. The Russell Tribunal, though, I think also is important, because it then precipitated later activity, including the Permanent People's Tribunal, founded in Bologna, in 1979, which we'll hear about briefly.

And I wanted to talk about the text, though, that was written at sort of around this time in 1976, which is the Algiers declaration. Now, I'll be honest, I read the Algiers declaration for the first time a few weeks ago, and I have to say, reading it now during Gaza's genocide was really unnerving, because the declaration begins, quote, "every people have the right to existence." Just let me say that again, all people have the right to existence. Such a bold and simple statement ironically underscores how many people throughout history have had their very existence threatened or eliminated. And such opening also rejects any notion of statehood as the presumptive first right.

The text builds on existing legal norms, but it also pushes these. For example, it uses the language of both 'breach' and 'violation' in relation to the denial of self-determination,

and then it invokes individual criminal responsibility as a worthy response. But it also stresses the importance of all forms of restitution for peoples, not states. It recognizes the rights of liberation struggles to engage international organizations in various forms of political struggle, including armed struggle. And when the fundamental rights of people are under acute threat, it is the duty on the international community as a whole to act. And I understand the international community from the text here, not as being constituted by states, but rather, constituted by peoples to re-establish these norms. I think this notion then speaks to the international legal principle of peremptory norms, which enable states to take certain steps for breaches, as per what we see through the Genocide Convention. But I think potentially, then it's suggesting that peoples themselves are also under it. You need to take steps when there is a breach of a preparatory norm. And this, you know, is far more radical than obviously, what we would expect from something like the ICJ of the International Centre of Justice for Palestinians. This is where I think we've really got creative potential through people's Tribunals.

One of the problems, though, for people's Tribunals, is that I think they straddle they irresolvable tensions. As I touched on before, they recognize and they respect state based laws a lot of the time. They're not going to reject the sort of corpus of international law, for example. But then they don't know the extent to which they should push them further or reject parts of them. So I think you might see them on a spectrum, from quite conservative to radical. And I think depending on where we place them on that spectrum entails perhaps more challenge or less challenge to their legitimacy. And so I think two ways to counter these legitimacy questions or challenges, is obviously to think about how we can ensure that any people's Tribunal is robust in the way it's thought about its own legitimacy.

So particularly for the purposes of the Gaza Tribunal, I'd like to focus on two aspects of legitimacy. First is representation. The second is responsibility. So firstly, when we think about a people, civil society actors are clearly saying that they are? These people are different from states. It's almost like a binary has been set up by declaring a people. But this negational binary doesn't actually provide a definition of who the people are, who's being represented. And then we have to ask, well, who's defining a people in creating such a Tribunal? Were the people themselves sufficiently consulted, and does a particular Tribunal seek to sustain a dialog with these people during the course of its institutional life? And how can diversity within a people be accommodated? And so, I think to sustain its representational legitimacy, a people's Tribunal needs to demonstrate really robustly how it can empower the voices of a people, even when many of them are not formally included in its processes.

This might entail regular consultation with locally-based civil society actors, along with extensive space provided throughout the formal proceedings themselves, the testimony, as we see here and input. And so while the Tribunal will seek to garner parts of its legitimacy from the expertise of people like us speaking right now, that can never, ever override its core commitment to giving voice and accountability to marginalized peoples as self-determined.

And secondly, if we think around legitimacy in terms of responsibility, I sort of touched on it here, I think what people's Tribunals have really done for us thus far is to make us think far more creatively and expansively about responsibility. So this making us broaden the scope, broaden the realm of what we might think about responsibility temporarily

in terms of time, in terms of temporality, in terms of, say, geography, in terms of the actors involved, in terms of the institutions involved. But I think as well, we need to go inwards and also think about our own responsibility and our own role in terms of the people's Tribunal that is being built.

So I would call then for a deep and ongoing ethical commitment on the part of members of the people's Tribunal, to recognize and confront one's own complicity in structures of injustice, so that we can then, through that, push registers of responsibility, especially to think about our own place within a vast web of both state and civil society networks. If we look back to earlier examples of people's Tribunals, they, understandably, were really compelled to act by a sense of singularity. They had a conviction that a particular situation at a particular moment posed a unique threat to accepted understandings of law, of accountability and of international order itself. And I suppose what I'm really intrigued by at this moment with Gaza, is that the case for Gaza, or in thinking about Gaza, is this actually a challenge to the international system, per se? I think I'm probably erring towards the latter point.

So if that is the case, then I think the paradox of launching a people's Tribunal here could not be more pronounced, because we have to ask: is the suffering of the Palestinian people, the result of impunity that can be addressed through available mechanisms? Is it simply that political interests can ignore this law, or, more fundamentally, is the law itself implicated in these harms? And then what is our relationship to that law? How transformational do we want the law that we're trying to reimagine be through the Tribunal. And so I think the people's Tribunal for Gaza will obviously serve as a critique of the law, but I think it can also be a space for reimagining international law, and I think the best way to do that is to follow in the steps of earlier people's Tribunals, particularly with their focus on creating a fact-based archive, okay? And we're already seeing this in terms of the witness statements and all of the evidence being produced from the Tribunal. And as Aldo Zammit Borda and Stefan Mandelbaum of the Uyghur Tribunal point out, you know, once states have this account that is presented to them by people's Tribunals, they have three choices, they ignore it, they deny it, or they can change their policies. But I think the archive itself is presented by a people's Tribunal is extremely valuable, again, as sort of touching back on what Phyllis Bennis was saying as a way to help, sort of push other efforts in the future.

I'm just going to try to skip some of my talk because I'm conscious that I don't want to sort of take up too much time.

I do think we can be quite creative in the way we think about notions of law as well that I'll talk about it later. So in terms of what we might think of as this Tribunal's legacy, is it going to be providing a factual account? Is it going to be providing a moral judgment? Do we see it as being a classroom of global civic responsibility through a politics of listening? Is it the space for reimagining the law? Is it a space for witness testimony, or is it contributing to being the building block of a Palestinian state? I think it's probably all of those things.

I think it will also be more than those things, because ultimately it's about how future civil society activists themselves want to use what is produced through the Tribunal, and we can't pre-empt that. I think what's really crucial, though, is the role that the archives themselves can play, and we'll be talking about that tomorrow, and that, I think, as well, we always need to be cognizant of this ongoing conversation, this dialog that is

actually taking place right now between Tribunals like this one and formal international courts or domestic courts, as, for example, the ICJ and the ICC. Thank you very much.

Permanent People's Tribunal (online)

Helen Jarvis

Vice-President of Permanent People's Tribunal

What I wanted to do was to talk as indeed the Vice President of the Permanent People's Tribunal, to talk to this august meeting of minds on the situation in Gaza and the Gaza Tribunal. What is interesting to me is that we are appropriately juxtapositioned here between two different panels. One is "deficiencies of the formal, international normative order", and the other is "activism of civil society and social movements". And we have had fantastic presentations, I think, today on both of those aspects. And it's right within the juncture of these two concepts and activities that the Permanent People's Tribunal, in fact, all people's tribunals, including the Gaza Tribunal, stand: fully aware of the failures (and as we've heard today, not necessarily accidental failures, but perhaps designed indeed to fail) of international law and international legal institutions, which to us are not surprising at all, but yet, today, they're becoming more and more blatant. With regard to Gaza, and I think just in the last week the number of governments, not only governments, but also newspapers, television programs, important influencers around the world have finally come to see that indeed the emperor has no clothes, and we have a case of blatant imperialism and aggression. In the discussion yesterday, the importance of correctly naming crimes against humanity, including genocide and apartheid while they are being committed, was raised. And I think this is something that has been quite a key objective of the PPT from its early days, from the Russell Tribunal on Vietnam in 1966 and 1967 - it's actually intervening at the time something is taking place and naming names.

But of course, naming isn't enough in and of itself. We have to recall, of course, that the first objective of the Genocide Convention is prevention. But as George Mason University's Professor of Genocide Studies, Gregory Stanton, says, by the time the ICJ gets around to ruling, if the crime is not prevented, then the genocide could have been achieved, and everybody would be dead or forcibly displaced. So we have to always remember that naming is only one half of the operation.

But actually acting and preventing stopping something is what's needed. If and when Israel's genocide in Gaza is sentenced by an international court, it would be a significant moment indeed, and one that is tremendously and culpably overdue, and one that, as we've heard today, under the present system, seems to not have the possibility of enforcement, and stands as a symbolic gesture until, indeed, civil society perhaps can rise. Social movements can rise and force a change, as we heard so movingly presented, I think, by Phyllis Bennis earlier in the last session. With regard to the anti-apartheid movement, an international society that can tolerate being a spectator of such crimes is already responsible for everything that has happened.

I wanted to just speak very briefly about the Permanent People's Tribunal. Michelle Burgis-Kasthala has already spoken quite a lot about it, so just to remind people that indeed, it grew out of the Russell Tribunals on Vietnam which, as she said, could not claim to having brought an end to the war and forcing the US to withdraw. But it certainly was appreciated and was noted as part of a worldwide movement of peoples. And only two

weeks ago, I was in Ho Chi Minh City for the 50th anniversary of the end of the war and the reunification of Vietnam, and the attention and support that was given by the international community, who stood by in solidarity with Vietnam, was very much highlighted.

So, after the Russell Tribunals, in the 1970s, we had also Tribunals on the dictatorships in Latin America. Again, as Michelle says, there was a huge amount of documentation, but also naming and calling for action. And then in 1976 the Universal Declaration of People's Rights, also known as the Algiers Declaration, [was adopted] which Michelle has referred to today too.

After that, in 1979 the Permanent Peoples' Tribunal was formally established in Bologna as a permanent institution devoted to listening to peoples forced to deal with the absence of law and impunity. This Tribunal has reached judgments in 54 sessions over this period, on a wide range of cases, including violations of human and peoples' rights, taking up, in particular, the rights to self determination for people such as the Eelam Tamils in Sri Lanka, the Rohingya in Myanmar, and the Kurds. We are pleased to stand today with you, in solidarity with the people of Palestine in this Gaza Tribunal.

We need to focus on the long-standing unconditional right of colonised people to self-determination and, if I may say so, I think a little more attention might be given to that. I don't know if the rest of the Tribunal is going to deal with that in more length, but I think we have talked about Nakba, but we haven't really focused on the structural relationship of colonialism and what has happened in regard to Palestine. And I think the right of Palestinians to independence, establishment of a state and the right of return are absolutely unconditional.

These rights cannot be denied or refuted in international law. They're absolute. They cannot be negated by Israel's spurious argument that its project of Gaza annihilation is in self-defence. The intent to establish and maintain Israel as an apartheid state, so clearly outlined in Chamber One by Victor Kattan and then today by Lara Elborno, when she drew out the essential displacement and destruction of the Palestinian population as a necessary and essential condition for the achievement of the settler-colonial enterprise. From way back at the time of its inception in the 19th century, Israel's continuous moves to achieve that end have been well documented, implemented in repeated episodes of repression, land seizures and siege, and now are even more clearly, explicitly and unashamedly articulated as intent.

Not only could the evidence of the crimes committed be more visible, as has been testified over two days by eyewitnesses and victims in harrowing detail, but what is still happening in Gaza reveals ever more clearly that criminal responsibility is not only that of Israel, but includes and is indeed enabled by the explicit and decisive connivance and participation of the United States, and its all too many Western allies and the silence or impotence of the organs and institutions of the United Nations.

I was particularly interested in the idea that Craig Mokhiber spoke of – that there are two United Nations, which we're all too aware of here in Cambodia. Gaza has become the exemplary documentation of a comprehensive and profound picture of an international society emptied of its capacity to recognise, defend and promote the fundamental right to life of really, actually-existing peoples who are being transformed into objects, victims, collateral damage, or even human animals. The Palestinian people today are the most visible expression and the summarising symbol of all those people, humans around the world who enter, remain and die in the gaps in international law of states.

The tragically real and symbolic people of Gaza declare the urgent need for concrete investment of resources to think, to create, to experiment an international law which could be credible as an instrument for the future and its emerging challenges and needs.

As a tribune of visibility and voice of the many Palestinian peoples in this world, this Gaza Tribunal and other solidarity actions by popular social movements can, and absolutely must, devote themselves to achieving this necessary condition for human survival. The case of Palestine and the egregious incapacity of the established international legal system to do anything to stop the violations oblige us to look more broadly, facing the truth about what was the objective of the so-called rules-based order that is being shredded before our eyes. We should be setting our objectives not on reforming it, tinkering here and there, but to go back, indeed, as I will conclude my remarks as Michelle did – going back earlier to the Universal Declaration of People's Rights, issued in Algiers in 1976, but also true today: "we live at a time of great hopes and deep despair, a time of conflicts and contradictions, a time when liberation struggle have succeeded in arousing the peoples of the world against the domestic and international structures of imperialism. And in overturning colonial systems, this must be a time of struggle and victory in which new ideals of a justice among and within nations have been adopted, at a time when the General Assembly has given increasing expression, from the Universal Declaration of Human Rights to the European Social Charter on Economic and Social Rights and Duties of States, to the quest for a new international political and economic order."

But the declaration goes on to say, "this is also a time of frustration and defeat as new forms of imperialism evolve to oppress and exploit the peoples of the world. Imperialism using vicious methods, with the complicity of governments that it has itself often installed through multinational enterprises, through manipulation of corrupt local politicians with the assistance of military regimes based on police repression, torture and physical extermination of opponents, through a set of practices that has become known in those days as neo-colonialism, imperialism extends its strangle-hold today over many peoples." That's all for my remarks, and I'll hand over to our Secretary General, Gianni Tognoni.

Gianni Tognoni

Secretary General of the Permanent Peoples' Tribunal

I am here to represent the strong interest and participation of the Permanent Peoples Tribunal in this important initiative of the Gaza Tribunal by sharing the long term experience of an organization which over the last decades, starting back in 1979, has heard more than 50 cases of massive violations (including 11 cases of documented genocides) of human and peoples' rights that have occurred worldwide.

I do not pretend to add specific new information to the impressive documentation which is being accumulated for the Gaza Tribunal. I have simply the role of bringing forward several wishes and recommendations, generated by our long interaction with peoples who have been victims of repression, and have further suffered like the people of Palestine at the hand of connivance of the international community (with the main actors and responsible institutions of the repression clearly defined, as Israel and the USA). My most important wish would be that the Gaza Tribunal will be specifically looking towards a future for the Palestinian people, because the evidence of what has been his suffering is so beyond any reasonable doubt that it cannot be considered to be principally

a juridical problem. I think that will be a great example if the Gaza Tribunal could proceed to the formulation of its judgment starting from this point.

While we have heard very, very good presentations on genocide and competences of the court, that's possibly marginal from the point of view of the real rights of peoples. We have to now stop the violations, because while the international law is acting without strict time concerns, for the peoples who are the victims time is a permanent, increasing, devastating fate -- of dying and suffering, being treated as non-humans. I think that it will be very important to be aware of this right, which does not tolerate delays because of uncertainty in law. When the law is uncertain, the rights should be respected, not the opposite. And I think that is very important, because otherwise the debates will go on and on and on, and this will also impede any effort of reparation, which should be one the most relevant responses to genocides and related crimes.

The ongoing genocide is a matter of fact for which no solutions are envisaged, because the main responsible actors give absolute and unaccountable priority to their geopolitical plans.

The tragic role of Gaza is being an example of the impotence of international law in front of powers which can and want to defy the fundamental rules of a civil society. This could and should become the opportunity for completely overhauling the present international law of States, which does not in any way deserve its current credibility and trust in its guarantees.

What happened and is ongoing in Gaza must be also the proof that nobody could pretend to be ignorant of the gravity of the crimes, but also of their implications: as Razi Sourani was saying yesterday, Gaza should not be the last graveyard of international law. We ought to look for new international law capable of respecting people who are now existing, not simply who belong to history. I think that is what is requested of us.

The experience of the Permanent Peoples Tribunal documents how important are judgments that point to the future of the peoples, so that their histories could also be a memories of research for life. And I think no people more than the the Palestinians should have the right to have a future, in the name of women and children who have been, and are today the dramatically best indicators of the planned genocide of the identity of their people. The term which international groups of women have coined, reproductive genocide, is specifically significant, as it points clearly, by denouncing the extremity of the planned massacres, to the inviolable need for a different future, one of freedom and dignity.

Further applicable juridical clarifications are certainly welcome if they are inclusive of a reparation for living peoples, not simply confined to books for historians: experts of the international law will continue to discuss whether, in fact, all the definition of genocide were met, but that debate is marginal with respect to the rights of the living and free people of Palestine. Thank you.

Session 5: Activism of Civil Society and Social Movements

Sumud and Self-Determination: The Enduring Legacy Against Erasure (online)

Ramzy Baroud

GT Chamber 2 Member, Author, Palestine Chronicle Editor and Senior Research Fellow at Center of Global and Islamic Affairs

Thank you very much for holding this [tribunal] at an extremely critical time for the Palestinian struggle and the Palestinian solidarity movement.

I just want to kind of start by just trying to reflect here on all these markers that we consider, like whenever we think about the history of the Palestinian struggle, the history of the so-called conflict, the history of Zionism, colonialism, we kind of go through all of these markers, starting with the first Zionist conference, the Balfour Declaration, the mandate period, and of course the adjoining violence, extreme violence and campaigns of suppression that were not just reflecting themselves on just violence in the streets or in prisons, but within the kind of laws and regulations that were injected into the discourse in order for them to justify that kind of violence against Palestinians, starting with the emergency regulations of the British and then the denial of livelihoods, the numerous conspiracies and papers and all the way culminating to the Nakba, the catastrophe of 1948. And then Israel, with the new emergency laws that were based, kind of like picked up where the British had left off, which is very important that we do not separate between British colonialism and Zionist colonialism.

Essentially, they are an extension of one another. And then you had that period of Shattat, the diaspora of the Palestinian people. And we are all familiar where the Palestinian people are in terms of where they are located in the world now in terms of the refugees encampments and just in the West Bank and Gaza, but also in Lebanon, in Syria, in Iraq, in Egypt and elsewhere. And so, those of us who have been working with various refugee communities are kind of familiar with how the refugee, the Palestinian refugee is not, it's not really a phenomenon that of a single group of refugees becoming refugees as a result of a singular historical event, a war, for example, but rather it's almost, it's embedded in us as if it's our fate, our destiny. It's a concept now more than just an experience. So, you talk to those refugees who become refugees once, twice, three times.

Some Nakba refugees became refugees again during the Nexa, the war of 1967. They ended up going to Jordan, from Jordan to Lebanon, from Lebanon to Syria, from Syria to somewhere in Europe, Turkey, back to Lebanon and so forth and so on. And then, of course, you have this perpetual war that Israel has launched because Israel is a settler colonial regime and settler colonial regimes cannot exist without colonial expansion. It just, it comes with the job. It's part of the definition. There is no point in time where a settler colonial regime will come and say, you know what, I quit. I will not be a settler colonial regime. The moment you do is the moment you start shrinking and therefore Israel takes every possible opportunity just to expand. Some trouble in Syria, you'll find a little bit of a margin, some vacuum, go for it. Grab as much land as you can. The whole grabbing of land, which is something that's not actually my term, that's Ariel Sharon used that term in a famous speech with the settlers. I think it was in Kariat Arbab.

I can't be sure where he spoke about, you know, run, grab the tops of the hills, you know,

just grab whatever land you can, push the Palestinians out as fast as you can. It's just the very nature of the settler colonial regime. And of course, with grabbing and stealing, and you have to do the ethnic cleansing component that just part of, you know, it's just a direct result of that kind of colonialism, whether colonialism that happens at a mass scale, like the Nakba or the Naxa, or this kind of incremental genocide as termed by Ilan Pape and others.

And during this time, you have, let's be honest, lack of international solidarity. When I say lack of international solidarity, the lack of solidarity that happens at a state where you have critical mass that could lead to that coveted paradigm shift, it just never happened. We are building a strong solidarity movement now, and we have been doing so for years, but it hasn't really registered to the point that it becomes this nagging concern for countries all around the world that this issue has to be resolved to what is fair and just for the Palestinian people and this Palestinian cause.

And also, since we are being honest, let's also talk about the role of the Arabs in all of this. I mean, this whole idea that I reject completely of where are the Arab rulers? I mean, you kind of hear that in the discourse, but notice how Palestinians are far less keen on enunciating this idea of where are the Arab rulers? Meaning, where are the liberators? Why aren't they coming to the rescue as should have been the case per certain cultural, historical understanding and experiences? Well, that did not happen, but I think it's far more complex than that. The Arab rulers have actually linked their cause to that of Israel, and they began normalizing openly or secretly.

And they are actually far more keen on ensuring that the Palestinians lose in Gaza today than there are Palestinians winning. Because the Palestinians win, that will win the real paradigm shift is gonna start happening. And of course, during all of this more Israeli, even during times of so-called peace, the peace process, Oslo, Oslo I, Oslo II, the Paris Protocol, and so forth and so on, you continue to have the same behavior from Israel. More massacres, more violence, more illegal settlements, more destruction of ancient olive groves, more home demolitions, and the rest. And during that time, more siege within siege. I also resent the term of the Gaza siege. What Gaza siege? Gaza has been under a perpetual state of siege since the Israeli occupation of 1967. Maybe that siege has eased a little bit. Maybe certain products were allowed in.

Maybe a larger number of Palestinians are allowed to leave and come back. But essentially, it has always been a siege, a siege within a siege. And it has always been a state of war that just keeps getting more and more violent all the way to the current genocide. Okay, so this has fundamentally changed the geography of Israel. Israel has grown exponentially. I mean, in 1967 alone, Israel has grown by almost three times or three-folds as it was prior to 1967.

So that box is being checked. But something has not changed. The Palestinian people, their determination, their resistance, their steadfastness. What is this all about? I mean, if you think about it from a rational point of view, we should not be talking about Palestine right now. It is a subject that should have been assigned the archives of history, considering what the Palestinian people have been through generation after generation, culminating to an actual state of extermination and genocide. We are still talking about Palestine. Not just talking about Palestine, talking about Palestine in a present tense. Palestinian rights, Palestinian freedom, justice for the Palestinian people, free Palestine. Everywhere, everywhere you go. Everywhere you go. During the last

600 days or so, I have been to many countries. Unfortunately, I did not have the chance to be with you today, and I really wanted to, but circumstances beyond my control prevented me from doing so.

But wherever you go, from Madrid to Rome, to so many capitals in the Western world, let alone the global South, clearly there is a global majority now that is siding with the Palestinian people. But how did the Palestinian people manage to insert this reality on the rest of the world? Well, definitely not because of the Arab League or the Arab rulers, or because of the Palestinian leadership. God forbid, Mahmoud Abbas and his ilk. None of this. It is because of this term that we just quite often use haphazardly, that is of Samud, steadfastness.

But Samud is not a sentimental word. It's not an emotional term. Samud is a culture, a culture that is rooted in defiance, in history, in faith, in spirituality, in family, in community. What you see in Gaza right now is the greatest possible manifestation of Samud you will ever, ever see. Children are the only, in some situation you will have a single child surviving the annihilation of the entire clan or family. And he would stand in front of the camera to recite poetry about why he would not leave Gaza and why he would fight until the last drop of blood. Samud is an actual functional term. And I will tell you why in a minute, why we neglect this kind of terminology and or we infuse it sometimes as a footnote when we write about the history of Palestine and the history of the conflict or so-called conflict.

The language of Samud ranges from poetry, storytelling, but also Quranic verses. Revolutionary terminologies, whether you are an Islamist or a Marxist, everybody has a discourse of Samud that all somehow circles back to the term. Words like Samud itself, *muqawama*, *hurriya*, *thawra*, revolution, freedom, resistance. In Palestinian culture, we do not distinguish between *muqawama* and another *muqawama*, between one form of resistance or another form of resistance. These are terminologies that we have created conveniently to accommodate our ideological, political sensitivities and the sensibilities of our audiences in the West. But you don't go to Gaza and someone is going to say, this form of resistance versus that form of resistance.

Muqawama is a concept that is deeply embedded in the collective Palestinian heart. Until the last drop of blood, unfortunately, it's actually now happening, actualizing that we are fighting until the last drop of blood. But even that, that is part of the Samud discourse. Even the word Palestine itself, Palestine, Palestine. I grew up writing the word Palestine on the sand, on the beach of Gaza, like pretty much every Palestinian child in Gaza. It's the first thing. You write Palestine, you write your name, you write the name of your mother, you put a heart in there. That's what you do. It's a ritual.

We all have to go through it. We write it on our books, on our hands in every possible way. But why? We were not even aware of the fact that we are being part of this culture called Samud and that this culture will prove to be the greatest weapon in the face of colonialism. We did not know. That's the beauty of it. It just, you do. We are shaped by that language. This generation in Gaza that is fighting until the last drop of blood is shaped by that language. It's a generational language. It goes all the way back to the very start of the liberation movement. It's not the Balfour Declaration. It's not the first Zionist conference. It's not the nation state law of 2018. These are all very important components and markers of history. And they need to be highlighted time and again, but we are not haunted by them as ordinary people, as Palestinians in the streets of

Gaza, Jabalia fighting for the very survival of whomever remains in Jabalia or Shaja'a or Khan Younis right now.

The alternative language, alternative characters, Izzedine al-Qassam, Abdelkader al-Husseini, Akram al-Za'atar, Ghassan Kanafani, all the way to the fighting Palestinians in Gaza and their children, their journalists, their doctors, their ordinary people. This is not sentimental. I'm not talking poetry. I'm not talking emotions. I mean, yes, it is loaded with emotions, but I don't mean that to register an emotional moment. I have been speaking about people's history for many years, pushing this particular phrase, reclaiming the Palestinian narrative and arguing long before any of this happened in Gaza that Gaza is the heart of Palestinian history and the heart of the Palestinian story and the heart of the Palestinian future. And I also kept saying, every time I made that claim, I kept saying, this is not an emotional message, but a living reality. Because Gaza is where the worst possible manifestation of the Israeli occupation, Israeli apartheid, Israeli siege, Israeli war and violence and ethnic cleansing and today's genocide. It is the epicenter of the worst that this ugly Zionist ideology has to offer.

But it's also the manifestation of a Palestinian resistance that has never ceased for a single moment. This, in my mind, is sufficient to make Gaza the most critical component of the entire history of this so-called conflict. The Israeli genocide in Gaza is not an act of collective punishment. I know, from a legal point of view, of course, you can make that argument, but I think it's far more complex than that. Because it seems to me that Israel, through a twisted logic and understanding of reality, has figured out the real fuel of the collective resistance in Palestinian society. So mood is predicated on the people themselves, not on a single ideology, not on a group of individuals, not on a specific organization or faction and the like. It is the Palestinian people themselves.

This is why you have that famous statement by a former Israeli justice minister, Eilat Shakid. In 2015, she said something that made headlines. She wrote a Facebook post in which she spoke about Palestinian children as the little snakes. And there she said that not only those little snakes have to be killed, but the mothers of those Palestinian martyrs and those little snakes would have to be killed as well. They should follow their sons, she wrote.

Nothing could be more just, said the justice minister of Israel. I mean, that by itself is a whole different discussion on inhumanity and contradictions. But the point here is that, why is this constant reference by the likes of, it was Shimon Peres, I think that who said something to the effect of, I wish to wake up one morning and realize that Gaza had sunk into the sea. I think it was Shimon Peres. I don't have the information in front of me. When Ariel Sharon made an argument in the early 50s, when he was the head of the Southern Command of the Israeli Army, when he was killing people in barrages in a refugee camp in Central Gaza, and he made the argument that, and I don't want to repeat the word that he used to refer to Palestinian women, that they should also be killed because they are the ones who are giving birth to the terrorists.

The Israelis have always had this understanding that the problem is the Palestinian people. It's not Hamas, it's not Yahya Sinwar, it's not Abdeif, and definitely not Mahmoud Abbas. That's a whole different subject. But they always had this understanding that it's the Palestinian mother, is the Palestinian father, is the Palestinian child, because they actually understood that the struggle for Palestine does not come from weapons. I mean, this whole concept about Hamas needs to give up its weapons. What weapons? What

are we talking about? The weapons of Hamas and the popular front of the other socialists and Islamists are just things they make up, that make in their tunnels, the bombs that they dissect and recreate in the forms of landmines and such. It's not the kind of arsenal that you can account for. Well, you have this number of missiles, this number of bombs. This is the least of the concern of the resistance.

The resistance is the fact that the people refuse to surrender their rights to Israel, refuse to be defeated by Zionism. This is the actual resistance in Palestinian society. In Israel's thinking, they feel like if to decimate the resistance, you have to kill the people in mass and ethnically cleanse the survivors, which is exactly what Israel is doing. It's exactly what Israel is doing. It's twisted and criminal, but it is kind of consistent with the understanding of this whole conflict from Israel's point of view. I feel like we need to establish a new understanding regarding Palestine ourselves.

So when I say centering, or when we say centering Palestinian voices, and by the way, when we say centering Palestinian voices, we should be referring to not just any person who could serve the role of the Palestinian. You can always find that in any society, from Palestine to Afghanistan, to Egypt, to Iraq, there's always that Palestinian who is ready to negotiate and sell out for personal gains. When I talk about centering Palestinian voices, I am only referring to the organic intellectuals of the Palestinian society, people who reflect the sentiments, wishes, feelings, aspirations, and popular politics of ordinary people. And there are more of these people that you can possibly imagine. Gaza is filled with them right now. Not any Palestinian, therefore, suffice, and not any narrative will do. This should help us liberate the word *sumud* and all adjacent terminology from being fleeting, sentimental language, and place it at the heart of the Palestinian discourse. The Palestinian people, like all native populations, struggling for their freedom, should be trusted with their own discourse. They should not be marginals in that discourse. They should not be in the audience. They should be at the center of the stage of any conversation regarding Palestine. And by the way, they are not a liability to that discourse. They are not marginal actors. They are the main characters. And I have a simple way of proving this.

For years, in fact, for decades, we have been begging mainstream media to tell the story of Palestine with a little bit of fairness, just a little bit, a little bit of humanity, at least recognize that the Palestinians exist, that they have a viewpoint, that they are people with rights. Give them a little bit of space, a little bit of room, to the point that whenever the New York Times or the Washington Post or any of these arrogant elitist media would allow a Palestinian voice, quite often self-censored, not to hurt, you know, not to shock the audiences too much, whenever they allow for a little bit of space to that Palestinian or pro-Palestinian voice, it's a big celebration for us in the solidarity community, or it used to be. It was a big event.

My gosh, can you believe the New York Times allowed this to be published? Because we were always under the impression that we were one or two or 10 articles away from changing the narrative on Palestine. And of course it's wrong, because corporate media, by definition, is corporate media. And it's there to serve the interests of the corporations and the state. We all know that. Noam Chomsky has been writing about it forever. Antonio Gramsci has been talking about cultural hegemony for decades and decades ago, right? So we all know that, but somehow we felt beleaguered. We need mainstream media to say something, to take a moral stance.

But it turned out that even though Israel disallowed mainstream media from entering Gaza, targeted journalists killed over 220. I think the number is higher now. And injured many, and many were arrested, tortured, many were forced to flee Gaza. Yet somehow, within about 600 days of the Israeli genocide in Gaza, total cut off, total isolation, and a state of total exterminations, Palestinians in Gaza alone have exposed Zionism more than all the work that all the intellectuals and all the academics, mainstream or alternatives that have done over the course of a century. This is a by-product of Sumud. It's a by-product of Sumud. So it is time to revisit our language of solidarity with Palestine. Liberate our own ideological, political, and often personal priorities, and reshape it based on the priorities of the Palestinian people.

I'm just gonna finish with a very quick note that was written by Hossam Shabat, a young Palestinian journalist who was killed by Israel. He wrote a year before his martyrdom, his recent martyrdom, he wrote this note on social media. He says, "the biggest problem is not Western journalists being unable to enter Gaza, but the fact that Western media does not respect and value Palestinian journalism. My colleagues and I risk our lives daily to report on this devastation. No one knows Gaza as we do. And no one understands the complexities like we do. If you care about Gaza, amplify Palestinian voices. We do not need Western journalists to tell our stories. We are capable of reporting our own."

And I would say, take that maxim and apply it to every form of life and resistance and struggle and politics in Palestine. It is time that we really relocate the discourse in Palestine entirely back to Palestine, to the Palestinians and to Gaza in particular. Thank you for listening.

Jewish Voices for Peace and the Ceasefire Campaign (online)

Phyllis Bennis

GT Chamber 2 Member, Fellow at the Institute for Policy Studies and International Advisor at Jewish Voices for Peace

I'm actually not just gonna talk about Jewish Voice for Peace because that's only one of several parts of a movement here in the US. I talked earlier about the importance of global movements that played such a key role 50 years ago in the struggle against South African apartheid that helped change the conditions under which South Africans for themselves were struggling against apartheid. I think the same thing is important now about global movements changing the international situation within which Palestinians themselves are struggling for liberation.

But I'm going to talk today, just now specifically, about the United States movement, not about the global movement per se. It is the movement that faces perhaps the biggest challenge anywhere in the world, but is also the most necessary because of the primary role that the United States plays in enabling and participating in Israel's genocide in Gaza right now. What we saw in the very early stages of this section of the genocide, as we might say, right after the October events began was that what emerged in the United States, globally as well, but particularly visible in the United States, were really two separate movements.

There was a longstanding Palestinian rights movement that had been around for 25, 30, 35 years that had operated for a long time, but had never operated close to power, had never reached positions of proximity to power. Separate from that, initially called out by that movement, by the Palestinian rights movement, but what quickly became a

spontaneous, much broader movement was the movement for ceasefire, as it defined itself. And that movement was first, as I say, called out by the Palestinian, Muslim, Jewish, Black, Indigenous, other organizations that called people into the streets in those first few days, first few weeks of this genocidal assault.

But very soon that movement emerged as a separate phenomenon, separate from the existing, being more organized, Palestinian-led movement that had been around for so long. And that movement, the ceasefire movement, achieved two very important things that seem counterintuitive, but they both happened, they were both important. The first was there was a level of message discipline that emerged, which I must say, the longstanding Palestinian rights movement was not known for.

There were always lots of different positions being asserted at any given moment. But as this movement, the ceasefire movement emerged, it took up the call, ceasefire now was the call. And the fundamentals that many, many people within it, but not everybody agreed with, the need to end occupation, to end apartheid, to end settler colonialism, to establish equality for all.

These fundamentals were essentially put on the back seat in the context of building a movement broad enough to counter this level of genocide that was underway. The second thing that that movement accomplished was it immediately began to redefine what ceasefire required. So first, ceasefire now immediately became ceasefire now and permanent.

It has to start now and it must be permanent. But then it defined ceasefire as being not just one thing, but three things, all of which had to be present for this ceasefire to be what we are fighting for. So the first was certainly stop firing, stop bombing, stop the drone strikes, stop the airstrikes, stop the tank fire, stop shooting and killing people.

That was number one. Number two was get UNRWA back in and allow unlimited humanitarian aid for this population that is now already starting to experience starvation, not just hunger. And number three, and perhaps most important in the context of this being a movement in the United States, stop sending weapons. That was both a medium and long-term goal and an immediate goal. There was the understanding that when the weapon stops, the attacks stop. And the United States in that way was not just complicit in, not just enabling, but was actually a participant in this assault.

So stopping the weapons was number three. And you had to start with all of those if it was going to be an acceptable ceasefire. So it started with the activists led by Palestinians first and then went broader. And the broader part was not even a political response. It was a human response that involved right from the beginning, people who had never engaged with the issue of Palestine, had never supported Palestinian rights particularly, many had never been activists at all. Many came from other movements, the environmental justice movement, immigrant rights, the women's movement, LGBTQ rights, all of these things, the labor movement, the black freedom movement, all were involved.

But there was a huge component of people for whom day-to-day activism was not part of their life on any issue. And yet they were pulled in to what was rapidly becoming the moral challenge, the moral issue of our time, especially for young people of all those communities. So first it was the black freedom movement that emerged, Black Lives Matter, Black for Palestine, Black Christians for Palestine, other African-American organizations that emerged, other communities of color, indigenous movements, the notion that we heard about a minute ago about this statement from Shaked when she

was the justice minister who talked about snakes was so reminiscent of the discourse that existed in this country in the 1850s, 60s, 70s during what was known as the Indian Wars in Sand Creek, the infamous Sand Creek massacre where a commander told his troops to fire and kill everyone in a village on Sand Creek in Colorado. Some of his soldiers came back and said, we can't shoot these people. There are peaceful people. They're sleeping. It's the middle of the night. There's babies, there's children. And his answer was, knits make lice, kill them all.

Kill them all. It was the same language that we heard, the same language of extermination of a population that we heard from then justice minister in Israel. The student movement, the incredible student movement that emerged through social media. And again, not all were experienced protesters at that time. They came out in response to what they were seeing on their phones, on their screens, on their tablets and computers and televisions 24 seven on a daily basis. And they established on their campuses these encampments that were both symbolic, symbolic of the Nakba and symbolic of resistance became the symbols of the entire movement led by these extraordinary students. 175 - 200 campuses had these encampments as symbolic of the protest of the demand of the students that their own universities divest from profiting from apartheid and occupation and settler colonialism and now genocide. It was a link to earlier protests, certainly to the Vietnam era protests that talked about strategic hamlets. What this new project is from Israel and the United States right now inside Gaza to shove the entire population into a tiny area so that the rest of the land can be destroyed, the rest of the people can be slaughtered.

Strategic hamlets was the name of this horrific plan in the Vietnam era. It was also reminiscent of the anti-apartheid struggle of the 1980s of 50 years ago, when students built what were made to look like the settlements, the shanty times that black South Africans were forced to live in during the period, during the years of apartheid. So this was both symbolic of a history of political organizing, of movements, of student organizing, but it was also specific to the Nakba and to the resistance of Palestinians.

We then saw a movement that was led by a number of Jewish organizations, both anti-Zionist Jews and other Jews who were not necessarily ready to call themselves anti-Zionist, but could not fathom being part of and standing by and not dissociating themselves from the horrors that they were seeing that was being perpetrated in the name of Jewish safety, keeping Jews safe. And people were saying, not in our name. That does not keep us safe.

Not in our name became the cry of that part of the movement. Jewish Voice for Peace, the largest of the, well, this one is an anti-Zionist organization, but the largest of any Jewish organization criticizing, condemning Israeli occupation, apartheid and genocide, doubled in size despite a decision not to do any recruiting as long as this is going on, because it just seemed wrong to recruit on the basis of this. But people flooded to the organization despite that, holding sit-ins in congressional offices, occupying Grand Central Station in New York City, occupying the island where the Statute of Liberty is based.

New organizations, Rabbis for Ceasefire emerged, occupied the Security Council chambers at the United Nations, protesting how their country, the United States, was preventing the United Nations from doing its job, and then went to meet with the Secretary General to say to him the whole, the same thing. We know what our government is doing to keep the pressure on you. Our president does not speak for Jews in this country.

All of that has been going on. The Jewish elders who chained themselves to the White House fence in protest, and crucially, challenging the weaponization of these false charges of anti-Semitism that were being used primarily against the students. It was crucial that that critique came first from the Jewish students within the encampments. It didn't prevent, of course, that weaponization that is still going on. We're still seeing this in the United States where people are now facing deportation, detention on the basis of false claims of anti-Semitism, draconian punishments that were already being used by the universities to kick out students who were simply protesting and demanding that their universities divest from apartheid and occupation. So in the, what that reflected, among other things, was a reality that had been going on for maybe 10 years that was largely generational, but not only in the Jewish community, beginning really with the movement for Black Lives that started in 2014, with the killing of Black activists around the country, leading up to the killing of George Floyd in 2020, where it spread certainly across the United States, but then globally as well.

And what we saw, for example, in 2021, there was a poll of Jewish voters in the United States indicating that 25% of Jewish voters believed Israel was an apartheid state. This was four years ago. At that same poll, 38% of young Jewish voters said they believed Israel is an apartheid state. That had never happened in the history of this longstanding movement for Palestinian rights. We had never achieved that level of influence of our ideas within the Jewish community. It showed the impact of years of work, but then it showed what was happening right now and what the vision that Palestinian journalists that Ramzi just spoke of, that had been so important in getting out to the world the reality of what has happened in Gaza, that's what changed that longstanding instinctive report for Israel.

So you had this very broad movement, broad in composition, broad and creative in tactics. We were seeing for the first time protests by federal workers, congressional staff, White House interns, the workers at USAID, the State Department, even the election staff workers for the Biden campaign, resignations, people from the State Department, the Education Department, Interior, the Pentagon, all resigning, refusing to be part of the collaboration with genocide that was underway. And it led to a massive public discourse shift.

It took us about 20 years to normalize the discourse of apartheid in the United States when talking about Israel. That debate, that discussion began in 2001, 2002, 2003. It wasn't really until around 2021 that that discourse became normalized, 20 years. It took about 20 days to normalize the language of genocide to describe what Israel was doing. And it wasn't only protesters, it was the 800 global academics who study genocide, the Holocaust, atrocity crimes, who came out with a report within the first few weeks of the genocide beginning in Gaza this round that said, this is a genocide. All of that has changed this massive public discourse.

So what we had now was this broad, broad movement. It led in the spring of 2024 to the uncommitted movement within the Democratic Party when the primary elections were underway, when suddenly there were campaigns across the country that led to over 750,000 US voters only in the Democratic Party on this one, whose message was they would not support the man who had increased was being called Genocide Joe, that they would not vote for Genocide Joe who was seen as enabling genocide. Now they failed to win support in the Democratic Party to change the position of that party.

The Republican Party, of course, did not change either. Even at the Democratic National Convention, even a speaker in a tiny slot was denied, a Palestinian speaker was denied any right to speak. But it did make Gaza the major issue in Democratic Party politics. So that when a poll was taken just a couple of months after the election, when voters who voted for Joe Biden in 2020 but refused to vote for him, for his successor Kamala Harris in 2024, they were asked, why did you change? Why did you vote for the Democrat in 2020 and not vote for the Democrat in 2024? And that included people who had changed and voted for Trump, people who didn't vote at all, people who voted for Congress but didn't vote for president and included everyone who had voted once for Biden and refused to vote for Harris. Of that group, they were given six options to choose. All of us thought the main one would be the economy, that that was the main reason.

That was wrong. 29%, the biggest grouping of all those voters, 29% said the reason they did not vote for Harris was because she had the same position as Biden on Gaza. Gaza was what changed it. And that's huge. So we have now this escalation of repression against the whole movement, especially students, from undocumented students to those with temporary documentation to green card holders to the threats to US citizens, all of it recognizing that across this movement, Israeli actions constitute genocide. And I will close with just saying that within that movement, the support for the International Court of Justice and the South African initiative to bring Israel to accountability in the ICJ has become a talisman of that movement with massive support.

So the kind of work I spoke about in the earlier session of using the South Africa model of getting individual countries, in this case, the United States, based on existing international law has become a huge component of what that work is going to entail. The challenge now is how to build that movement, rebuild the broader component of it and link it with the broad movement against authoritarianism and the rise of fascism that we are also facing in this country. Thank you.

Learning from South Africa's Anti-Apartheid Struggle (online)

Haider Eid

GT Chamber 2 Member, Associate Professor of Literature and Cultural Studies and Policy Member of al-Shabakah

Thank you for inviting me to join this great panel. And I would like to start by paying tribute to the colleagues that are lost, to more than 38 colleagues of mine from Al-Aqsa University or rather what used to be Al-Aqsa University. And I would like also to pay tribute to more than 208 students from Al-Aqsa University as well.

Just before I start talking about the South African analogy and lessons learned from South Africa, I would also like to add that I'm a genocide survivor. I spent the first two months of the genocide in Gaza. And I was displaced three times in Gaza until I was evacuated with other South Africans from Gaza together with my family. I am a naturalized South African of Palestinian origin. I spent five to six years actually in the Republic of South Africa, starting from 1997. That's to say three years after the first multiracial elections, which ultimately led to the appointment of Nasser Mandela as the first black president of the country.

Those were actually turbulent years. You know what with the specter of apartheid looming after ruling for about 46 years, leaving scars that the people of South Africa in their various races in fact, still have to deal with. What concerns me actually here is the fact

that not a single country in the world, of course with very, very few exceptions like Israel, in the late 1980s wanted to have anything to do with the inhumane apartheid system.

Not even recognizing the so-called independent homelands given as a bribe to some native Africans by the apartheid regime at that time. Now, it is noteworthy that the international community considers the crime of apartheid as one of the greatest crimes against humanity after genocide, as argued by our legal experts of this tribunal. This is why as a Palestinian descendant of refugees from the ethnically cleansed village of Zarnouka in the district of Ramlin, I'm entitled for my internationally sanctioned right of return.

And this is why I take issue with the support of the two state solution as one that is considered by the so-called international community as the solution that fulfills the national aspirations of Israelis and Palestinians, that is to say the colonizer and the colonized. Now, as a resident of Gaza, I seem actually to be in constant shock that there are politicians who still believe that there are two equal sides to what they call the Israeli-Palestinian conflict. And I wonder, sorry, because I'm still suffering from it.

And I wonder whether these same politicians believed in the 1970s and the 80s that there were two equal parties in South Africa, white and black, with equal claim to the land. Unlike the post-apartheid, or unlike the new post-apartheid South Africa, in the state of Israel, all human beings are not equal. Israel now defines itself as a Jewish state.

And since almost 22% of the citizens of Israel are of Palestinian origin, they are excluded from being equal citizens of that state. Let alone the more than four million Palestinians living under direct military occupation in the Gaza extermination camp and the West Bank. And therefore, we need always to remember when we make that comparison that the first thing to look at is that Israel, by definition, is not a state of its citizens, but one of the Jewish people, most of whom have no birthright connection to it.

So one can be a citizen of any country in the world, yet as Jews, they enjoy full rights in Israel, rights that apartheid Israel denies to us Palestinians, the indigenous population of the land. They also refer to us as Israeli Arabs, Jerusalem residents, Arabs of the territories, Palestinians or Arabs of the diaspora, et cetera, et cetera. And to add insult to injury, there is no Israeli nationality.

Instead, there is Jewish nationality, much like there was a white nationality in apartheid South Africa. So if one is born to Palestinian parents living in Israel, you too would be denied the rights of Jewish nationality and be forced to submit to institutionalized inferiority or choose to resist this inferiority, which is the natural reaction of any decent human being, like the choices made by Nasser Mandela and even Martin Luther King. The same racist laws used to forbid black property ownership in white areas in apartheid South Africa aren't enforced in apartheid Israel.

Every single apartheid law in South Africa has an equivalent one in Israel. Israel calls them basic laws. And what I would like to emphasize is the similarities between apartheid and the exclusive Zionist nature of Israel. And let me be actually more specific. The Land Act, for example, in 1913 in South Africa defined 87% of South Africa as white territory, pushing the black majority of the land and limiting them only to 13% of it. A second law is the Population Registration Act in 1950.

Resulted in the formal classification of people into whites, Indians, Tolots, and Africans. The Mixed Marriage Act of 1955 prohibited Africans from, you know, or the Immorality

Act in 1957 outlawed marriages and relationships across the racial lines. But then the Group Act of 1955 prohibited Africans from being present in South Africa, white South Africa, for more than 72 hours.

Now, every single Palestinian can relate to this, can understand that. Now, coming back to Israel, on May 14th, 1948, the establishment of a Jewish state in Yeruz, Israel, to be known as the State of Israel was declared. Israel is one of the few countries that has no constitution and has instead adopted a set of basic laws. In 1985, the character of Israel as a Jewish state was reaffirmed in Bethmesseh, the Israeli Parliament. In 2017, Bethmesseh imposed the so-called Nation State Law, declaring Israel as the state of Jews only, not of its citizens. Now, and then you have the Law of Return, and then you have the Population Registry Law of 1965, which requires all residents of Israel to register their ethnic group and religion within the Population Registry.

And I myself, for example, I have legal title to my parents' land in Zernuta, in Israel. But I have no legal right to it right now in practice because my parents' property, like that of millions of other Palestinians, was taken away from us and given over to Jewish ownership. And I think that comparison, it's like a background that we need to understand. Apartheid in Palestine is one of the forms of the multi-tiered forms of oppression in Israel-Palestine. And I think that now, with the ongoing... Yesterday, I was sitting with my friend, my comrade, Rony Casros. Everybody knows Rony.

And we were talking about one of his articles in which he argues that apartheid was a picnic, was a picnic. And this is not to belittle the suffering of the black population in South Africa, but was a picnic compared to what is happening right now in Palestine. So in light of the ongoing livestream genocide and the urgent need for the mobilization of international solidarity with the Palestinian people, one needs to re-ask some fundamental questions.

And the immediate and urgent task to be addressed is the nature of this international solidarity and the best ways of enhancing it. And I think what needs to be emphasized, first and foremost, actually, is the Bantustanization, or rather the Bantustanizing nature of settler-colonial Zionism. Now, the problem is that the severe damage the Oslo Accords signed in 1993 between the official leadership of the Palestinian people and Apartheid Israel, they have caused huge damage to the Palestinian question and in the way they contributed to diverting the international attention from the suffering of the Palestinian people, the Palestinian refugees, and the Oslo Accords have made it more difficult for people of conscience to show support to the Palestinian question.

And I think the international community has, or rather had the feeling after the Oslo Accords that it does not hold responsibility in eliminating the roots of the suffering of the Palestinian people. Now, the fact that most black South Africans accepted the Bantustan systems did not convince the international community of the legitimacy and humanity of Apartheid. And I think we need to take that into consideration.

And I think, you know, the current situation in Gaza and in the Palestinian occupied territories has been very well documented. The statistics show higher level of Palestinian deaths, disabilities, home demolitions, and poverty than at any other time since the Nakba in 1948. The siege against the Palestinians of Gaza, and I was there. I witnessed the siege since its beginning in 2007. I was there in 2008 and 2009 when Apartheid Israel decided to launch a massive attack for 22 days, killing more than 1,400 people, the overwhelming majority of homeward children and women. I was there in 2012, and

I was there in 2014. I participated in the Great March of Return, and I saw with my own eye the horrific crimes committed by Israeli soldiers. But at the same time, we need to admit that there is an internal crisis of Palestinian leadership with the Palestinian factions being unable to agree to the terms of, you know, a unity of government, national unity. And that has left us, and has left, actually, Palestinian civil society divided at a time when it is imperative that Palestinians, that we show unity, unity against the Israeli occupation, Apartheid, and settler colonialism.

And this is why we believe that the example of South Africa has a role to play in Palestine today. I think not only can we learn about Israel by examining Apartheid in South Africa, but we can also help to take the Palestinian cause forward by learning from the South African anti-Apartheid struggle. And, I mean, the manner in which it framed its objectives and the strategies and tactics that it used, particularly the successful campaign by the South African anti-Apartheid movement and the South African forces in isolating South African Apartheid. I believe this is an experience that we should examine and then adopt and employ whatever might be useful in the new Apartheid context in Palestine. Now, the South African struggle against Apartheid is generally understood.

I mean, most of the Palestinian activists understand the South African struggle against Apartheid, but not many, especially Palestinian nationalist movement, doesn't know that the South African struggle was based on what was called the four pillars of resistance, the four pillars of struggle. One, international solidarity and international isolation of the Apartheid state, BDS BDS, that was one. Two, the internal resistance. Three, the armed struggle. And four, the underground movement. And it is generally accepted that the first two pillars, that is to say, the isolation of Apartheid through an international solidarity movement and the internal resistance, they were the most significant and effective in bringing about an end to the brutal and racist Apartheid regime.

And I think in the South African context, the campaign to isolate Apartheid included a number, which Phyllis actually alluded to, a number of focus areas, and these included, which we need, need in Palestine right now, military sanctions and military embargo against Apartheid, political and diplomatic isolation, economic sanctions, an academic boycott. And I am on the advisory committee of PACI, the Palestinian campaign for the academic and cultural boycott of Israel. And we issued our first statement calling on the international academic institutions and cultural institutions and figures to boycott Apartheid academic institutions for not only their complicity, actually for their involvement in the crimes against humanity and war crimes committed against the Palestinian people.

And the fifth point is a cultural and sporting boycott. And I think that to finish after almost complete isolation through all of the above mentioned point that I've just alluded to, together with the internal resistance within South Africa, the South African Apartheid regime was finally forced to make certain compromises. And the world saw the unbanning of the various liberation movements and the beginning of the negotiations that led to South Africa's first democratic election and the beginning of the attempt to realize the slogan, one person, one vote in a non-racial, non-sexist democratic South Africa.

All of the mentioned areas of struggle are up for consideration for us now in Palestine. In our struggle to isolate Apartheid Israel, they need to be examined in terms of their efficacy in the South Africa struggle and adopted to be used in the Palestinian struggle. Each one of these points will require, I admit, will require detailed programs of action

and will have to be resourced with information, material, propaganda and activists. And we need to have its own structures to take it forward in a coordinated and effective manner. And I believe this is what the global, the Palestinian-led global BDS movement is doing right now. Thank you so much.

Criminalisation of student protests (online)

Asmar Safi

Rhodes Scholar at Oxford University and Former Member of Harvard out of Occupied Palestine Coalition

Thank you so much. And thank you so much for the important work being done here and for the opportunity that the Gaza Tribunal has provided me. As I've said before as well, I'm a member of the student movement, but I'm also a student of the movement itself. And I think there's a lot that I've learned personally from this panel, particularly the remarks that were made by Dr. Ramzi Baroud about Samud and some of the reflections that I've had on the student movement I'll be sharing as well with regards to how a certain language and the sentimentality behind it is not necessarily taken as seriously as we would want to, particularly when we're sort of squaring off the oppression and the criminalization of student protests with what is happening in Gaza and in Palestine itself as tragedies unfold in real time.

But to give some more context about myself, so I'm a student organizer from Pakistan. I've been organizing with the Harvard Palestine Solidarity Committee for over the last four years on the cause of divestment broadly, but also protesting particular initiatives that were launched by Harvard, which now maintains global limelight as one of the institutions that are now challenging the Trump administration. But undergirding that kind of challenge is a lot that has been done to sort of subsume Palestine protest, anything, any academic initiative that has to do with Palestine, but also more broadly, the kind of complicity that has existed through investments in arms manufacturing in companies that are complicit in both the genocide in Gaza, but also in these systems of apartheid and occupation more broadly.

I'm currently based at Oxford organizing with Rhodes Scholars for Palestine and other various organizations that are based at Oxford to champion the cause of divestment there as well. I would also like to specifically say at the beginning of my remarks that my views on student organizing are rooted, in fact, in my experience, and it is a movement like any other social movement that is marked by a lot of internal diversity, particularly in the post-encampment moment where we saw mobilizations across the world, not just in the United States, but across the world, where there was this unified sort of physical space that kind of gave an impetus for students to congregate and then also simultaneously have organization, organizing conversations, conversations about what divestment looks like, what the future of the university in and of itself looks like in a marked physical space.

Since then, since the encampment moment has kind of dwindled, there is a difference of opinions and goals and tactics and responses to oppression, and even if there's any value in discussing the side of oppression, considering the atrocities that are being done in real time in Gaza. And so this is a diverse discourse in and of itself, and this was the case across, from what we know about the history of the anti-Vietnam War struggle, the anti-apartheid struggle in South Africa, and something that we think is

incredibly productive to be having as a discourse continually. And a reminder for ourselves is that, as we approach the 600th day since the beginning of the genocide in Gaza, and new forms of violence are being enacted in all of their horrific manifestations, it becomes all the more important to ensure that our work and the repression it does face in the United States, in the United Kingdom, elsewhere in the world, as civil society activists and student movement builders continue to do the work that they're doing, does not distract from the tragedies unfolding itself, which has, in recent time, become the focus of liberalism.

And there's the one part of it that allows us to be able to build a broad-based movement, a movement that is based on countering authoritarianism, on countering things like the attack on free speech, the attack on academic freedom, but also very important to do at the same time is being able to center why Palestine is the reason why these attacks are happening in the first place, and the ways in which sort of our own discourses can distract to these broader sort of liberal issues without having to actively counter the issues of occupation, apartheid, and genocide, which I think has been the case in the United States more recently in a lot of different ways. I will be framing the conversation in terms of lessons that I have personally learned, and I think more broadly has been subject of discourse in the student movement and how they can instruct us for the way forward. To give more context, I was one of the 13 students that Harvard barred from graduating in May 2024 over my role in helping organize the encampment in Harvard Yard.

But just to be able to situate what this, you know, being barred for graduation looked like was, you know, the kind of berserk natures by which repression itself was being enacted. The case that was presented against me was not that because, you know, I disrupted educational activity or that I was, you know, setting up camp or tents in the middle of Harvard Yard, but because I used a microphone, quite literally. The idea was that because my voice exceeded a certain decibel level that was legally sanctioned by Harvard University, which doesn't necessarily be implemented.

This restriction is necessarily not implemented in any case of other protests. Noise amplification was a charge that was used against me to be able to dismiss me from being able to graduate. And this is the kind of sort of frivolous nature by which repression is now being enacted. And we've seen continually, there's obviously the more overt sort of example and the more aggressive examples of, you know, police repression and the NYPD being called on Columbia students and stuff of that nature. But there's also a more subtle way of trying to be able to clamp down on student protests in a way that escapes the public eye. But, you know, the excuse that are being used, administrators know that they're frivolous, students know that they're frivolous, but the way in which they're enacted sort of feeds this broader narrative of the criminalization of student protest.

At the time, we thought that this was the worst that it would ever be. But however, it is also important to know that this refrain, that this repression that we are facing is the worst that it has ever been or will be, is not new. And we've recurrently faced, you know, having to confront this refrain on multiple occasions while we've been organizing for Palestine and for other causes as well, but more particularly in the case of Palestine, particularly when, you know, in the post-Trump moment, we had, you know, the abduction of Mahmood Khollil, Romesa Ozturk, Badr Khan, so really all these people.

And the repression completely changed from being something that we had witnessed, something that we were able to sort of come to grasp with over the course of the last year. But the nature of that completely, completely shifted. It is also important to go back into the past because in March, 2023, which is pre-genocide, pre-October 7th was when I was first doxed and Canary Mission was able to upload a profile about me over a video that I made for Harvard Palestine Solidarity Committee about the nature of the apartheid regime that was posted on Instagram.

And as a consequence of that, you know, 60 of my videos, images, documents that I had signed on, a personal biography, all of these things were put online. The same response, we also had the same refrain we also addressed when, you know, the doxing truck, a truck that, you know, was carrying the names of Palestine activists, calling them Harvard's leading anti-Semites and other universities leading anti-Semites was, you know, parading around university campuses and cities with our images and our faces on them. And administrators at these universities refused to comply to protect students under pressure from donors, billionaires, corporation leaders, and the general corporate interests that they've been beholden to, as we've seen over the course of the last year.

And so it is very, very pertinent to understand that these forms of oppression at every given step have been conceived by us as perhaps the worst that it could get in the United States and elsewhere in the world, but they've only propelled themselves into, you know, a larger magnitude into ways that we would have never imagined them to be manifesting. But I think simultaneously what has been happening within organizing circles, within student circles, is that, you know, defying repression is something that we've come to terms with as something that is second nature to this kind of organizing. And this comes from also understanding the infrastructure behind, you know, the exception to Palestine free speech that has existed for the longest term, but also understanding that, you know, it keeps getting worse in different ways, and it has, and most likely will continue to.

This is not to say that it does not come at a lot of human costs to a lot of individuals that are coming from disprivileged backgrounds that are at risk, but at the same time, in the organizing sense, it is important to also understand that this repression in and of itself is what gets people moving at a lot of time. And as a product demonstrates the contradictions between sort of perverted ideals of the university, of liberalism more generally, of the American sort of consensus, and the ways in which through this repression and through the ways in which it is being enacted, we are able to lay bare the contradictions intrinsic to these institutions and the corporate rot that is, you know, intrinsic to these institutions. I think one of the biggest lessons that we have been able to learn over the course of the last year is that we need to be able to expose them for what they are.

And I think this is something that needs to guide our communication strategy. This is the kind of thing that needs to be able to sort of tell us the way in which there exists a double standard, a dilemma in which universities and their principals are constantly in contention with the ways in which their actions are being able, are being sort of deployed for suppressing student protest. The second lesson, and this is more on the nature of radicalization in of itself, right? I think a lot of what we see is that when students are banned from graduating or when the police is called on them in Columbia, or when things start to, you know, be, start to be suppressed in an overt nature, that's when students begin to react.

That's when people generally begin to react. This is the same case with also the abductions that are happening at the behest of ICE in the United States. And matters quickly turn into discussion on providing international students with rights, protecting freedom speech, academic freedom, all of which are necessarily under attack. But these attacks are also a product of a threat conceived to these ideals and the neoliberal broadly hegemonic order that appeared only in the aftermath of the shift that was caused by Palestine organizing. And so more importantly, what becomes so pertinent is that our job is now to center the threat that this kind of discourse does pose. To continually push the world, we want to see which, like Rabia Baria, who is a scholar of Palestine legal studies, does not allow the ongoing Nakba to proceed undeterred.

The genocide should be enough to be able to get people to care, but the world where we live in currently is not something that is allowing that to happen. The way in which these discourses continually take away from what is happening in Palestine and become a cause of concern for the student protest generally is to be able to shift the discourse in a way that focuses on the violations of rights, the ways in which genocide, occupation, and apartheid are being enacted, as opposed to just the legal rights of citizens in the United States. The third lesson, and this is more intrinsic to the university in and of itself, is about being able to pushing the limits of discourse in and of itself.

One thing that we learned very, very early on with the encampment experience was the fact that we were being taught things as a part of teaching, as a part of solidarity panels, as a part of professors coming to the encampment and having these conversations with us, is that there is a lot in our educational experience in and of itself that is missing from what we want to be learning and from what we want to be experiencing as students. And a lot of that is also obviously nurtured in a climate of fear, a climate of fear that, again, preexisted the genocide. What now becomes important is not only to realize that there is a shift in consensus within this young demographic, people that are operating as university students, but all simultaneously realizing that these pedagogical shifts now need to start taking place within the university in and of itself, where people need to be responding to the kind of ways in which students want to be educated, discussions that we do not need to be disrupting anything for, that encampments should not be the only place where temporarily we can have these kinds of existing decisions.

And I think a broader sort of focus on political education as part of our university education, where the responsibility of the students is to be able to reclaim the university from within. And a lot of what I'm seeing right now happening at Oxford is a series of talks in conjunction with departments, in conjunction with student organizations that are completely taking the university by storm because every single individual event is focused on Palestine, on Sudan, on the Congo, on ways in which all of these different issues, these genocides, these occupations kind of intersect and the ways in which the world is not responding to them the way that we really need to. And I think the kind of consensus that that caused to shift when this is the default education that you're being able to provide to these students is something that marks a shift in the kind of discourse that is not only available, but also the kind of limits that you want to continue to push as a consequence.

At the same time, it is also important to understand the students' paths and go throughout universities. A lot of us have graduated from Harvard. A lot of us will continue to graduate from our respective master's, post-grad programs. But in order for us to be

able to build up institutional memory, one of the things that has been a common refrain within the student movement is this idea of whether the tenured can speak. And so the responsibility of academics is not necessarily only to pass statements or to be able to sort of provide consensus against what is happening in Palestine, but also to take the pedagogical focus within their own ambit and within the mandate of their own teaching, but also simultaneously understand that they are pillars of what constitutes student organizing. And there are locuses of both moral organizing, but all simultaneously allowing us to learn what political organizing looked like before our time at particular institutions and being able to show us the ways in which we can be able to go forward and simultaneously are an ally against this broad bear university administration that is hell-bent on being able to repress students.

And I think a big sort of leeway that students do not have is something that is present within faculties and within staffs that have settled sort of organizational jobs with these universities and the ways in which these can be leveraged for political organizing. The fourth thing that I think is very, very important to understand is that there is a level of strategic stagnation right now happening within the university organizing scene. This is also accompanied by delaying tactics on part of university organizers, private commitments that are made by university administrators that are followed up then by public refusals and the language of creating sort of two-sided discourses, negotiations being offered as appeasement, particularly deescalate student actions.

And it is very, very important to understand that a lot of the organizations within this context or organizing that happens within this context has been reactionary, has been in response to particular things that are happening on campus, has been in response to repression that is happening on campus, particularly in the encampment moment where you saw a lot of that happening. Right now, the goal of the student movement should not necessarily just be to keep that reactionary locus up, but also to be able to build a scaffolding for organizing and organizing necessarily as we understand it and have understood it as a consequence of the last year in particular, where there was a lot of momentum to be able to regroup, to rethink the ways in which political mobilization has been happening and the things that get people riled up is to understand that we need to build a scaffolding where internally there needs to become now an infrastructure for being able to respond not only just to threats, but to be able to carry a conversation forward in a more positive orientation. This is focused on things like political education.

This is focused on being able to investigate precedents for divestment. This is focused on things like political fundraising and to be able to understand the overall infrastructure through research, through being able to launch freedom of information requests in the United Kingdom, but also to broadly understand the nature and the infrastructure mechanisms of repression and how they operate. The day that we were handed suspensions at Harvard almost a year ago now is also the same day that we saw Jonathan Ziblatt of the Anti-Defamation League walking out of President Alan Garber's office.

And that sort of moment is something that I feel like has been concurrently a part of how we viewed organizing because it shows that the ways in which we're operating against the Zionist movement and their sort of perpetrators in the United States has been so incredibly interconnected with the powers that be at our universities, but also beyond.

And the timing of these things exposes the fact that these interests collude over and over again. This has become apparent in the surveillance of students.

This has become apparent in the arrests that have been made and the timings at which that have happened, particularly owing to the ways in which there has been an outcry against how the universities are being so appeasing of Palestine protesters and being so soft on them. And so part of our job is to be able to leverage this radicalization movement for what moment for what it is. Students across the globe are doing this from all backgrounds and find themselves shifting and shifting the needle on discourse about Palestine, but also internally what kind of university they want to see, but simultaneously also understanding on a very, very personal level, how this infrastructure of repression has been mobilized against not only pro-Palestine voices, but any voice that decides to challenge American hegemony, Western hegemony and authoritarianism in the ways that has been unseen, that has been invisibilized across the last couple of decades.

So I will end my remarks there. Thank you again for the opportunity. Thank you for listening. And I hope that this was instructive in being able to talk about the criminalization of student protest.

28 May 2025 - Day 3
 CHAMBER 3
 HISTORY, ETHICS & PHILOSOPHY

Introduction

Cemil Aydin

GT Chamber 3 Co-Chair, Professor of History

Good morning, dear Gaza Tribunal members. My name is Cemil Aydin. I am co-chairing Chamber 3 of the Gaza Tribunal with Professor Penny Green, and I want to make brief remarks about the goals of today's section before we start with our first session titled Understanding Genocide, starting at 930. Chamber 3 of Gaza Tribunal is composed of experts who will focus on how the genocide of Palestinian populations have been enabled, justified and denied by distortion of historical narratives, as well as ethical and philosophical concepts, given the attempts to create laws against genocides and, having historical reckoning, an atonement for past mass crimes in World War Two by the International Community, symbolized by the slogan, "never again."

Current crisis seems like an upside-down word. The perpetrators and enablers of this genocide against Palestinian people has to distort and weaponize many historical ethical and philosophical concepts and facts to defend the indefensible and to gain immunity for their crimes. Chapter Three of Gaza Tribunal aims to clarify how and why the global community failed to morally denounce, indict and stop a genocide in the first quarter of the 21st Century. Despite our humanist claim of moral improvement and determination to stop and prevent genocide since the UN Convention on the Prevention and Punishment of Crimes of Genocide in December 1948, why are we, as a collective humanity, are unable and unwilling to stop a live-stream genocide while we tell each other a story of humanity's progress against racism after the lessons learned from past mistakes of colonialism and racism.

As many of you know, there's a very famous line from Martin Luther King Jr on the arc of history being moral, the arc of history being long, but eventually bending towards justice. But in this case, we see that the moral arc of history had been bending towards more injustice because of the historical actors. Bad actors are distorting all our moral values to bend that arc towards injustice. As Nadera Shalhoub-Kevorkian noted in her contribution to our Chamber, current genocide, the genocide of Palestinians, relies on a legal pillar of the rule-based order that has completely abandoned the Palestinians and that has signalled its own death. And I think in the first day and the second day of Gaza Tribunal, we have discussed this international law of an international affairs dimension.

Today, we will talk about another dimension, as Professor Shalhoub-Kevorkian stated, the legal abandonment of the Palestinians, at a time when Palestinians and the majority of the world public opinion have been highlighting the universal truth of their justice claims, is only possible with the second pillar of the current genocide. That is, a production of a kind of new racism towards Palestinians in social sciences and humanities, or in journalism, best seen in the so-called Palestine exception within the narrative of liberal progress.

For example, powerful international actors have been endorsing the horrific genocidal language by Israeli leaders about Palestinians that they are Amalekites, by depicting them as so-called antisemitic and anti-Western Arabs who needs to be erased for the sake of the settler-colonial project.

Earlier injustices and crimes against Palestinians, over a period of century, have always been challenged by not only by Palestinian people, but by their allies. And with public opinion in that context, the political will and decision to continue and expand or tighten the oppression and violence against Palestinians, without any historical reckoning, required producing new lies to defend something morally indefensible. Thus, defence of the colonial oppression of Palestinians could only be possible by reinventing and expanding the toolkit of racializing Palestinian populations with outrageously inaccurate myths on Palestine, in philosophy, ethics and history.

And that is the topic of Chamber 3, in terms of challenging these myths, the moral attempt to legitimize Israel's genocide as a battle of civilization against barbarism is a good example of this, and it was documented. In eight full pages of South Africa's submission to ICJ, denial of injustices of Palestinians and enabling genocide includes fabrications of lies about Palestinian history. And we will talk about that decontextualization of historical background of Palestine and rejection of history itself, the minimization of the Palestinians' suffering, and that, as American presidents have been doing, we see this distortion in an inversion of reality by denying starvation as a matter of providing food, and the demonization of victims. In a process of gaslighting, making the perpetrator a victim who must take pre-emptive revenge as a form of self-defence, we witnessed projection of the guilt of genocide onto the victims themselves, and presenting mass murder as a collateral damage and narcissistic self-secularization by highlighting how Israel has been informing the victims to vacate, to have their buildings bombed. Most importantly, the perpetrators of genocide tried everything to make their crimes invisible by banning an international media presence and by promoting a systematic form of lies and propaganda about the events. As Ilan Pappé wrote in his report, the 1948 December UN Convention on the Prevention and Punishment of crime of genocide occurred just within months of Nakba of the Palestinian people, and its presence in the same year is actually telling about the denial of the Palestinian justice claims. Since then, the justification of crimes against Palestinians have been formulated within liberal social sciences and humanities as well. That's one of the reasons why we have papers on philosophy and ethics. The same actors who, like in Germany, claim to have had a moral improvement and awakening of Europe and the West, after the dark experience of Nazism and colonialism, are also now endorsing similar crimes by Israel against Palestinian population, as we have seen in the horrendously scandalous remarks by Jürgen Habermas, the German philosopher, just a month after the October 7, the start of the genocide.

In other words, some of the legal and institutional structure of the post-World War Two international order, and an intellectual history of the post-World War Two international system, relied on the erasure of Palestinians and denial of injustices committed against them. And I cannot think, as a historian, of any event in the 20th century that actually does not relate with the question of Palestine, whether in philosophy, in social science or humanities. Since the beginning of the 100-year assault on Palestinians, the international community has had many opportunities to do racial and historical reckoning,

to recognize this injustice, do compensation and to support the Palestinian emancipation and freedom. Yet what we are seeing, especially this year or in the last three years, is that there were more injustices committed against them. And I think this is the big puzzle of this Chamber.

Chamber 3 members examine and critique the reliance of the narrative of humanity's progress in the 20th century on the fabricated and inaccurate historical claims about Arabs, Palestinians, concepts and lies that the Zionist regime is using against Palestinian liberation.

We need to understand why and how the current genocide of Palestinians is linked to the collapse of the international order and philosophical ethical foundation. I think this is because the very international order and international system that many actors are trying to uphold today have the foundational crack and hypocrisy of relying on a long century lies and distortions. Thus we need to understand wide support for genocide and why Zionism unites all political parties in the United States, from Trump to Biden, and in fact, all parties in Germany and a bizarre collection of extremist new right-wing movements, from Hindu fundamentalists in India to the right-wing parties in Netherlands, England and Germany.

The same people who could call out immediately the sinister weaponization of history lies and myths utilized by Vladimir Putin in invading Ukraine can produce very similar myths and lies about Palestinians and weaponize even the language of antiracism, antisemitism to support and enable a genocide.

In conclusion, the genocide in Gaza is not the only sign or symptom, of course, of the defects of the contemporary international order and the crisis we face as a humanity. We could refer to many other problems and to demonstrate the imperfect nature of the world order in responding to various justice claims from Kashmir to Myanmar, yet the inability of the international institutions to respond to genocide in Palestine exposes a bigger foundational problem at the roots of the current international system and the world order, which is built over many lies and myths to justify current genocide. The developments after October 7, such as the suppression of freedom of speech that has been exposing these lies in universities, with shamelessly brutal ways, make the connection between this genocide against Palestinians and the moral crisis that we will be talking about.

In ethics, philosophy and history, there is indeed an essential link between the anti-Palestinian myths and narratives and the contemporary world disorder in the crisis. A better and more just world order can only be built if we confront these lies and do a true reckoning with anti-Palestinian racism that characterized the formation of the modern international order. Thus our reports, provided by more than 10 scholars, will deal with all of these aspects of ethical, philosophical and historical nature, and we will summarize these for the Tribunal members.

Session 1: Understanding Genocide

Genocide as State Crime : Understanding It as a Process

Penny Green

Steering Committee Member of the Gaza Tribunal, Professor of Law and Fellow of Academy of Social Sciences

Thanks very much. This submission argues that that genocide is best understood not through legal definitions, but through a state crime paradigm which centres on human rights violations committed in pursuit of state organizational goals. That's the definition that my colleague Tony Ward and I developed to counter legal definitions which are wholly inadequate when it comes to defining crimes committed by states. I'm also going to talk about the idea that genocide is not an event, but a process with well defined, often congruent phases, and that it's rooted in the structures of dehumanization that, in the case of Palestine, are animated by settler-colonialism.

It briefly also compares Israel's genocide of the Palestinian people with Myanmar's genocide of the Rohingya. Because Tom McManus and I have done considerable work on the 2016-2017 Rohingya genocide. Israel's genocide against the Palestinians, with its origins in the Balfour Declaration of 1917 has been in progress for over 100 years. The post-October 7 catastrophe, inflicted on Gaza by Israel, and increasingly on the West Bank, represents what we would understand as the annihilatory phase of a genocidal process that has not yet ended, but began with the dehumanization of Palestinians back in 1917, when British Foreign Secretary Arthur James Balfour essentially gifted the land of Palestine to European Zionists.

This genocidal process must be understood not in terms of a singular history of events initiated by Israel after October the 7th, but a process driven by extreme ethno-supremacist ambitions. All state crimes, including genocide, involve human rights violations perpetrated by state agents to advance that state's specific organizational goals, state crimes are thus violations of social norms which may or may not reflect formal legal norms. They are less usefully understood as legal constructs defined and punished by domestic and international laws and courts, with lawmakers infamously unwilling to define state practices as criminal. It's critical that we have an alternative, robust definition of crimes committed by ruling regimes.

Just as with the vast majority of conventional crime, real solutions to state crime lie well outside the frameworks of criminal justice, law, international conventions and international courts. With a state crime framework, any such solutions to crimes such as genocide are much more likely to be found in the struggles of a state's victims and with those who advocate and organise as allies of those victims and survivors. And it's only the political organization of those victims and their allies that not only has the power to challenge state violence and corruption, but is central in defining and labelling that violence as criminal in the first instance.

Civil society is crucial to this approach, and while complex and not uniformly progressive, it nonetheless enjoys widespread legitimacy as an authoritative check on the power and actions of the state. It affords the most effective means of identifying and confronting state violence and corruption, because civil society operates from the ground up, it has far greater agility and capacity to recognize the processes involved in earlier

stages of state crimes than do the mechanisms of a highly politicized, bureaucratized and slow international legal order in cases of state crime.

Civil society has proven itself extremely effective in gathering, verifying and analysing evidence. It has been much more effective than international law at naming and resisting the crimes of states, particularly through campaigns of civil disobedience, mass strikes, boycotts, divestment and sanctions, and Tribunals of conscience, such as the Gaza Tribunal at which we're present today. Civil society has been at the heart of all evidence gathering and verification in relation to both Israel's and Myanmar's crimes, and we've heard a lot about the evidence gathered by organizations such as Ramallah-based Al-Haq here today about Israel's crimes, and this work by civil society has led efforts to successfully name those crimes as 'apartheid' and ultimately 'genocide'. Drawing on the work of Argentinian sociologist Daniel Feierstein, a member of the Permanent People's Tribunal and former chair of the International Association of Genocide Scholars, it's especially useful to understand genocide in terms of discrete yet overlapping phases. Genocide begins with dehumanization. Feierstein talks about stigmatization, but I think dehumanization is more fitting, and it ends with both physical and symbolic erasure.

In between and often concurrent, are a number of recognizable stages and occasions, and I'm sure that these are stages that you will recognize, occasions of litmus-testing violence, which, when tolerated, signal impunity, forced isolation and segregation of the target population in the form of structural apartheid. The systematic weakening of that targeted population much easier to weaken when they are segregated in prison villages, ghettos and open-air prisons. Then we have mass annihilation.

And of course, once you have people corralled into very small spaces, it's much easier to think of them as systematically weak and then annihilate them in various forms. And we know that we don't have to commit mass murder in order to annihilate a population. It can be done by mass force expulsions and so on, following annihilation and often starting much earlier in the process. But it is almost like the end game.

We have the phase of what is called symbolic enactment, during which we witness denial, reconstruction and historical revisionism on the part of the perpetrators. But genocide doesn't even end there. I think that the humanitarian camp is something that we should be focusing on, and I would argue that it plays a pivotal role in prolonging and even reproducing genocide. In all the post-genocidal camps that I've been in, and where I've witnessed the experiences of those in those camps in Myanmar, Bangladesh and Palestine, we see the same processes of dehumanization, forced segregation, isolation, violence and systematic attempts at weakening the whole camp population.

I've been struck by the parallels between the Rohingya and the Palestinian experiences of annihilation, expulsion, spatial segregation and destruction, mass weakening and violent erasure. Myanmar's genocide was not driven by the logic of settler-colonialism, but it shares with Israel the ultimate goal of an ethno-religious supremacist state. The echoes of 1948 Palestine could not have been more resonant in 2017, in the Rakhine State in Myanmar, when the Burmese military, in league with State Councillor Aung San Suu Kyi, killed some 15,000-20,000 Rohingya, forcing 800,000 to flee across the border into Bangladesh and destroyed over 350 Rohingya villages in the process.

I'm not going to talk about the Palestinian statistics, because they've been told already at this Tribunal, but you can see that the comparisons are very apposite. Today, over 5.5

million Palestinians live in 68 refugee camps across Gaza, the West Bank, Jordan, Syria, and mainly Lebanon, driven there after the Nakba and Israel's offensive 1967 war. With Israel's annihilation of Gaza now eclipsing the 1948 Nakba in magnitude, the future of 2.3 million Gazans, 80% of whom are already either Nakba refugees or their descendants, will be defined by the humanitarian camp. And this terrible reality, combined with the continued existence of Palestinian camps decades after Israel's first genocidal violence, offers a bleak portent for the future for the Rohingya, 1.2 million of whom languish in Bangladesh's Balukhali and Kutupalong camp complex. Israel and Burma Myanmar have been close allies since the 1950s. Not only have they enacted similar practices of historical and cultural erasure against populations they want to see gone, but they've also assisted each other in figuratively reimagining their societies, absencing the targeted populations.

In May of 2018, just months after Myanmar's genocidal clearances of the Rohingya, Israel signed an education cooperation agreement with Myanmar's regime. The agreement provides that each state, and I quote, through their competent authorities, endeavour to mutually verify school textbooks, particularly concerning the passages referring to the history of the other state and where needed introduced corrections to these textbooks. Israel's Deputy Foreign Minister Tzipi Hotovely described the agreement with Myanmar as "cooperation with our friends." Myanmar and Israel ensure that the fictionalized history of the *genocidaires*, those responsible for the crime, is the officially-reported history, and that future generations are socialized in that history and learn nothing of those who were the victims during the worst of the state perpetrated violence directed at the Rohingya. Israel also transferred weapons to Myanmar, fully cognizant that the weapons would be used against Myanmar's many minorities, including the Rohingya. Despite a gag order about Israel's arms deals with the Myanmar junta, evidence of those deals defying US and European arms embargos was proudly displayed by the junta on their Facebook page. When Myanmar was taken before the ICJ for alleged breaches of the Genocide Convention, the same breaches that Israel was taken to the ICJ for Ronen Gil-Or, Israel's ambassador to Myanmar (2018-2022) tweeted encouragement for a good verdict and good luck.

In January 2024 the International Court of Justice issued its interim ruling, recognizing that there was a plausible risk of genocide by the State of Israel, and ordered Israel to take all measures within its power to prevent genocidal acts that are already required if you're a signatory to the Genocide Convention. Of course, even before this, Israel's Prime Minister, Benjamin Netanyahu, had declared in a belligerent speech that "no one will stop us, not the Hague, not the axis of evil, and not anyone else. We are continuing the war until the end, until total victory."

When Myanmar received a similar order in 2020 to take emergency measures to prevent the continuing genocide of the Rohingya in Rakhine State, it was similarly defiant. Aung San Suu Kyi's government responded to the unenforceable ruling by declaring that there had been no genocide. Myanmar's military, the Tatmadaw, condemned the distorted picture that had been presented by the ICJ by the Gambia legal team. Despite the ruling, genocidal persecution, targeted violence, apartheid segregation and mass descent, detention in Rohingya concentration camps and prison villages has continued.

The outcomes from the ICJ hearings will be many years from now, and, if and when they do come, they will be without enforcement. Regardless of the time lag between accusations, orders and determinations from the court civil society organizations, journalists and academic research teams have gathered an enormous amount of credible and validated evidence. There is more than enough in both cases to declare Myanmar and Israel guilty of genocide. Now indeed, the Gaza Tribunal operates precisely on the premise that genocide has taken place. We don't need a ruling from the ICJ to know that what we are witnessing in Gaza is genocide, or what we have witnessed in Myanmar is genocide. Myanmar learnt much from Israel's 75-year practice of cultural erasure in an effort to remove the physical traces of Palestinian history from what is now Israel. The state planted forests and built new Jewish settlements over the remains of destroyed Palestinian villages. It removed Arabic village names and erased the culture and history of historic Palestine. Israel illegally created vast Jewish settlements in the West Bank and repopulated Palestinian homes and towns with Israeli Jews, and at the same time, it embarked on a Zionist archaeology, and later, in 2018, removed Arabic as an official language. Palestinians who remained in Israel lived under a military government which restricted their movement and prevented them from enjoying the full rights of citizenship.

Research that Tom McManus in the audience and I were involved in, in October and November 2017, provided similar evidence of Rohingya cultural erasure in northern Rakhine State, the Myanmar government. The regime had destroyed Rohingya cultural sites, including mosques, madrasas and markets, with the effect that virtually all memorable landmarks of the Rohingya landscape are now gone. A Rohingya returning to Northern Rakhine State would not be able to find their home effectively, because everything has been destroyed. Moreover, our findings indicate that the Myanmar military had deliberately targeted Rohingya teachers, mullahs and Imams, traditionally, those community leaders who hold and pass on cultural, social and religious history, and that's what we've seen in Gaza. The attack on hospitals, on universities, on schools, indeed targeting those with a formal education in Myanmar has been particularly devastating in terms of cultural destruction, given that the Rohingya are, in effect, without a written language, and that almost three quarters of the refugee camp population are illiterate and consequently dependent on an oral tradition.

So it becomes an ever more urgent task, as Palestinian writer amity, to preserve, at least in words, what has been lost forever. Understanding, as Raja Shehadeh observed, is to record how the land felt and looked before this genocide as a process that is a series of interrelated state crimes, presents the possibility of intervening at the earliest stages of that crime in order to prevent genocides. The ultimate goal of erasure, the acknowledgement that what we are witnessing is the annihilatory phase of genocide comes very, very late, too late for the people of Gaza, but perhaps less so for the Palestinians in the occupied territories of the West Bank and East Jerusalem, and Palestinian citizens of Israel. But only by understanding genocide as a process and recognizing civil society as the force, best placed to identify, name and resist it, can we even begin to think about ever stopping this crime of erasure? Thank you.

Ethical Implications of the Genocide in Gaza

Ayhan Çitil

GT Chamber 3 Member, Professor of Philosophy

I would like to thank all those who made this Tribunal possible, and I want to say that I am honoured to be together with you in this initiative, and it is a privilege for me to address such a distinguished audience. We are here expecting the Gaza Tribunal to name and judge those who started, maintained and remained intimate to the siege of Gaza, which spent many years and exhibited one of the most brutal and systematic forms of violence humanity has ever seen. And those who committed supported and remained indifferent to the mass sectors amounting to genocide.

However, this scope, despite its importance, may be considered as limited from a certain viewpoint. What has happened since the beginning of the Gaza event has shown that humanity as a whole has failed to prevent such a shameful genocide. And to put it bluntly, to display effective moral agency, it seems that we as humanity have come to an undesirable point as a result of a long historical walk with Gaza. The illusion that we are effective moral agents is over with Gaza. The illusion that we are free is over. I believe it has become clear that the people of Gaza, who have been living under siege for a long time, by taking the initiative to break this siege, have proven themselves to be free. And we, those living outside of that siege, have come to realize that we are the real prisoners.

In my opinion, the events in Gaza constitute a turning point in the efforts of all humanity to be the agents for the actualization of what is good. And I sincerely hope that Gazans will not just free themselves eventually, but they will also bestow on us our own freedom. I believe that all intellectuals with humanitarian sensitivities, especially those who contribute to the Gaza Tribunal here, have an obligation to analyse the reasons for such importance and paralysis. In other words, humanity must question everything that has brought us up to this undesirable point.

The Al Aqsa Flood operation can be considered as an attempt to break through a cruel siege that has been going on for a long time and to put the Gazans' own situation on the global agenda. But why was there such a siege? I think multiple and mutually non-exclusive answers can be given to this question. Actually, I believe there is more than one situation going on in Gaza. I will name those as the following.

First, a settler-colonial power is trying to complete its settlement. Second, a nation-building government is trying to homogenize the population in its country. Third, an occupying force, taking advantage of the vacuum created by the collapse of the Ottoman Empire after the First World War, is trying to complete its occupation. Fourth, a certain power whose mind is captured by some distant myths is trying to fulfil the promise that finds its meaning in the expression of Arz Mevud (the Promised Land). Fifth, and maybe some circles are trying to lay the groundwork for an Armageddon in their heads, each of these words, which are fought, one after and the other and in an entitlement manner, is the outcome of some historical processes and transformations.

But humanity hope to reach a good place as a consequence of these transformations. It seems that this hope is neither justified not achievable. We need to sit down and question the background of all these war scenarios.

First, why is there such a process as colonization or colonialism? Is it because capitalism as a mode of production cannot be overcome? Is it because power is always and without questioning, handed over to the owners of the capital? Second, why are there nation-building governments? Is it because it is believed that people's lives and futures are guaranteed only by their belonging to a homogeneous national home? Third, why is there an occupation? Who prepared such an invasion and within which power vacuums? Fourth, why is the promise that finds its meaning in the expression *Arz Mevud* (Promised Land) would brought to the fore? Why do people still feel the need for a mythical religious positioning to legitimize their political actions? And with the fifth group of questions, why are there those who want to stage some kind of an Armageddon? Do they want to use their military superiority to maintain their power while they lose the moral high ground they once had?

We need to seek answers to all these questions and be able to properly criticize the historical processes that have brought us up to this point. These historical processes, I think, end up with the assumptions like the following: the ones who hold the capital at hand have the last word. So assimilating and even exterminating those who are not elite and privileged members of the nation is legitimate. This usurpation of someone's right on the basis of some kind of sanctity is acceptable. We can add some other assumptions of these ones, but I will not spend time on that. We hope that the Gaza Tribunal will declare that it is unacceptable in the eyes of humanity for these historical assumptions to constitute a justification for any such genocide in this case and ever in future.

There is a book written by an American philosopher, Thomas Nagel, *Mind and Cosmos: Why the Materialist Neo-Darwinian Conception of Nature is Almost Certainly False* (2012). Very nice title. The author of the book defines the thesis that although many people tend to think that the current scientific perspective of nature is quite fruitful. But it fails to answer the most important philosophical questions like how organisms exist in a mechanical universe, or how there can be conscious beings in a physical world. He might be right or wrong in his claims, but this book involves a call to treating everything analogically. I believe that Gaza event has shown us that almost everything pertaining to the contemporary world, that order is certainly wrong and we need to rethink everything.

There is another academician I would like to name here, Johan Galtung, who introduced, or rather named, a very important concept. Galton introduced the concept of 'structural violence.' That concept is used to analyse how social structures and institutions can cause harm to individuals and groups. He argued that these structures, often embedded in inequality and injustice, can prevent people from meeting their basic needs and excessive opportunities, leading to suffering and own harm, even without acts of violence, hitting someone or bombing a territory, is a direct form of violence.

Galtung thinks that violence cannot be confined to this form only. There is another form of violence, which is, as he calls it, structural. What he means by that term, roughly amounts to that, since you live your life the way you live, and the order is established the way it is, some people fail to enjoy self-actualisation. They cannot actualise their potential.

The paradigmatic example he gives of this form of violence is poverty. Since the capitalist economic system is formed the way it is now, some people need to be unemployed and jobless to provide a pool of labour, such that wages are kept below a certain effective level.

I think Gaza event is an example of Structural Violence as well. Yes, Gazan people are subject to various forms of direct violence, including bombardments, starvation, various forms of torture, etc. But this form of violence is made possible by the way we, the peoples of Earth, continue to live our lives in the current world order as we do today. Most of us are so much afraid to lose the pleasures and privileges in our lives that we happen to turn a blind eye to many horrible things happening in Gaza or in various parts of the world.

How did we come to this point in history? I believe that humanity experiences a loss of reality, or rather, a historical process of a shrinking of our conception of reality. This process started with what is, in itself, being at the centre of reality. Then that centre moved to what is mental, and then to what is linguistics, and, finally, what can possibly conveyed by scientists themselves today. The details of this process [is] beyond the scope of this talk. What is important here for us is that this process of shrinking results in a loss of any meaningful moral limits to human action.

If we can do something, we tend to do it. What is important is not doing what is right, but staying in the game at any cost. Recently, a new term has been coined to talk about this fact of a loss of reality, which is, as you all know, 'post truth.' Post truth does not imply that people do not mention terms like truth or values. It implies that neither those who speak out those terms, nor the listeners seriously mean them. The political leaders of the world are talking about right and wrong. And truth. They do not mean what they are saying. They don't believe in them. This is the real nightmare we stuck in. The Buddhist mindset provides the ground for various instances of evil actions to be committed by those who happen to capture power. Gaza is the latest and most devastating example of such deeds. So I believe that there is another war that is already going on and will go on. I believe that we are already at war here and everywhere.

This war has started with Gaza, and it will not end until we change the world order for a better one. The aim of this war is to develop a new intellectual and moral framework to work out a new and better world order where no such genocides ever happen again, and if anyone dares commit such crimes, moral and political actors like us take the initiative to stop them as soon as possible. This is not a war involving bombardments, not yet anyway. It may involve it in future, but we need to oppose the mindset enabling such bombardments. This war needs to be fought in seminar or conference rooms like this one, if not everywhere in time. The state of humanity looks like a wreck, as if Rome is collapsing, but an initiative to defend and fulfil the principles of a just order for humanity is not yet on the Horizon.

What does the removal of this debris entail? Only an initiative which is able to make a radical criticism of capitalism and transform our relationship with time, an initiative able to strengthen and protect individuals against formal institutions and structures, resisting the invasion of lands and minds, able to comprehend the stage we are in, in its broadest form, and able to offer a new position to humanity, and put away this wreckage. I hope that initiatives such as the Gaza Tribunal and others like it will be starting point for such an initiative. I hope that Gaza Tribunal expresses with a strong voice that it is possible not to turn a blind eye to the miserable states of the oppressed in all its nakedness, by bracketing out all possible interests and political biases, and that human beings are valuable in themselves, not because they belong to a nation or an ummah or a privileged group, and that humanity can come together against oppression. And

finally, I will repeat what Raji Sourani has said yesterday, it is my firmest conviction that the Gaza Tribunal is the meeting point for those who are on the right side of history. Thank you very much.

Incremental Genocide in Gaza (Online)

Ilan Pappé

Historian, Political Scientist and Founder of the European Center for the Palestinian Studies
In a September 2006 article (<https://electronicintifada.net/content/genocide-gaza/6397>) for *The Electronic Intifada*, I defined the Israeli policy towards the Gaza Strip as an incremental genocide.

Israel's present assault on Gaza alas indicates that this policy continues unabated. The term is important since it appropriately locates Israel's barbaric action – then and now – within a wider historical context.

This context should be insisted upon, since the Israeli propaganda machine attempts again and again to narrate its policies as out of context and turns the pretext it found for every new wave of destruction into the main justification for another spree of indiscriminate slaughter in the killing fields of Palestine.

The Context

The Zionist strategy of branding its brutal policies as an *ad hoc* response to this or that Palestinian action is as old as the Zionist presence in Palestine itself. It was used repeatedly as a justification for implementing the Zionist vision of a future Palestine that has in it very few, if any, native Palestinians.

The means for achieving this goal changed with the years, but the formula has remained the same: whatever the Zionist vision of a Jewish State might be, it can only materialize without any significant number of Palestinians in it. And nowadays the vision is of an Israel stretching over almost the whole of historic Palestine where millions of Palestinians still live.

The present genocidal wave has, like all the previous ones, also a more immediate background. It has been born out of an attempt to fail the Palestinian decision to form a unity government (<https://electronicintifada.net/tags/national-unity-government>) that even the United States could not object to.

The collapse of US Secretary of State John Kerry's desperate "peace" initiative (<https://electronicintifada.net/tags/john-kerry>) legitimized the Palestinian appeal to international organizations to stop the occupation. At the same time, Palestinians gained wide international blessing for the cautious attempt represented by the unity government to strategize once again a coordinated policy among the various Palestinian groups and agendas.

Ever since June 1967, Israel searched for a way to keep the territories it occupied that year without incorporating their indigenous Palestinian population into its rights-bearing citizenry. All the while it participated in a "peace process" charade to cover up or buy time for its unilateral colonization policies on the ground.

With the decades, Israel differentiated between areas it wished to control directly and those it would manage indirectly, with the aim in the long run of downsizing the Palestinian population to a minimum with, among other means, ethnic cleansing and economic and geographic strangulation.

The geopolitical location of the West Bank creates the impression in Israel, at least, that it is possible to achieve this without anticipating a third uprising or too much international condemnation.

The Gaza Strip, due to its unique geopolitical location, did not lend itself that easily to such a strategy. Ever since 1994, and even more so when Ariel Sharon (<https://electronicintifada.net/tags/ariel-sharon>) came to power as prime minister in the early 2000s, the strategy there was to ghettoize Gaza and somehow hope that the people there – 1.8 million as of today – would be dropped into eternal oblivion.

But the Ghetto proved to be rebellious and unwilling to live under conditions of strangulation, isolation, starvation and economic collapse. So resending it to oblivion necessitates the continuation of genocidal policies.

The Pretext

On 15 May, Israeli forces killed two Palestinian youths in the West Bank town of Beitunia (<https://electronicintifada.net/tags/beitunia-killings>), their cold-blooded slayings by a sniper's bullet captured on video. Their names – Nadim Nuwara and Muhammad Abu al-Thahir – were added to a long list of such killings in recent months and years.

The killing of three Israeli teenagers, two of them minors, abducted in the occupied West Bank in June, was perhaps in reprisal for killings of Palestinian children. But for all the deprecations of the oppressive occupation, it provided the pretext first and foremost for destroying the delicate unity in the West Bank but also for the implementation of the old dream of wiping out Hamas from Gaza so that the Ghetto could be quiet again. Since 1994, even before the rise of Hamas to power in the Gaza Strip, the very particular geopolitical location of the Strip made it clear that any collective punitive action, such as the one inflicted now, could only be an operation of massive killings and destruction. In other words, of a continued genocide.

This recognition never inhibited the generals who give the orders to bomb the people from the air, the sea and the ground. Downsizing the number of Palestinians all over historic Palestine is still the Zionist vision. In Gaza, its implementation takes its most inhuman form.

The particular timing of this wave is determined, as in the past, by additional considerations. The domestic social unrest of 2011 is still simmering and for a while there was a public demand to cut military expenditures and move money from the inflated "defense" budget to social services. The army branded this possibility as suicidal.

There is nothing like a military operation to stifle any voices calling on the government to cut its military expenses.

Typical hallmarks of the previous stages in this incremental genocide reappear in this wave as well. One can witness again consensual Israeli Jewish support for the massacre of civilians in the Gaza Strip, without one significant voice of dissent. In Tel Aviv, the few who dared to demonstrate against it were beaten by Jewish hooligans, while the police stood by and watched.

Academia, as always, becomes part of the machinery. The prestigious private university, the Interdisciplinary Center Herzliya has established "a civilian headquarters" where students volunteer to serve as mouthpieces in the propaganda campaign abroad.

The media is loyally recruited, showing no pictures of the human catastrophe Israel

has wreaked and informing its public that this time, "the world understands us and is behind us."

That statement is valid to a point as the political elites in the West continue to provide the old immunity to the "Jewish state." However, the media have not provided Israel with quite the level of legitimacy it was seeking for its criminal policies.

Obvious exceptions included French media, especially France 24 and the BBC, that continue to shamefully parrot Israeli propaganda.

This is not surprising, since pro-Israel lobby groups continue to work tirelessly to press Israel's case in France and the rest of Europe as they do in the United States.

The Way Forward

Whether it is burning alive a Palestinian youth from Jerusalem or the fatal shooting of two others, just for the fun of it in Beitunia, or slaying whole families in Gaza, these are all acts that can only be perpetrated if the victim is dehumanized.

I will concede that all over the Middle East there are now horrific cases where dehumanization has reaped unimaginable horrors as it does in Gaza today. But there is one crucial difference between these cases and the Israeli brutality: the former are condemned as barbarous and inhuman worldwide, while those committed by Israel are still publicly licensed and approved by the president of the United States, the leaders of the EU and Israel's other friends in the world.

The only chance for a successful struggle against Zionism in Palestine is the one based on a human and civil rights agenda that does not differentiate between one violation and the other and yet identifies clearly the victim and the victimizers.

Those who commit atrocities in the Arab world against oppressed minorities and helplessness communities, as well as the Israelis who commit these crimes against the Palestinian people, should all be judged by the same moral and ethical standards. They are all war criminals, though in the case of Palestine they have been at work longer than anyone else.

It does not really matter what the religious identity is of the people who commit the atrocities or in the name of which religion they purport to speak. Whether they call themselves jihadists, Judaists or Zionists, they should be treated in the same way.

A world that would stop employing double standards in its dealings with Israel is a world that could be far more effective in its response to war crimes elsewhere in the world.

Cessation of the incremental genocide in Gaza and the restitution of the basic human and civil rights of Palestinians wherever they are, including the right of return, is the only way to open a new vista for a productive international intervention in the Middle East as a whole.

Session 2: Ideological Underpinnings - Exposing Dehumanization

Settler-Colonialism in Gaza

Jeff Halper

GT Chamber 3 Member, Anthropologist and Director of Israeli Committee against House Demolitions

I think what's been really great about these last couple days with the Tribunal is that the people span, you know, from the purely academic to academic, you know, with very much of a political focus to try to contribute some academic analysis to the understanding of what's happening. You know, Phyllis Bennis talked about the role of civil society yesterday. And I'm sort of that other end of the spectrum, and that is, I'm an academic, an engaged anthropologist who's very much involved. I'm not at the university anymore. I'm the head of the Israeli Committee Against House Demolitions and very much involved in the political process of trying to come to a resolution of all of this. I not only protest and analyse and resist and so on, but also but, you know, I'm also a member of a Palestinian-led group called The One Democratic State campaign.

So I'm not going to say anything you don't know. Professor Penny Green's analysis of genocide, you know, is much more detailed than what I'm going to present. What I'm going to present is what I present to the general public. Advocacy is very important but in civil society, you know, it's not enough. I don't completely agree with Phyllis. Actually, it's not enough to mobilise civil society. Civil society has to be mobilised in a way that is focused, that it knows what the problem is, that it can advocate in the halls of power or on the media, you know, in an articulate way. Not only that we're against this or that, but we have to be able to articulate what the issue is and at the same time, and this is really what's lacking, we have to have a political program. I'm not going to talk about that today, but that's, you know, all this is going towards, you know, to what end. The question really has to be, "To what end?"

So what I want to do is just show you a little bit how I would explain Gaza, and in the sense, try to get people to understand the logic. If we can get them to understand the logic, then they get it, and now they can. When new things happen in Gaza, there's new news, there's a new development. Somebody says something, they're able to plug that in, because they get the logic of what's going on in terms of Zionist settler-colonialism. I only have a few minutes, so I can't really go into detail. Where I begin is, we should stop using the term 'conflict.' And what's been very gratifying the last two days is, I don't think I've heard the word 'conflict,' so we're all aware of that, that it's the wrong framing. It's a destructive framing, because it creates this false symmetry between the colonizer and the colonized. And of course, it has its own logic and its own dynamic that leads to two state solutions and other kinds of unjust and unworkable ideas.

But rather I try to name exactly what we're engaged in that I frame as a struggle against Zionist settler-colonialism. It. And then I see that the settler-colonial movement is having all kinds of ways to present it. I mean, there's six phases, and there's, you know, everybody has an analysis, but they all fit in together. But to help people understand it in not a simplistic way, but in a way that they can use it, especially if we're talking to people that aren't academics. I say there's four stages of Zionist settler-colonialism.

The first stage is unilateral invasion and settlement. And the unilateral part is very important, because, again, conflict begins to assume that there are two sides. There's two sides, and those sides have to negotiate. And what the 'conflict' model does, of course, is it elevates Zionism to a legitimate side, where, as we all know, colonialism is never legitimate. It's always illegal, immoral, unjust, and to elevate it to a political side is a historical injustice, and certainly unhelpful politically, and at the same time, making the Palestinian people, the indigenous people living in their country, a political 'side' that now has to somehow compromise and defend its right even to be in the country is, of course, unacceptable. So to emphasize: settlement is unilateral, and in many ways, the Palestinians are irrelevant to it. The Zionists had their own agenda. As Ian Pappé said, it was a European project, and they came in to take over the land. And so you can see, even in the pattern of Zionist settlement before 1948, you already begin to see the modern map of Israel and the West Bank beginning to emerge at that time.

The second stage of settler-colonialism is, of course, the transformation of an Arab country into a Jewish country. And here, you know, you know, Penny Green has talked about, in many cases, how the legal system and legal terminology are inadequate. And I think here is a good case of that as the best term, and it's a term we almost never use and never hear for capturing the essence of what Zionism is all about. What the settler-colonial project is all about, is 'Judaization' and it's a term that the early Zionist movement used and it's a term that's used officially today. We're Judaizing the Galilee. We're Judaizing Jerusalem, we're Judaizing Palestine. That term is especially important because it captures reality, more than any other term. I know exactly what the purpose of Zionism and what the goal of Zionism is. So if you're going to explain particular events or processes like Gaza, or like settler-colonialism, or where Israel is going. Or how can we resolve this? If you don't understand the concept of Judaizing as the basis of it, then you don't get it. I don't think any other term gives that comprehensive understanding of where exactly this whole project, what this whole project is, and where it's going. And of course, the flip side of Judaizing is de-Arabization of Palestine. And you can see very much the process. We all know this, the process of Judaizing, of transforming an Arab country into a Jewish country. And of course, this is all you know, it continues today. You know, here's the map, already, the plan for resettling Jews into Gaza. You know, that's what the settlers have developed.

Now, the fourth phase. Now, I know I skipped the third, skipped it for a reason that I'll come back to in a second.

The end game of settler-colonialism is normalization. In other words, this is another term that we almost never hear of. As we know, certainly you're not going to mobilise masses of people in the streets of London around normalization. It's a grey, dry, academic-sounding term, but it's tremendously important. It's no less important. I would say Judaizing and normalization are the bookends of understanding settler-colonialism. Settler-colonialism has an end, and its end is not the defeat of the indigenous population in any dramatic way or any military sense, like Gaza. You know, Gaza is a part of the process of settler-colonialism that ends, almost like the T S Eliot poem, you know, "not with a bang, but with a whimper." It ends by being normalized. It becomes, you know, the perception of what reality is. It's on the map. It's the way everybody looks at the country. It's now Israel. And as Palestine is erased, normalization is a closure.

I think, because I put this within the political context, there's a disconnect between our political work and what's happening on the ground politically. In other words, all the organizations I work with, civil society organizations all over the world, including inside Palestine and Israel, our own organizations, we each have our agendas. We have our timetables. We have our meetings. We are completely disconnected from what's happening and you hear all the time, even from Palestinians, this isn't the time to talk politics. I begin many of my talks by apologizing or acknowledging the genocide that's happening, because people say it's inappropriate to talk about a political solution at a time of genocide. First we ought to deal with the genocide and then we can deal with all this other political stuff. But it doesn't work that way. We have to multitask. The world does not stop its political motion just because it doesn't fit our timetable. I was in a meeting of our One Democratic State group a couple days ago, where people were talking about, well, maybe in another year, we'll declare ourselves a political movement.

I mean, there's a complete disconnect. There's an urgency here that somehow is missing in our discussions and so on. Normalization is happening. You know, the Trump plan is going through. This is Netanyahu in the United Nations on the podium of the General Assembly two weeks before October 7, showing the map of the new Middle East, where he was on the cusp of signing an agreement with Saudi Arabia. He was on the cusp of entering into the Abraham Accords, creating the 'new Middle East,' you know. And as Ian Pappé says, in an unabashed way, Israel presents a greater Israel. It's not hiding anything. The settler-colonial project isn't something that's hidden in the dark. It's in our faces. And I think that's also where Israel wins, because, because, if it's able to get Europe and the United States and the Arab countries and others to accept what's actually going on, they don't have to play games either. Everybody's up-front in terms of that and that, I think, is the essence of the normalization project. Normalization means a greater Israel, as you can see on the map. And normalization, of course, means a two-state solution is actually a two-state apartheid, because Palestinians would then have to be locked into a little bantustan on 15% of the country. So normalization is the end.

In a way, we have to really think about this, and this is coming down the pipeline, because after normalization, there's very little political space left. Palestinians will come and say, "Well, wait, we're locked in a bantustan, non-viable state, non-sovereign state, a so-called state and so on. What about our rights?" And the world's going to say, "Hey, we've normalized it's over. We've moved on to Sudan. We still have Ukraine to deal with." The Palestinian issue is thus removed from the international agenda.

So there's a real urgency and danger, and I think we haven't focused on that part of the settler-colonial project. You know, we focus more on how it works, but how it's resolved, and how that is being resolved in real time today is something that I think we have to focus on more. And of course, normalization isn't hidden in any kind of a way. Trump presented a plan in 2020 of exactly where he's going with normalization. Since then, you know, there are another couple 100,000 settlers in the West Bank, you know, and Gaza has been destroyed. So this map is probably an optimistic map of what a normalized two-state apartheid would look like.

But of course, in this plan of normalization, there's no territorial contiguity for Palestinians, no sovereignty, no economic viability, and of course, the refugees are unable to return. And you know when we talk about normalization, pacification, the annihilatory phase of settler-colonialism, I mean, it's right in front of us in terms of Gaza.

And this is the third part, because pacification has to precede normalization. That's the process. Normalization is stuck today because Saudi Arabia Prime Minister Mohammed bin Salman says this. MBS said to US Secretary of State Anthony Blinken, and we all know the quote, "I don't care about the Palestinians, but my people do." [source, richardfalk.org] So what the Arab governments need, and especially Saudi Arabia, is a period of industrial quiet before it's able to enter into a normalization agreement with this greater Israel. And that's what explains Gaza, from my point of view; genocide, as many people have emphasized, is a process, and it began from the very beginning of the settler-colonial project.

Genocide is built into settler-colonialism, as we all know, and it's had its more violent, vicious, intense periods, and it's more quiescent periods where it goes on, but sort of under the radar and in less violent ways, maybe like settlement and so on. Why is it culminating today? Why do we have Gaza today and the gasification of the West Bank? Let's not forget that, because of the normalization process, we can't disconnect our analysis from the political processes.

Settler-colonialism isn't only a process where we can name the different phases. The phases have a timetable. The phases take certain forms according to how close we're getting to the culmination of it all, which is normalization, and that, I think, explains Gaza today and the West Bank. And as Israel has this opportunity with Trump to normalize, it's got to break the Palestinian resistance forever, right? And it has to introduce this period of industrial quiet that will then pave the way for and enable the normalization process to take place. You have Rafah, you've got the West Bank, you know, the refugee camps, you've got the ethnic cleansing.

And so that begins to explain Gaza within the context of not only the process of settler-colonialism and the resistance to it, but also in the context of the political process of normalization that we're in today. So if I would just at the end, kind of summarize where we are in the struggle for Palestinian liberation against settler-colonialism. You know, we're really towards the end here. In other words, what you know, Penny Green has mentioned this as the 'annihilated hour,' an annihilatory phase of settler-colonialism, the pacification, the breaking of resistance, and so on. We're there and now moving into the last phase, which is normalization. And then you've got this conclusion of the settler-colonial project.

I think, on the other hand, of course, you've got the Palestinian resistance that also develops and organizes. As the settler-colonial project begins, we can't focus only on the settler-colonial project on its own; we have to look at how it's reacting to Palestinian resistance, and how Palestinian resistance is reacting to the settler-colonial project. And I think we're at the stage now, and I go back to the point I made before, where resistance has been strong all these years. You know, we've had the resistance in Gaza the last couple years in the refugee camps. Now, resistance takes different forms, but at some point there's got to be a political program. You can't be in a political struggle without a political program. And without a political program, we're unable to summon power. The Palestinians, I believe, have the ability to summon the power to effectively fight against a settler-colonial project. You know, we see the mobilization of the world for Palestinians, but what they're lacking is the summoning of power. And in some ways, the resistance has kind of been left alone. I mean, here the resistance is going on, but our side of it, the academics, the intellectuals, the political people, those that can take

the resistance and move it into a political program and become political actors, we're falling down in the game. We are not picking up our end of the struggle, I think. And, and that's the problem. So whether the Palestinians summit power, and what the political program will be, that has to be a political program that addresses the logic of settler-colonialism. We'll see, but this, I think, is where we are today.

Enfleshed Genocidal State: The Ongoing Genocidal Nakba in Gaza

Nadera Shalhoub-Kevorkian

GT Chamber 3 Member, Chair of Global Law at Queen Mary University of London and Professor Emeritus at Hebrew University

In this talk I plan to trouble or unsettle the ways that genocide studies has engaged with the ongoing genocide in Palestine and the political power embedded in invoking genocide. To begin, I must state that what guides my theorization are Palestinian voices and testimonies from the beginning of the Nakba in 1948 through to the ongoing genocide today, Palestinian voices, like the voice of Fatima the Gaza mother, that went viral in October 2023 when she went to get food for her children, only to come back and find their scattered body parts. "ashlā," as she said, "my kids died hungry. I went to get them food and came back to find them *ashlā*, body remains scattered all over the place. My kids died hungry."

I also speak from the unheard voices of Gaza and newborns left to decompose in incubators on November 9, 2023 in the ICU ward of Nasser hospital, Khan Yuonis. CNN reported, and I quote, "The tiny bodies of babies, several still attached to wires and tubes that were meant to keep them alive, decomposing in their hospital beds, milk bottles and spare diapers still next to them on the sheets."

My analysis of the ongoing genocidal Nakba stages the centrality of death and overall apparent in the *ashlā* of decomposed babies and incubators, and the dismembered *Ashlā* of Fatima's children. It brings to our view the ordinary terror inhabiting the most vulnerable bodies of newborns and children and most vulnerable spaces, homes, schools and hospitals, reducing children and newborn bodies into decomposed, dismembered objects that can be used to support the larger project of demarcating the ontological boundary between the human and the non-human that should be shredded, decomposed and killed, to disappear. At the centre of my analysis is the genocidal brutality of indiscriminate attacks to kill, including leaving newborns abandoned in incubators. This inscribes, both in the flesh and Zionist consciousness, that Palestinian bodies can and should always be in a state of death and overkill. Such is the inscription of power on babies' flesh and on the Palestinian flesh of men and women, old and young, that I ontologically linked their slowly-dying bodies to the settler-colonial state. As Frantz Fanon has explained, the notion of ontological difference involves seeing below the 'notion of being,' and even below the notion of non-being. Hence his insistence on talking about the colonized and the tensions that emerge in the flesh, and I would say the cut, scattered burned flesh and bones seen through the prism of the incomprehensible *ashlā*, the racialized being voided of life is deprived of his or her humanity, and Palestinian un-wholeness is maintained and extended. The violent horrors we are seeing in Gaza over the past 20 months have made us witnesses to the strangulation of newborn babies, a strangulation that demands their submission to the occupying power. What we have witnessed through these horrors is part of the Israeli

necro-penological, global and local regime. We witnessed another glimpse just recently, this month, through the intentional starvation of Palestinian children and their communities by Israeli expansionist greed. Another blatant example of Israel's Necro-penological regime happened on May 5, 2025, when a group of Israeli soldiers filmed themselves blowing up a building in Gaza using the colour blue to denote the male victim, meant to celebrate the birth of the settler's child.

This horrific act of celebration while abandoning newborns in incubators, bombing entire families while at home or in their tents, in hospitals giving care, the indiscriminate assassinations of doctors, journalists, educators and more, reveals the hunger for the Palestinians' unending death. It is from the silent voices of those shredded newborn babies' *ashlá* (scattered body parts), and through the necro-political brutality, using the Palestinian *ashlá* that I read the brutality of the occupier. It is against this deadly, enflashed ontology and the centrality of death within it, that I read the scattered body parts as a kind of *ashlá*, the decomposed baby's overwhelming presence as a strong voice to guide my analyses. My ontological analysis is guided through the figurative occupation and possession of the decomposed Palestinian body. It is on this body that we can read the Zionist wanton use of violence to understand the centrality of death, the killing and over-killing by the settler-colonial project, the emotions of pleasure and joy expressed by Israeli soldiers.

The May occasion that I just mentioned expresses the Zionist colonizer ideology. This ideology rejoices over Palestinians' maiming, death, and suffering, as they literally blew up Palestinian bodies. The soldiers celebrated by chanting, 'It's a boy.' What does this suggest about Zionist ideology that soldiers can and do celebrate in the exact moments they destroy the colonized geography and home, this convergence of violence and pleasure so spectacularly live-streamed demonstrated through the bombing with its monstrosity, exposes the local and global ontological politics and dilemmas facing genocide studies today. Palestinian dispossession and death as a result of Zionism reveals a genocidal economy, an economy embedded in White supremacy, White racism that dispossesses, Palestinian humanity, even the newborn babies, with its codes, technologies, aesthetics and visually.

This is what enables the ongoing genocide and its ontological consumption. The genocidal economy is constituted through the enmeshment of *ashlá* and the viscosity of it living in such a scale of death and the geopolitics of racism. It's rooted in the colonizing state's commitment to violence and its exercise of power over the non-human, always killable Palestinian body, an ontological stand that can be detected in all aspects of the settler, colonial, genocidal, criminalities of the state. Under such conditions, Palestinian *ashlá* becomes more visible in the settler state's infinite desire for expansion, even over shredded or sick bodies, empty stomachs and collective graves.

Palestinians are always kept in a state of neither life nor being. This enduring ontology depends on attacking the wholeness, integrity and continuity of the Palestinian body and land. It has turned Gaza and Palestine into a collective graveyard for slow and fast death, a slaughterhouse of maiming and wounding for the political functioning of the state and hence the continuous Nakba.

I stand against the settler-colonial assertion of turning the Palestinian body, flesh, geography and economy into a death zone. This stand grounds my analysis as a criminologist and a scholar, my imperative is not the illegal apparatus nor the human right

rights conventions, but rather human life, dignity, integrity and futurity of the people. I also do not believe in the system of the state or the security of the state. The people are my centre. Thank you.

The Unmaking of the Palestinian Home

Henrietta Zeffert

GT Chamber 3 Member, Lawyer and Lecturer in Law at University College York

Thank you so much. First, I want to thank the Gaza Tribunal organizers, and I'm honoured to be here with you all. So, "home", Homi Bhabha (Indian nuclear physicist) said, "is the site for history's most intricate invasions." That history of uncontrolled entry, into destruction of and expulsion from home in Palestine, extends over a much longer period than the current annihilation and even longer ago than the Nakba. Nonetheless, the intensity of home destruction in Gaza over the last 20 months and the depth of human suffering associated with it, is massive and unparalleled. It prompted Balakrishnan Rajagopal, the UN Special Rapporteur on the Right to Housing, to call it 'domicide,' the deliberate widespread and systematic destruction of home.

We've all seen the imagery that shows that over 70% of Gaza's infrastructure has been leveled. By May this year, 92% of Gaza's homes have been destroyed, and we just saw Jeff Halper's devastating image from Rafah. Israel's calculated attacks on home have displaced almost everyone, as we've heard over the last few days, generally, multiple times. These statistics are so familiar as to have become tired, but it is crucial to still collect and reflect on this data, as this Tribunal well knows that data cannot be overlooked because it points to where and how international law and its institutions are deficient, even complicit, but also, more optimistically, where it could do better. And these are themes I'm going to dwell on today in relation to home.

Home is tangled with systems of violence and logics of erasure, as we all know, home is an organizing metaphor for settler-colonialism. Settler-colonialism is the story of homes that are themselves tools of destruction, homes that have been constructed on the ruins of other homes. Settler-colonialism is a project of home-making and home-unmaking, as Raja Shehade and Jeff Halper have reminded us, with the settlements that spawn and now threaten to swallow Gaza.

But the unmaking of home is not just about physical homes. It's also about the very sense of home and of spatial attachments. The severing of connection to a place that is called home is profoundly devastating, and we've heard in Chamber 1 on Monday, a number of witness testimonies in which Gazans stressed the psychological and immaterial losses and pain associated with the destruction of their homes. One witness said that losing a home means losing your mental stability. Another said they had no horizon for hope after they had lost their home, to borrow from Penny Green's words, 'the destruction of home is a form of mass weakening and cultural erasure'. The centrality of home to the logics of occupation, apartheid and genocide, and the complex role of home as both a site of violence and control, as well as agency and resistance, is important to understanding what's going on now in Gaza. In the early months, when there were still homes standing, the IDF used maps, carving Gaza up into numbered neighbourhoods, indicating which homes would be targeted, weaponising homes.

In this way, the maps transformed Gaza into the unhomely and unfamiliar place of not belonging, of fear of alienation, so far from the ideal of a safe and cozy home. As the

air strikes menaced, street-by-street, home by home, we were reminded that home is contested ground, that far from being a neutral space, home is where struggles over the very nature of identity unfold. Denied full agency and control over home, the conditions of home and for being at home in the world are radically altered. The pain of domicile extends not only to those whose homes have been destroyed, but also to those who cannot return home. And because everything needed to make home has been obliterated, Gaza has become, to borrow from Nadera, a 'nowhere home' And yet Gaza, Palestine remains home. The concept of *sumud*, which Ramzy Baroud so eloquently introduced to the Tribunal yesterday, captures this. *Sumud* means rootedness in land, a stubborn standing, a steadfast refusal to leave home and homeland, and defiance through acts of home, making of hospitality, of accommodation and of dreaming of home. Similarly, as Lara Elborno powerfully reminded us to do yesterday, that despite the destruction of home, it must be part of our activism and part of our resistance to showcase the beauty, creativity and art, the culture and design riches of Gaza and Gazans.

And I hope that this photo does a little bit of that with the beautiful lights and the decorating you can see here in the interior of this garden home. I've said the word 'home' a lot, but let me explain a little bit more what it means. It's much more than a place in which we live. It's a complex, multi-dimensional concept, comprising an array of feelings and experiences. It is, at once a material, effective and imaginative space. In its most expansive sense, home is being and belonging in the world, to quote Nadera, again, it's a "psychological and epistemological space of yearning, of radical thinking and belonging." The process of making home, of homing, is one of becoming, of carving out our own socio-spatial identity.

And this is, of course, why Palestinian homes have always been targets of destruction. And this is why Edward Said, observed, that the history of Palestine read through its homes is one of an open door of others getting in, of being entered into despite us, lived in despite us. For Palestinians, home is a place a powerful idea and an organizing force. It is homeland memory and identity as Nadera and Sarah Ahmed write, the Palestinian home is saturated with individual and collective, cultural and political meanings. For Palestinian sociologist Fatma Qassem, home is a place where history and memory are transmitted, preserving and continuing cultural and national identity and the idea of a Palestinian homeland. The homeland may be an artificial construction, mobilised, for example, in discourses of nationalist exclusion and violence, which we heard about yesterday from Haidar Eid, and today from Jeff Halper, with the South Africanbantustans. But the concept of homeland does remain critical for understanding territorial claims, modes of ethno-national spatial control, and how space is planned, settled and transformed, including the smaller space of home. Feminists have shown us that home is problematic, but it is nonetheless difficult to describe.

What is so positive about home? Most of us look forward to going home at the end of the day, and we invite others to make themselves at home, and many of you in our conversations this week have reminded me of the irrepressible hospitality of Palestinians in their homes. Nonetheless, the ideal or idealized home that is safe, bounded, closed, exclusive and static in time is far from the reality of home. That reality is far more contingent and provisional and messy. I think it's better to think of home as a place of contest and negotiation and shifting boundaries of histories of estrangement and becoming, of permeability and material impermanence and a dynamic process of re-articulation, of making, unmaking and remaking.

Despite the unprecedented level of home destruction taking place in Gaza today, we all know that international law has been unable to stop it. In fact, international law and its institutions has very little to say about home, what home means and what it is to lose a home. Home is not explicitly protected in international law. It can be derived or implied from particular provisions and rights such as the right to housing, property and privacy. We see something like the idea of homeland in the recognition of indigenous peoples' spiritual connection to land.

The laws of war prohibit targeting civilian property and civilian objects, which we can take to mean home. Yet home is so far from a derived experience. Home is real life. Home is embodied. Home is enplaced. Home is multiple. Most of us would say that home is in a few different places. Home is mobile. We carry it with us across place and time. It is present, past and future. As Sara Ahmed writes, home is storytelling, colonialism, racial discrimination, class relations and the politics of gender. And so it is that home as a central aspect of liberation. Praxis has remained invisible in modern international law and its conversations with its patriarchal conceptions of struggles for justice, self-determination and statehood, and its roots in colonial order. But this does not mean that international law is inactive in the space of home.

I argue that it is already present at home, shaping and defining the contours and conditions of home in myriad ways. In other words, international law does home making and home unmaking work, that home making is thresholding and bordering work, shaping space and contouring and determining identity. It is, for example, the international laws of war that provide for and sustain the legal architecture of occupation, and make no apology for it, even if that occupation has been condemned by the ICJ.

As we know, in essence, that international legal framework opens the door, as Edward Said said, to enter into and control Palestinian homes. There are also more subtle, metaphorical and philosophical equivalences between home and international law that diagram its home unmaking work in Palestine. The nation state is frequently analogized as a home, the state as home. So claims to statehood, sovereignty, territory and self-determination are often grounded physically and imaginatively in the language of home and homeland. Home is this ultimate sovereign space that the international order idealizes as a place of exclusive belonging and universal order. We hear in the promise of statehood and self-determination, a longing to be at home somewhere in the world.

And so it is that the repeated repressive denial of Palestinian statehood and self-determination and the refusal to recognize and create space for a Palestinian homeland is channelled through and given official form by international legal processes, institutions and actors as they go about their home, making their thresholding work.

Finally, and more explicitly on this point, Israel has deployed international law over the past 20 months to facilitate the unmaking of home in Gaza by calling on the laws of war to justify and authorize a shift in the classification of Gaza's homes from protected places into military targets. This makes international law complicit in home destruction, whilst also drawing it into a larger myth about Gazans as people without a home, without a connection to a soil of significance, which, of course, is a dehumanizing and distortive narrative, a discourse of erasure and historical revision, which Israel has been constructing for decades. So, with no protection for home in international law or prohibition of its destruction, and notwithstanding international law's complicity in the unmaking of home in Gaza, recently, there have been calls to make domicile an actual crime under international law.

Some might argue that criminalizing domicile is unnecessary because home destruction falls within existing categories of international crime, such as war crimes. It can also be said that home destruction is comparable to a crime against humanity, where, as often happens, it results in forced transfer, apartheid, and other inhumane acts.

Home destruction may also precipitate genocide. In the ICJ's January 2024 order, the court mentioned home eight times in a short 29-page judgment, underlining the link between home destruction and genocide. That link is not without historical precedent. In Myanmar and Rwanda, in Bosnia and Herzegovina, genocide and domicile were tightly entwined. These are important legal and historical comparisons; they also provide an opening for the conversation I think we need to have about home, in which home is conceptualized in that much richer sense that I've talked about today, much more than just being a material place and a conversation about why it's important to think about home through its absence and its erasure. And it's the latter where domicile comes in. I think the value of domicile is that it draws attention to the political nature of the home space. So here's a quick definition: scholars have defined domicile as the deliberate destruction of home by human agency in the pursuit of specific goals causing suffering.

Like home, domicile is multi-faceted. It has diverse temporalities, different effective registers, different modes. Domicide is home destruction that occurs again and again, spanning different locations and incorporating different intents and methods. It's operationalized in many ways. These will be familiar to us all, especially to Jeff Halper. In the self-destruction of homes, the denial of residency rights and the right of return, restriction of access to building materials and natural resources, discriminatory zoning and planning restrictions and deviant urbanization programs, domicidal processes may or may not result in the physical destruction of home.

The point is that they render home uninhabitable and deny the conditions for home, making materially and psychologically. Domicide keeps a community in a state of continual upheaval without continuity, as Nadera just said, prohibited from resettling and making home living in constant uncertainty and without a sense of permanence. So this conceptualization of domicile marks a shift from it being seen as a singular event or a one-off to a process that's neither linear or instant or finite, but one which unfolds and repeats, and that repetition really underscores the intentional and systematic nature of it, and the logic of violent erasure that drives it.

Criminalizing domicile under international law would not stop the destruction of home. Let's not pretend. And to the extent that international law refuses, indeed fails to act on home destruction, this can be interpreted as tacit authorization or complicity. As I've said, I think it's more productive to think of the concept of domicile as an organizing tool for civil society, for decolonial and anti-imperial resistance. Ignoring harms to home is not only unjust. It's also really convenient for states and other actors for whom home destruction serves strategic ends. When home and its destruction are viewed through the much richer, more complex lens that I've talked about today, domicile becomes about much more than legal accountability for perpetrators and redress for victims. Even though those remain important, domicile is about seeing the violence done to home and through home in support of settler-colonialism, ethnic oppression, apartheid, genocide and other acts that undermine the ability of people to make home. It's also about acknowledging the yearning for home and homeland, and the violence done in the name of that yearning, often strategically and often by deploying law, including international law, to facilitate it and legitimize it.

So before we began here at the Tribunal, in Gaza and the War Childhood Museum in Sarajevo. During the siege of Sarajevo, 65% of the city's homes were destroyed. Sarajevo, is, to quote the architectural society, "a city that does not forget." And indeed, many of the artifacts in this museum, which I urge you to visit, elicit home as a vessel of memories, of sustenance, for identity, and a site to resist dispossession and dehumanization.

So as a final note, I think we should also be looking at domicile in Palestine through larger geopolitical and geo-legal lenses. International law is just one among many other participants in what I call the "global regime of unhoming." This comprises all the institutions, systems, structures, arrangements and logics that determine whether Palestinians can and cannot make a home in the world, and where a larger view of domicile needs to consider also the political, the political economy and racial capitalism of home making and unmaking. As Lara Elborno urged us yesterday, we must ask who profits, for example, from plans to rebuild Gaza. When international organizations say it will take millions and years to rebuild, what is their agenda? And do these statements not dangerously ease the way for expulsion from Gaza and permanent displacement?

To me, this is all part of the global regime of unhoming, which fuels a politics of belonging that has for too long divided the world into us and them, we who are at home and them, Palestinians who are made to feel not at home. International laws, participation in unhoming does not mean that we have to abandon it or disengage from it, but we should examine its place in the assemblages of power that are connected with home destruction and the narratives of erasure and manufactured estrangement from home, and consider how home making work can be redirected towards more just and less violent outcomes, following Michelle Burgis-Kasthala's suggestion yesterday in relation to international courts, how might we transform and reimagine what international law is doing in the space of home? Home is a special place, but it is also and it should be, a very ordinary place full of ordinary, everyday things and practices. Home in Gaza today is far from ordinary, but let us hope that it will return to that.

Q&A Session

Audience: Can you talk a little bit about the Palestinian authority and its role in the normalization/pacification process? What do you think is the driving force behind that collaboration? Is it simply power? Is it money? Is it all of the above? Is it something else?

Jeff Halper: To tell you the truth, I feel uncomfortable. All this would be a better question presented to Palestinians, I feel uncomfortable criticising. Okay, you know, I, you know, I'd rather have a Palestinian maybe answer that, although, obviously I have my views. Look in, you know, everywhere in a settler-colonial project, you have to have the collaborators. There has to be some. I mean, this is something that's interesting that hasn't been explored. There's a relationship between the colonists and the colonized. It isn't simply, I mean, it isn't only a matter of repression or violence or displacement or, you know, it is unilateral, as I, as I tried to say, in terms of the goals of the project, and you know, the rights and the well-being of the indigenous play no role whatsoever in the in the thoughts of the settlers. But at the same time, you know, they, they have to adopt different strategies. They have to buy land, sometimes, certainly Zionism in the early phases, they had to buy land. They had to deal with their landlords, whether in Beirut or local landlords. They had to deal with the Ottoman authorities, you know, they and then, of course, you know, already in 1909 you had the first Jewish militias beginning to emerge, Bar-Giora

(1907), Hashomer (1909), and those kinds of groups. So already there was resistance on the part of the peasants who were being displaced but didn't own the land.

And so there are all kinds of attempts, and that goes almost into the present day, village leaders of trying to identify, you know, like the Americans identified some Native American, and made him a chief of a tribe, you know, so they identified certain Palestinians that they could work with and made them the Sheik or the Mukhtar or something like that. So, in other words, it's very complicated, but there's a relationship, and I think that follows into this whole thing. With the Palestinian Authority, there's a relationship. And obviously the Palestinian Authority has its interests, and I think it's corrupt. It's a VIP kind of an organization, and it's become this collaboration regime that dismantles the Palestinian movement, in a way. So maybe I'll leave it at that.

Audience: I have a question for Jeff. We need to multitask and we need to have a political solution while during genocide, would you agree that kind of the example of that is what happened in Bosnia during the war? Because the genocide in Bosnia didn't really stop until we had a political solution to the war until the war stopped with political negotiations between parties.

Andy Simons: I have a question for Professor Zeffert, and it's about residential segregation. Now America, the United States, is built with rare exceptions everywhere, on residential segregation. I wonder if this is true in so-called Israel, between Palestinians and Jews, and if there's been research done on it, thank you.

Henrietta Zeffert: The only thing I can do is defer to Jeff, because he is the expert on this. It wouldn't be, it wouldn't be a good idea for me to answer that, rather than him being the expert.

Jeff Halper: She defers to me. I defer to the Palestinians. I know residential segregation is obviously, you know, a reality. There's very few places where, even within the same cities, where Israelis and Palestinians live together inside Israel, certainly in the occupied territories. Just one little thing I'll say. We know about the wall, the apartheid wall, that was built. Do you know, in the in the city of Ramle, which is the so-called mixed city, right in the middle of Israel, there's a wall between the Jews and Palestinians, and it's a wall actually, mainly of garbage that's been created by the municipality. It's a wall that separates the Palestinian neighbourhoods of Ramle from the, you know, from the Jewish ones. So, yeah, no, you have that phenomenon, certainly in very micro forms in many, in many cases.

I'll just say one thing really quick, and that is, you know, the importance of this, of the set of colonial you know, whether it's a set of colonial analysis, you know, as opposed to the conflict analysis, which is by far the mainstream. This is what the politicians and actually Palestinians use the word 'conflict' all the time. So you know, you're trapped. If you're in this conflict mode, you can't get to a resolution that's just and, and sustainable. You just can't. It doesn't lead you there because it legitimizes, doesn't decolonize the Zionist enterprise Israel. It doesn't decolonize the power differentials. And there's all kinds of crazy schemes now, because people know that the two-state solution is gone. So now even liberal left Zionist Israelis are into one land for all and federations and confederations and cantons, systems, all kinds of crazy things like that, in order to preserve somehow, this Jewish entity, even though there's no two-state idea.

So the importance, I think, of the settler-colonial analysis is it breaks us out of that. And because it has its logic, the logic of what its purposes are, and how it works, and the processes lead you to the idea, well, how do we decolonize this. What are the causes, what are the mechanisms, the structures of settler-colonialism? And so in a very focused way, you can have a plan of decolonization. And then, of course, decolonization, from my point of view, leads to only one political resolution which is one state, transforming the entire country into a civil democracy of equal rights for everyone. So I think this issue of settler-colonialism isn't always only an academic issue or even a political issue on its own to understand. But without it, you cannot get to any kind of meaningful resolution.

Session 3: Resisting Genocide

Archiving the Gaza Tribunal

Andy Simons

Proprietor at PalestineBooks and Retired British Library Curator

Michelle Burgis-Kasthala

GT Chamber 2 Member, Professor of International Law and Global Governance

Andy Simons

I think most of you have used a library sometime in your life. In the old days there were the printed things, you'd seek out. Nowadays, it's a combination of that and electronic things. And as librarians and archivists, our main challenge in the past few decades has been to go back to the printed things and digitize them. That gives a backup and it also allows it to be shared thousands of miles away to other researchers. We take this for granted, but these are the good old days, and things are going to get worse as they are every day now. Why? Just this morning, since dawn, a Gaza journalist Osama al Ahmed was bombed in his home, along with eight other people in the house. Okay? These things are happening all the time. The ICC's Chief Prosecutor, Karim Ahmad Khan, and his staff are being erased, courtesy of the White House, from their Microsoft data. It can't happen? It's happening now, and this cannot be allowed to happen, to happen with the Gaza Tribunal. Now we have to think of the dangers of a cyber attack, right? How to avert it. At least seven years of my workaholic effort at the British Library now does not exist in practical terms due initially to a cyber attack back in October 2023. Further to the library's IT failings, Marks and Spencer's department store, if you've heard of that in the UK, they're now commercially offline due to a cyber assault. These things are happening all the time.

As for what's going on documenting this Tribunal, we will get the audio. We will transfer it to English and in other languages, Turkish and Arabic, of course, and hopefully other languages too. But it's not as simple as that. I will at first comb over the English translation, eliminating all the 'ums' and things like that, and the echoes and getting spellings right. This will take me a while, but the text then will be what people refer to more than the audio or the video, because it takes less time to read than it does to sit through days and days of video. So that's what will happen to preserve what's going on here.

This is a document and where do we store it? Well, I don't know yet, but hopefully an open-access archive. Preservation of this Tribunal will be decided, and I make a case here for full open-source access, with the urging of any individual or institution to download

the whole lot. That way the material is not just held in one location, whether it's a university or whatever, so that anyone can get it. And then, if it's hacked somewhere, it exists somewhere else.

This is evidence. I should say that any at-risk identities of the people who have been witnesses in this Tribunal, their names will be redacted, in a sense, so the Tribunal will know who they are, but they won't be putting themselves at risk online. That's important too. There's the temporality of the evidence itself. This series of panels has occurred at a certain point in time, and so someone may use the evidence given here as part of a legal case somewhere, okay, dated evidence to be used later on.

And I should say that what's obvious to us here may not be what someone wants. We can never second guess what researchers, whether they're legal researchers or not, may want from this. Someone mentioned something as a witness, just in passing, and that could be very important to whatever it is their project is. So a point that's minor, just a sidebar now, could be germane to someone's argument in the future. Let's say they're not researching Palestinian case in Gaza, in this tragedy, maybe they're researching climate change. There we go. Or home life, there we go.

So we want to preserve this. And in my experience, on the side, I digitize anything that I can, old publications, UNWRA publications. I've done a series of Palestinian newspapers from the 1930s onward. These don't exist now in most places. Think of all the universities in Gaza that have been crushed. They had special collections. Every university does, but they don't exist now. A few weeks ago, I attended an online seminar with Dr. Abdul Latif Zaki Abu Hashim (Abu Hashim), a Gazan who collected Gaza books, Gaza publications - not publications about Gaza, but published there. He's from Gaza and he spent 35 years collecting these books. So at the end of his online talk, he showed two photographs. You can sort of guess. The first one was an image of his huge library documenting Gaza as a publication hub. And the second photo was the result of bombing, so there is no time like the present in this digital age to document what is going on and share it so that anyone can download it.

Michelle Burgis-Kasthala

I have a fascination with the link between archival practices and atrocity accountability work, because this was an incredibly important initiative that has gone on for over 10 years in relation to Syria. And so here really, I want to think about how we can learn from some of those really important practices that obviously have taken place in many sites of atrocity, and think about how they can form our own responsible archival practices here at the Gaza Tribunal. So firstly, I just wanted to remind you that we've all taken note of some of the key provisions that the ICJ has handed down in the South Africa case, but things that we tend to overlook are these aspects of the dispositive paragraph, outlining the specific legal obligations of the parties involved.

For example, in January, the court called on the state of Israel to take effective measures to prevent the destruction and ensure the preservation of evidence. I won't read the rest. So already, we can see in the midst of genocide, at the very heart of the adjudicative process, the recognition of the centrality of evidence and its erasure. And so there's already this absolutely vital sense of responsibility being invoked here by the ICJ, but also for ourselves. And we've just heard from Andy about deliberate attempts of erasure. And so part of part of the work of the Gaza Tribunal, with its archive, is to

counter that erasure, but in doing so, we have to think about what archive we're building for, whom will it speak? Who will use it and have access to it?

These might seem like esoteric questions, but they're going to have massive implications for our work. So I just wanted to take you back. I find it really fascinating, the word 'archive' itself. It actually comes from the ancient Greek word *arkheion*, which means beginning or source or origin. And strangely enough, it then morphed into words denoting aspects of governance, because, in fact, the government official called an Archon would house documents in his, not her, in his house. He would store government records there. And so, his private dwelling also became a public site of housing, as we might say today, state documents.

And so we have this wonderful sense then, of the private becoming the public, but also of power, this link between evidence or documents and power. And over time, then the word was picked up in Latin and French, and then eventually English that we have today. Our sense of archive, and what some work by social theorists have really focused on is picking up on the power inherent in this act of housing. And we've heard wonderful things now about this active housing, and then very much as being about a process of working out who has access to these materials. So basically, to construct an archive is an act of power and of privilege. Oftentimes, it's governmental states that have been the key drivers of archival building. And if you think about all of the main archives in the world, most of them are in some form, state-sponsored.

So then, archival historian Laura Stoler (2009) would say to us that we have to think of archives as sites of epistemic and political struggle. Archives are about choosing what can be included and what can be excluded, and at this moment, very much as a genocide is occurring hour by hour, what can be documented about that genocide and what will be erased will be absolutely crucial in how we unfortunately remember and retell the events of that genocide. And I think as well, what's really interesting with this idea about the public and the private is that some of the testimony we heard on day one was extremely personal. It's extremely private. It was really harrowing, but it can also be transformed into a public, archival testimony and memory, and we need to make sure that the way we rehouse those memories, those private moments of pain is done in a really respectful manner. And that's why I think it's crucial we think about how the Gaza Tribunal approaches its archival practice.

So very briefly, I just want to say that obviously civil society efforts in relation to archive building have been fundamental to earlier accountability efforts. I hope that some of you will have heard of the really amazing work of DC-Cam (Documentation Center of Cambodia), which basically was initially set up by a US piece of legislation that provided funds to a group at Yale University, who then ended up extensively documenting the 1975-1979 Khmer Rouge genocide in Cambodia. And crucially, their work was an important source of evidence that then informed the ECCC, the Khmer Rouge Tribunal (Extraordinary Chambers in the Courts of Cambodia). So here, then we have a very direct link between atrocity archive and a particular form of accountability in the form of a post-facto criminal trial. And I think that type of work really has informed a lot of more recent civil society activities.

One really great example you can obviously go and look at is the Syrian archive. It's part of a called Memmonic, a stand-alone archives relating to Sudan, Yemen, Syria and Ukraine. And they basically their point is as Andy encapsulated, to retain the material,

not knowing what the materials will be used for. It's not up to them, and in some ways, I think that's also the point for us. We can't sort of prescribe exactly how the future of this Gaza Tribunal will play out, but it points very much to the responsibility that we have here. If I suggested that archives tend to be state-based, what we're doing very much, linking back to the points I made yesterday with people's Tribunals. This archive is an overtly non-state-based type of archive. So we might see it as a counter archive, an archive that speaks more generally to the Palestinian people. But we'll have to keep thinking about who our constituency is, how the broader constituency can feed into this so that we can be respectful builders of public memory. We must always be asking ourselves, "Whose memories are being included, in what terms, to what end, for which public?" I want to end by reading a wonderful quotation from the work of Harvard University's Latin America historian Kirsten Weld, (in *Paper Cadavers: The Archives of Dictatorship in Guatemala*, 2014) She examined the archive work in relation to Guatemala, and she said: "To exhume a 'paper cadaver' or rescue a document is to stave off oblivion, to look backward, to prevent stories and lives and traumas from being forgotten, and to accord dignity to the dead," the disappeared and displaced. But while to delve deeply into the dark past is an act of remembering, it is also a constructive act. It's one of imagination. And I mean, I think really, we need to take that with us. You know, this is the practice. Practices of archives are not solely about the past. It's about this link between a past, many pasts, the present, where we are now, but also the future. We can't predict that future, but I think in trying to be as respectful and ethical in our practice as possible, we will, I think, open up more potentiality for how this Gaza Tribunal will contribute to a future. Thank you very much.

Palestinian Resistance

Abed Takriti

GT Chamber 3 Member, Associate Professor of History and Arab-American Educational Foundation Chair in Arab Studies at Rice University

Thank you very much. I work on Palestinian history, and in particular, on Palestinian revolutionary history, and I assume that's why I was asked to speak on the subject of Palestinian resistance today. But I think it's important to first talk about resistance in the context of genocide, and to reflect a little bit on genocide and the question of violence.

Historically, carrying out a genocide is a highly complex endeavour that cannot be achieved without a set of prerequisites.

Firstly, and most importantly, genocides arise out of a profoundly skewed military balance of power on the ground, in which one human group is able to destroy, in whole or in part, another and underscore able here they have to have the capacity to do so, which means armed capacity. In every genocidal situation, the perpetrators have superior access to the means of violence, while the targeted group does not have the level of armament or military organization necessary to adequately defend itself against this destruction, that doesn't mean that it doesn't try, but it means. That it doesn't have the force to stop it.

Secondly, and interconnectedly, genocides require determined perpetrator leaderships armed with an ideological framework that accords with the destruction in whole or in part of a national, ethnical, racial or religious group. In colonial situations, genocidal ideology always corresponds, by definition, to the conquest of the land as well as

the subjugation and or removal of the people in it a process that cannot be achieved without armed violence against the native. Genocides almost always occur when pockets of resistance remain after the total or partial conquest, and the colonizer leadership decides that it wishes to upgrade its tenure over the land from the level of stability, stable hold over the land to that of in contest stability. By that logic, destroying the other through mass murder and or total removal permanently removes the threat of contestation that we are seeing happening in Palestine, and that has been going on that there's a history that has led to that in Palestine.

Thirdly, genocide requires willing perpetrators, armed units that are willing to carry it out, and a social context that can endorse or at least offer no resistance for perpetration in the context of small colonial states like the Israeli one and these states depend on semi-universal conscription. This is a heightened condition you have to have when you're relying on almost universal conscription. In the Israeli case, the only exempt group from the colonist society is the ultra-orthodox. Then you need to have a society committed to violence against the native, and that in this case, the case of the Gaza genocide, is open to the idea of destroying the native.

Fourthly, genocide, and especially in our current age of hyper information and instant reporting requires an international context that allows for these acts to happen. In the case of Palestine, this means great powers, imperial powers, willing to supply the arms and to give the diplomatic cover and to deter Neighbour intervention towards stopping the genocide.

Now in all of these four cases, the usual there has to be some kind of legitimization discourse. And always, the legitimization discourse is the idea that the native is carrying out resistance. You don't frame it as resistance, though it's framed that way historically in the case of Palestine during the British Mandate period. For example, as insurgency is framed as public disorder. It's framed as irrational violence. There we had many, multiple framings in the early history of Palestine colonization, and, by the way, terrorism. It came in early; later on, it took a much more organized set of concepts relating to the idea of, again, terrorism also sometimes sabotaged, but since referred to as saboteurs, the imagery that corresponds to that is one that either entails comparisons to insects or rodents or reptiles. In other words, it's an imagery of a threat, a threat that needs to be removed comprehensively, in the same way that when you are confronted with any of these beings in your house or in your garden, you bring pesticide companies they eradicate to justify total violence on the scale. On this genocidal scale, you need to totally reduce the native to a phenomenon of an everlasting, irrational and evil threat. A native is expunged from the realm of politics.

So that is the Palestinian experience. The difficulty here is, of course, one that has to do not only with these discourses, but also with the actual willingness of states to deploy them and the agendas behind them, because the politicians that are actually making those speeches comparing Palestinians to insects, rodents and snakes in the Israeli case, at least, they know that this is not what it's all about. They know that this is about political choices. If you want a colonial, colonist context in which there is total acquisition over the land, then you're not giving the colonized population a way out, and then you require eradication as solutions, or solutions that can ensure complete pacification in the absence of eradication. That means, if you don't remove the people, that's one option. The other option is to completely break their will and ensure permanent pacification. They know that this is what it's about.

We know that they know this because people like Netanyahu, for example, follow the ideological precepts of revisionist Zionism. If you go back to Jabotinsky iron wall, you will see that he refers to the idea that in colonial situations, there is no option other than the total combat of the native.

He says that there is no way you can talk to the native. You're not going to reach an agreement with them. The only language that can allow you to achieve your objectives is the language of force. It is disrespectful to the native to think otherwise, because they've always resisted. And he makes comparisons with the conquest of the Americas, the native populations there. He says Palestinian populations are not better or worse than them, the same way that those populations resisted. There will be resistance here. He makes comparisons to other contexts of colonization. So they know what they're doing here, but they cover it with this discourse, both for mobilizational purposes on the ground, internally, but also for mobilizational purposes externally. They need to give a language that allows their allies and sponsors. In this case, the sponsors are the most powerful country on Earth. That is, yes, an imperialist country, because, yes, it has more than 800 bases worldwide across the globe. So yeah, that's an empire. And it certainly acts like an empire, because it acts above the legal norms that it was supposed to have enshrined in the post Second World War order, it chooses when they're applied and when they're suspended.

But even that sponsor needs a language. So the language is Palestinians are engaging in violence, therefore Israel has a right to defend itself. This room, of course, has a lot of international lawyers. So you know that this is completely faulty logic in the international order, at least since the Second World War, this is going back. This is going back, actually, to a logic that the great Palestinian scholar of the laws of war, Oxford University Professor Karma Nabulsi, called the 'martialist logic', the martialist tradition of war. This was the tradition that was established by empires and colonial powers, one that saw war as having no limit. This is the logic of the armies of conquest and domination. Now the current logic, of course, of the existing. The system is something else she calls it the gross and logic, which is the logic of imperial powers and major states finding some common ground between them, so they had to create some norms to manage the conflicts between them. This is what led to the idea of civilian protections and so on. But this tradition of war has certain limits. They don't benefit non-state actors, which means colonized peoples, but they certainly allow for a framework for some protections. And then you add the third tradition of war, which is, of course, the Republican tradition. It came out of colonized peoples, occupied peoples, peoples that and the philosophers that articulated it were thinking of those cases, people like Jean-Jacques Rousseau and others. They were engaging with the Polish preoccupation of Poland in the 18th century, they were engaging with the virtuous republic in Corsica. They ignored, of course, colonial situations outside Europe, but still, the logic can be extended there, and certainly colonized peoples extended it there. That's why Toussaint Louverture, when he was dealing with the question of enslavement and colonization in Haiti, appealed to that logic, the Republican logic, to the idea of citizenship, the idea of patriotism, the idea of liberating occupied countries.

Palestine fits within that tradition, it has also other modes of articulation when it comes to the notion of its people's freedoms, because it can also different groups in it that have emerged historically have engaged with other concepts that predate this Republican

tradition of war, for example, there is a tradition of Islamic just war. What do you do when your land is attacked by an external power? Under that Islamic tradition, you have not only a right to resist, you have the responsibility to do so. The difficulty in the current global order is that that language can easily fit with the logic of the war and terror. In other words, it's not understood in relation to the situation of the Palestinian people, who are colonized, people that are fighting for their own survival, as it should be clear now for everyone in this room and beyond. Instead, it's presented as an irrational, barbaric tradition, just using the word Islam has been as a result, of course, the Islamophobia that accompanied the war on terror and the nature of the initial groups it was fighting. You know, it's easy, then, to reduce a great national liberation struggle like that of the Palestinian people to those categories for the purposes of delegitimation. So this is the difficulty when we're dealing with a question of resistance.

By the way, resistance is a new word in the Palestinian lexicon. We aren't used to use it. It's a new word in anti-colonial struggles. Also, resistance became popular after the French launched resistance against the German occupation of their country during the Second World War. Before that, our discourse was one of revolution *saura*. That was the Mandate discourse and by the way, in the Mandate period, we only launched one. So we tried other options historically in Palestine for what we are calling in the session resistance. So initially, we had more than 18 years between the British occupation of Palestine and the decision of the leaderships of Palestinian society to confront that colonial violence with organized with an organized, revolutionary violent response. Before that, they tried diplomacy, they tried the Palestinian congresses, they tried non-cooperation, they tried boycott, they tried every political and diplomatic Avenue. Because unlike actually the colonial enterprise, which requires permanent violence, the anti-colonial enterprise experiments with different options for resisting this colonial violence. These can include a wide range of strategies and tactics.

After 1948 it became clear to Palestinians that if you do not have military capacity, you will be expelled from your homes. That became a haunting question for them, and what made it even more difficult is that those leaderships in Palestinian society that were not advocating for auto capacity for carrying out military defence, and thought that you can depend on the regional system around you to protect you, because the settler-colonial endeavour of establishing a colonist state primarily brought from Eastern Europe and Central Europe to Palestine, they thought that that's not going to be allowed by the state system around us. That's why they were saying the Arab armies will prevent this from happening. After the Nakba, you had the situation where that theory failed.

There were some people, though that counted on regional intervention from surrounding states on the basis of revolutionizing these states. That's why Palestinians engaged with the logic of resistance initially and saw the transformation of the surrounding Arab region as opening up a space for change. Thank you very much.

Archaeology and The Erasure of Palestine

Akram Liija

GT Chamber 3 Member, Professor in Historic Conservation and Cultural Heritage and Former Director of the Palestinian Department of Archaeology

This is the picture [presentation] of a Fauci Palace Museum in Gaza, and people in the Old City of Gaza thought that cultural heritage sites mosque is a safer place because

it is cultural heritage places protected by international law and the Hague convention. So people move to the places like the mosque, the cultural heritage sites and the old city around Gaza and Israeli tanks get in and destroy before destroying the Qasr al-Pasha Palace and the museum, they evacuated all the artifacts from the museum in addition to the storage of the museum, and moved these artifacts to Israel in as military power and thanks to Imk Shame, an Israeli organization which is fighting against the colonial archaeological activities in the West Bank. So they followed the Telegram and the Instagram of the Minister of Archaeology in Israel [the current Minister of Heritage is Amichai Chikil]. And he was so proud to disseminate this information through Instagram and through the Telegram that we got access to artifacts and archaeological sites in Gaza. Then they destroyed the all the complex. And from there, Netanyahu stated in his speech at the beginning of this war, declared that the war in Gaza started not only from Jabotinsky ideology. It started from religious methodology, mythology, and he tried to mobilise all the Jewish people and the old Jewish community in Israel, in order not to put it as right and left. So he started the declaration of the war against Gaza by Amalek. And Amalek, in the Torah, the Bible, means the people who inhabited Gaza during the bronze age, middle bronze age. And he was asking, it's time to slaughter anarchy. And he asked the IDF to rank the number of how much you kill. This is, in our way to liberate the Jewish people without ranking as much as you can killing of the Palestinians in Gaza of Anakim, we will not protect the Jewish people.

So Defence Minister Yoav Gallant in that time tried to dehumanize the Palestinians to justify the killing, and he said, "We are fighting human animals."

So Netanyahu instrumentally used the Bible in order to which is referred to. It's Palestinians and Anakim who are living in the southern part of Palestine near the coast. This is Gaza. You have to kill Anakim there.

And just to give a picture here, Gaza, according to the 1949 Armistice Demarcation Line between Egypt and Israel, used to be 565 square meters, not 365 square meters. And in 1995 this area was annexed illegally by Israel without any justification, only because as a buffer zone from those people who tried to go from Gaza to their villages in the Negev, to bring their something from their houses until they used to cross Gaza to bring something, some crops. So they took a buffer zone illegally from Gaza, and no one knows about this. That was an illegal agreement between the Egyptian leader, Egyptian military leader in Gaza and the IDF in that time.

Gaza, historically, used to be a crossroad for all the economic and trade activities, 'silk road' and 'spice road'. Also used to be a Canaanite, state cities like Tal al-Ujul, Tal al-Sakan; Gaza; so there were many state cities within Gaza, across the Middle Bronze ages and Roman Babylon Greek and so that two sites completely demolished during the war, because both are located in Netzarim Corridor, which cuts Gaza from South to North. The IDF located in that axis, so they demolished all the two sites.

Here [slide presented] is the distribution of archaeological sites in Gaza, and we registered 226 archaeological sites and historical buildings with culture, highly cultural values, which is completely or partially destroyed. When we are talking partially destroyed, that means, more than 50% of the building has been destroyed and the sites has been completely bulldozed.

Here [slide presented] is the Al-Shati refugee camp and our charter, the Al-Shati camp Anthedon. Anthedon is the Hellenistic harbour with the background cliffs of the Roman

site, which is linked also to the harbor, the antagonist Harbor, it's completely demolished, as a part of getting in the northern part of shutting the Al-Shati refugee camp in Gaza. Here [photo presented] is the Christian monastery, Saint Hilarion, located in the middle of Gaza, and it's protected by the French government, and despite it, a world refuge site, this site also has been damaged.

Saint Porphyrius, a church. And here is another story. And when the Christian community fled to the churches in Gaza, Roman Catholic, Roman Orthodox and the Baptist Church at the Baptist Hospital in Gaza, the Israeli forces stuck the church and killed three families, Christian families within the Roman Orthodox Church. And the Deputy Mayor of the ministry municipality of occupied Jerusalem, Mrs. Rohanna [inaccurate, really Fleur Hassan-Nahoum], got out to the media and told that people in Gaza were sending fake news, because there were no Christians in Gaza at all [LBC radio, London, 19 December 2024]. So this is the Palestinian speaking of something that does not exist! They are talking about churches. Who said that Gaza has churches, that there is a Christian community located in Gaza? And then, after one month, they killed in the Catholic University, they killed four nuns. Snipers killed four nuns. And also Mrs. Rohanna [Hassan-Nahoum] repeated on TV, her story that there are no Christians living in Gaza. And the same [destruction] is [done to heritage from] Islamic era, Mamluk and Ayyubid and Ottoman cultural heritage and buildings in Gaza, the majority of these sites have been completely damaged and destroyed, especially when we are talking about Mamluk architecture and Mamluk Ottoman mosques in Gaza.

This [photo presented] is Qasr al-Pasha Palace. I mentioned it was a museum, and it's the place where the Sanjak leadership, Ottoman Sanjak leadership, used to be. Here is where the majority of archeological finds in Gaza, all of this was looted by a state government.

Many, many sites in Gaza has been destroyed.

This [photo presented] is a storage of the thousands of archeological finds in a safe place in Gaza. And the French flag over this site because it's not under the sovereignty of either Hamas or the Palestinian Authority. It is under the control of the French institutions and the French schools of architecture, who have been digging in Gaza since 1994, in more than 27 sites. So they informed Israel about the storage. They informed them about the place, and unfortunately, here in Hebrew, they disseminated the soldiers and the department officials at the Department of Archeology, [Hebrew text reads:] "we accessed the archeology of Gaza. We brought them back home." We brought them back home?! They are not hostages! These findings are excavated after 1994, during the Palestinian Authority era. So that is, and this is a site also completely destroyed in Roman cemetery, which is discovered only one year before the October 7th, and it's completely destroyed.

This [photo presented] is just a part of the places have been completely demolished. Great mosque, there are many motives why they need to destroy the cultural heritage in Gaza. There was no collateral damage to the archeological sites in Gaza. All the damage has been targeted directly, intentionally to destroy the link between people and the local community and their identity, social identity. It's part of uprooting people from their context.

Israel violated the international laws and protocols regarding the cultural heritage, the Hague convention 1954 and 1999 which is damage of cultural heritage. It's part of war crime, and not only cultural heritage. Most religious places, in addition, schools, universities, libraries, archives, all these places are protected according to the Hague Convention to protect cultural heritage under the armed conflict. In 1972, UNESCO adopted the Protection of World Cultural and Natural Heritage from danger. We have a number of sites which are listed and these sites are protected by the UNESCO laws. The International Criminal Court found Army leaders in Mali and the former Yugoslavia guilty of war crimes, because they intentionally destroyed cultural heritage. And the UN Security Council resolutions also prohibited theft and the trade in cultural property coming from Iraq and Syria. So this resolution can apply to other places around the world. The state army, the colonial army, was taking archeology from Gaza.

So here is a list of the conventions that both the destruction of cultural heritage in a place of crime, war crime. Mr. John Hawking, member of the International Criminal Tribunal for the former Yugoslavia (Secretary of the Hague Tribunal, 2013), stated that wherever there is cultural destruction, there is suspicion of genocide. The destruction of heritage is a tool for destroying human groups. International Law treats the deliberate destruction of cultural property as a war crime, the charter rule that attacking monuments and historical buildings without military necessity constitutes war crime, based on Article 6b of the charter [note: there was no 'Article 6B' for the ICC related to the former Yugoslavia]. Thank you so much.

Expert Testimony: The BDS Movement

Omar Barghouti (online)

Co-Founder of Boycott, Divestment, and Sanctions (BDS) Movement

...According to UNICEF, since the resumption of its bombing of Gaza, Israel has killed or injured 100 Palestinian children every day, on average. On March 18th (2025) alone, when it shattered the shaky cease fire, Israel massacred, in just a few hours, over 400 Palestinians, including 170 children, mostly while sleeping. A day after, echoing daunting language from 1930s Germany, Israeli War Minister Katz directly gave all Palestinian survivors of the US Israeli genocide an ultimatum: accept ethnic cleansing or face total destruction and ruin.

Prominent Israeli historians of the Holocaust and genocide studies, Daniel Blatman and Amos Goldberg, of Hebrew University Jerusalem, have concluded, "What is happening in Gaza is not the Holocaust. There is no Auschwitz there. However, it is a crime from the same family, a crime of genocide." Even former Israeli senior military leaders, themselves accused of horrific war crimes, have recently come out against Israel's carnage. Former Deputy Chief of Staff of the Israeli military, Yair Golan, has said, "A sane country does not wage war against civilians, does not kill babies as a hobby, and does not engage in mass population displacement." Moshe Ya'alon, former Defence Minister and former Chief of Staff of the Israeli military, has accused the Israeli government of sending the army to Gaza to commit ethnic cleansing and kill them all. He said, "I expect the State of Israel not to send soldiers to kill Palestinian babies and women."

On May 15 (2025), Palestinians and millions in the Solidarity Movement commemorated the 77th anniversary of the Nakba, the planned ethnic cleansing of most indigenous Palestinians, to create Israel as a settler colony and to subjugate us to an ongoing

Nakba of dispossession, displacement and disenfranchisement. And now Israel is implementing what its leaders call the 'Gaza Nakba' (Agriculture Minister Avi Dichter spoke of this, 12 November 2023, on Israeli Channel 12). The world's first live-streamed genocide, portraying the patent depravity and unspeakable criminality of Israel's genocide as the responsibility of Netanyahu, and his fascist government alone betrays either selective amnesia or a prejudiced reading of the current reality.

According to a public opinion poll reported in the Israeli media last week, 82% of Jewish Israelis support the forced expulsion of all Palestinians from Gaza, 56% support even the forced expulsion of Palestinian citizens of present-day Israel, and about 50% support the full extermination of Palestinians in Gaza. Another poll from last week (May 2025) showed a shocking majority of Jewish Israelis opposing the entry of any humanitarian aid into Gaza.

Despite the horrific images of starving Palestinian babies broadcast worldwide, a recent article in Ha'aretz exposes that, "The widespread killing, starvation, destruction and expulsion in Gaza would not have been possible without a bright green light from the Israeli Supreme Court." The article cites a Supreme Court justice referring to medieval rabbinical rulings to justify the starvation of millions of Palestinians today. Eliminating the natives is, after all, a feature, not a blip in settler-colonial systems, though its genocide is unprecedented. In many ways, Israel's massacres and systematic wiping out of Palestinian towns and villages to forcibly displace their residents are not new. A recent error by Israel censors has accidentally revealed secret documents exposing Israel's first Prime Minister David Ben Gurion's conscious decision to wipe out Palestinian villages during the Nakba as a necessary condition to create what Israeli human rights group B'Tselem today calls, "a regime of Jewish supremacy from the Jordan River to the Mediterranean Sea."

The colonial West was complicit. The colonial West, with most of its politicians, hegemonic, academia, cultural and media, establishment, military, security, industrial complex, and its addiction to the genocidal dehumanization of non-European nations, is still complicit now, arming funding and shielding Israel from accountability. Coupled with parroting its dehumanizing and genocidal propaganda against Palestinians, Arabs and Muslims, the West writ large is a partner in genocide. Emboldened by this shameless complicity, Israel is trying to normalize the fundamentally abnormal and to numb our consciences with its relentless savagery, it views the rise to power of its natural allies, far right, fascist and authoritarian forces in the US, Europe and elsewhere, all patently antisemitic, as providing the most opportune moment for finally eliminating the survivors of its ongoing Nakba, not gradually, as it has been doing for decades, but in one fell swoop.

"Never again" is now, as Holocaust survivors and Jewish Voice for Peace activists in the US have chanted recurrently throughout this genocide. Repeated UN votes and thousands of solidarity mobilizations worldwide, mainly led by younger generations, attest to the fact that the global majority today sees Israel as a rogue state. Israel has not only exterminated and ethnically-cleansed Palestinians and in just a few weeks, killed thousands in Lebanon and occupied large swaths of Syria, but it's simultaneously reducing the very tenets of international law to tatters. As Irish President Michael D. Higgins has put it, "Israel and the US are normalizing a might makes right order," posing a fatal threat to struggles for racial, social, economic, climate and gender justice. Globally, Trumpism is only the most naked manifestation of this fatal order.

Israel's Prime Minister is wanted by the ICC for war crimes and crimes against humanity. The ICJ, in January, decided that Israel is plausibly committing genocide, and in July, 2024 ruled that its occupation is illegal and amounts to apartheid. All this triggers legal, not just ethical, obligations for states to end direct and indirect complicity.

Palestinians have no illusions, though, that justice will shine on us from the ICJ or the UN. We have international law and the ethical high ground on our side as an indigenous people resisting a deprived, genocidal system of colonial oppression to achieve our rights, ethics and the law are necessary in any liberation struggle, but they're never sufficient to resist and abolish a system of oppression. The oppressed invariably need power as well, people power, effective solidarity, Power, grassroots power, intersectional coalition, Power, media power, cultural power, peaceful disruption power, strategic litigation power, among others, to help decolonize our minds and to defeat the seemingly invincible structures of oppression. We must speak the unspeakable and hold the unaccountable to account.

After all, the most profound ethical obligation, especially in times of extreme oppression, is to do no harm and to stop and repair harm done in your name. Palestinians are not begging the world for charity. We're calling for meaningful solidarity. We are demanding an end to complicity, to do no harm, ending complicity in human rights violations is a matter of duty, not discretion.

In the words of Craig Mokhiber, former senior UN human rights official and part of the Gaza Tribunal, the ICJ ruling about Israel's illegal occupation makes BDS, "not only a moral imperative and constitutional and human right, but also an international legal obligation" (Mondoweiss, 13 August 2024).

As the struggle that abolished apartheid in South Africa has shown, ending state, corporate and institutional complicity in Israel's system of oppression, especially through the nonviolent tactics of BDS, is the most effective form of solidarity with our liberation struggle. This is part of our resistance. BDS strives to build intersectional people power to end Israel's illegal occupation, its apartheid regime, and to uphold the right of Palestinian refugees to return and receive reparations.

The BDS movement categorically rejects all forms of racism, including anti-Jewish racism. There's nothing Jewish about Israel's occupation, ethnic cleansing, apartheid or genocide, and therefore there's nothing anti-Jewish in supporting BDS to end these injustices and dismantle these structures of settler-colonial oppression.

Having planted many seeds and prepared the ground with large intersectional coalitions and having developed an exceptionally effective toolbox of strategies and tactics for ending complicity, the BDS movement, with its numerous partners representing tens of millions worldwide, has mobilised a truly unprecedented global wave of effective, strategic solidarity, spreading apartheid-free zones, mass protests, courageous peaceful disruptions of complicit businesses, particularly military related ones, coordinated campaigns against maritime military and fuel transfers, student led encampments and the immense growth of support for academic boycott and divestment on campuses, hundreds of cultural spaces and tens of thousands of artists and writers joining the ranks of the cultural boycott, etc. All attest to this resilient wave.

Israel's economy is experiencing what 130 of its top economists describe as a spiral of collapse, with an almost unprecedented brain-drain, a nosediving tech industry and a credit rating that is near junk levels. According to credit-rating Moody's, the US computer

components firm Intel has frozen its planned \$25 billion investment in Israel, increasingly seen by investors as part of the BDS movement's work. In addition to other factors, Israel is increasingly being seen as a shutdown nation, and it has ranked dead-last among 50 countries in the recently-released nations brand index.

But what does BDS have to do with this? Avi Balashnikov, the Chairman of the Israel Export Institute, admits, "BDS and boycotts have changed Israel's global trade landscape." Israel has, in fact, since 2014 considered the BDS movement a strategic threat to its entire regime of oppression, allocating massive intelligence, propaganda, lobbying and legal resources for fighting it, as revealed recently in an investigative report in *The Nation* magazine, based in New York City. Israel and its lobby groups in the US alone have allocated some \$900 million for fighting BDS over a period of a few years.

To end the US-Israeli genocide and help us dismantle Israel's 77 year old regime of settler-colonial apartheid, the BDS movement calls for intensifying grassroots and civil society pressure like never before, on several levels, on the UN and international organizations to expel Israel from the UN General Assembly and from international sporting events, the Olympics, FIFA away for etc. and reactivating the UN Special Committee against apartheid and ending unshameful contracts with complicit companies including tech giants, Microsoft, Palantir, Google, Amazon, Cisco and IBM that are implicated in Israel's illegal occupation, apartheid or genocide.

That's one level. Also, pressure on states to cancel or suspend economic relationships, trade agreements and academic relations with Israel that may contribute to its unlawful presence and apartheid regime, and to impose a full arms embargo on Israel, holding all arms agreements, imports, exports, transfers, including of dual use items that are used against the Palestinian population under occupation. As called for by leading UN human rights experts. Third state obligations also include investigating and where sufficient evidence exists, prosecuting potential Israeli and other perpetrators who may have committed crimes as members of the Israeli army or settler movements, as called for by Amnesty International. We call for pressure on regional and local government, and city councils, to immediately end collaboration with Israel and its complicit institutions, and city councils to pressure divest from and exclude from contracts complicit corporations to adopt ethical procurement policies, as well as where applicable, ethical investment policies that exclude contracts with corporations involved in grave human rights violations anywhere in the world.

They must also prevent the transit of military and dual use items through their cities to Israel. We call for pressure on complicit corporations with boycotts, divestment and exclusion from contracts to end their complicity in Israel's crimes, especially those on the BDS priority targets. We call for pressure on trade unions and professional associations to translate solidarity into adopting procurement and where applicable investment policies that exclude complicit corporations, and to apply serious pressure on Governments corporations and institutions, including through divestment and peaceful disruption, to end complicity. Finally, we call on for pressure on academic, cultural and sports institutions to cut all ties with apartheid Israel, as was done with apartheid South Africa and with its complicit institutions, and to divest from complicit corporations. But some of us are having genocide fatigue and see no hope. But Palestinians do not have the luxury of genocide fatigue, nor of giving up hope. Also, as British Pakistani writer Nadeem Aslam says, "despair has to be earned. I personally have not done all I can to

change things. I haven't yet earned the right to despair." For a century, the Palestinian people have been resisting in various forms colonial oppression. We've never given up. We insist on what Archbishop Desmond Tutu once called our full menu of rights. We strive to thrive in our homeland, in freedom, justice, equality and unmitigated dignity. Do not fall into complacency until you've ended state, corporate and institutional complicity in Israel's crimes. Do not give up hope you have not earned it yet. Thank you.

Session 4: Civilization and Weaponizing the Holocaust and Antisemitism

Ethnic Cleansing Through Civilizational Narratives

Cemil Aydin

GT Chamber 3 Member, Professor of International and Global History

I will share part of my research to explain why current narratives of the 'clash of civilization' replace the former colonial language of racial difference and inferiority. One puzzle is that, as Ilan Pappé said, we have to pay attention to Europe's support for Israel. And in Europe, wherever you go, especially in Germany, everybody is outwardly anti-racist, but they're racist towards Palestinians and support Israel. Not everybody, I meant the official leaders and European right as well as American right-wing ideologies, they claim that they are not racist. Instead, they use the 'civilization' word, and I want to share with you why we think, as historians, intellectual historians, the language of civilization has to be paid attention to, as a new form of racializing Palestinians and justifying Israel. And I want to show the anti-Palestinian origins after the 1990s 'clash of civilizations' thesis of Harvard professor Samuel Huntington. In many ways, when I was visiting our encampment at the University of North Carolina, just before it was brutally suppressed by the administration, by the military police brought from all over North Carolina, I couldn't help but to notice that this was the revenge of the children of Princeton professor Bernard Lewis against the children of Edward Said → Zionism versus Palestinianism.

The students at the encampment were very comfortable with different religious traditions. There were Jews, Christians, Muslims, and I think one student told me that as a Christian, he joined the Friday prayer on Friday day and then joined the Shabbat. They were very multi-religious, multi-ethnic, but they believed in humanity. They believed in universal rights. They did not believe in the 'clash of civilizations.' And I want to tell why we get to the story of the 'clash of civilizations.' I also want to note that we are in Sarajevo, and the genocide of the Bosnian Muslims was also done in the name of the 'clash of civilizations.'

I read all the text of the not only Serbian fascist but the European right-wing ideologies, and they will quote, especially the people like Anders Breivik, they will quote from the anti-Bosnian, Serbian fascist, who then quote Bernard Lewis and Samuel Huntington in their writing. And then they will quote the Zionist, and then create this narrative that if you're a Muslim, you do not belong to Europe, then you have to be expelled. The reason why I'm saying this is that we quoted many times how Israel is using this older colonial language of civilization-versus-barbarism from day one, so that this is a battle of European superior civilization against barbaric people.

I will tell why this discourse is so dangerous and why this came back. But together with that, actually there is another language that Israeli officials use, that is the language

of an eternal clash between the Islamic world and the Christian West. And we saw a best example of that language when Israeli Foreign Minister Israel Katz criticized and condemned Spanish decision to recognize the state of Palestine. After that condemnation, he told the Spanish counterpart, "Remember that your country was also occupied by radical Islamists like Hamas," and we wonder what that radical Islam was. It was the state of the empire of Andalusia. It says Spain was also invaded by Islamic civilization, and Andalusia and the Reconquista liberated Spain from this Islamic threat. Obviously, this is an outrageously shocking statement especially for a Jewish person, because Andalusia was protecting the rights of the Jewish subjects of the empire from the Christian oppression. And what happened in Spain after Reconquista is very shocking in terms of the rise of the Jews, but it also shows how the 'clash of civilizations' is now an ideology of racializing Palestinians and justifying genocide.

We first start with the language of civilization as being always the method of colonialism and racism. I think we, especially for students in America, racism is something about the skin color. Racism was there, but this is the less emphasized one. The real colonial language of genocide was through the language of civilization and international law and in international affairs. This has been highly documented. Why, how Europe developed this gaslighting project of presenting itself as a civilized people and destroying Africans and Asians, who are more civilized than them in the name of civilization. And that's the language of German genocide in Namibia, and British and French colonial genocides.

This language was best analysed and deconstructed and described by W.E.B DuBois (1868-1963), who was a leading Pan African and African American intellectual. And he said, "consciously and unconsciously there is in the world today a widespread and growing feeling that is permissible to treat civilized men in Africa as uncivilized if they are colored and more especially, of African American or African descent." So this language of civilization also joined by a Japanese intellectual said "that we Japanese when we were doing tea ceremony and we were considered barbaric the moment we learned the European colonialism and destroyed people in Manchuria, suddenly we are called civilized".

I think this language has immediately been recognized by anti-colonial intellectuals, famously by Gandhi, who was asked, "What do you think about Western civilization?" And he's sarcastically not civilizing the West, "it will be a good idea." And finally, Aimé Césaire (1913-2008), who noted this after World War Two and Holocaust, describing, in his *The Origins of Totalitarianism* (1951) the 'imperial boomerang' effect, that what Nazi Germany did to Europeans and both Jews and non-Jewish, was the continuation of what colonial empires have been doing in Asia and Africa. He says that your cruelty in the name of civilization boomerang back to Europe, and now you're complaining. And he was trying to create sympathy in the European public opinion for the victims of European colonial genocides, which was ongoing at that time, of course, with the French oppression of Algeria. Ironically, Germans took that argument that he was trying to compare Nazism/Hitlerism with colonial racism, but that took it to a direction of uniqueness of Holocaust compared to colonial genocide, something that my colleague Raz Segal will soon tell you more about.

Then, how did we move from here, from this notion of civilizational hierarchies, which was actually shattered and destroyed by the time Frantz Fanon wrote his indictment of European civilization, it's very actually suspicious that that language came back,

because Europe as Aimé Césaire said, it's indefensible. He said Europe is indefensible with all the crimes you committed in the name of civilization, then how did Europe revive that language of as former EU President Josep Borrell said, "Europe is a beautiful garden and the rest of the world is a jungle," is something to think about.

But I want to move from here to the language of 'clash of civilizations': Israeli Zionist colonization of Palestine actually started with this language, as many of our colleagues talked about how early Zionism proudly talked about colonizing an inferior society and being a representative of the Europe. Europe's colonization against this language policy, Palestinians. Of Palestinians have always embraced universality of humanity, universal human rights. So the struggle between Zionism and Palestinians started early on Palestine. Palestine was the most cosmopolitan part of the Ottoman Empire. All the Palestinians were equal citizens of the Ottoman Empire, including Jewish Arabs, Christians, and for them, Zionism of the Balfour Declaration was a violation of that cosmopolitan vision of equal citizenship in a state. And they never objected to Jewish membership of their state.

What was happening with Palestinian resistance and the international struggle of Palestinians is that they reached its peak in terms of mobilizing an international humanist, global public opinion for the liberation of Palestine by the mid-1970s, despite their military defeat. So we know the 1967 and the 1973 wars, and which led to the Camp David Accords and its disasters. But behind that military alliance and struggle, which was backed by all Afro-Asian countries, the Global South, as well as eventually, the socialist bloc, there is an idea that the Palestinian struggle is a struggle of emancipation and enlightenment. We now need to realize that the Enlightenment was actually represented by the Global South.

And in some ways, there is some sort of a fulfilling the Hegelian, what we call the Hegelian vision of the end of history, leading to enlightenment by the third world countries in the 1950s, 1960s and 1970s in the decolonization. And Palestinians thought that they will fulfil history's direction to freedom and the struggle with Zionism will be this dialectic that will lead to that transition. The 'clash of civilizations' theory came at the peak of Palestinian intellectual victory, symbolized by the 10 November 1975 UN vote against Zionism, Resolution 3379, that Zionism is racism. The vote was overwhelming, although revoked in 1991 by Resolution 46/86. Looking back, this was a very wise legislation. It followed the kind of South African model, because for the Global South countries, Palestine and South Africa became the kind of last battlefields of the struggle for justice in the world and emancipation from colonialism to post-colonial free states. In that context, the 'clash of civilizations' theory was forwarded by one of the leading orientalists and Zionist advocates, Bernard Lewis, which was then picked by Samuel Huntington. The thesis basically turned Palestine universalist justice claims into an eternal clash between East and the West, or Islam and the West. And this was well observed by Edward Said, even back in 1970s. I think that's the reason, I think he wrote *Orientalism* (1978), a book to notice this new discourse. Now we can say that, well, didn't we have an idea of multiple civilizations in the world? Yes, that's true. So wouldn't that mean that these civilizations will be in clash? No, that is not true. And I can assure you, as someone who worked on Pan-Africanism, Pan-Asianism, and as well, the idea of a Muslim solidarity, no one thought that civilizations should clash, even if they thought that there could be some sort of authentic civilization values of Hinduism, Buddhism, Asians and

Africans, these civilizational values confirm that those countries do not need to adhere to the Western civilizing mission. They have their own universal traditions, and they always blamed European colonialists as believing in 'clash of civilizations' otherwise, Hindus, Buddhist Muslims, were in alliance.

So why clash of civilization? What it did to the global reputation of the Palestine struggle, 'clash of civilizations,' which emerged in the 1970s, together with two other important developments, one of them is the United States' attack on the United Nations, which started because of Palestine. We shouldn't forget that, especially in the 1975 vote.

So the current American right-wing's obsession about United Nations being too pro-Palestinian originates from then, until that moment, actually the United States was more positive to the United Nations and the Soviet Union was actually more negative. But then the roles switched, and America began to use the veto power at the UN against the Palestinians.

And the second one is the use, as University of Chicago professor Darryl Li and Lisa Hajjar and many other colleagues show, is the word 'terrorism': 'From insurgency to terrorism, using this language is to delegitimize Palestinian resistance.

'Clash of civilizations' as a third pillar, starts to depict Palestine, globalist, universalist, and justice-oriented emancipation, as a zero sum game, a clash between Jews and Muslims. As President Barack Obama said, this is a millennial, thousand-year conflict. President Biden said the same thing, and you can see, in so many places, a reflection of this prejudiced narrative of the Palestinians supposedly embodying a millennial prejudice towards Jews which is farthest from the truth.

And it is strategically very useful in the sense that it interprets resistance and liberation struggle as a conflict which is irrational, and it also relativises it. So we should not forget that the so-called clash of civilizations' number one purpose is to make a struggle where on the one side, when someone is advocating justice, equality and freedom, on the other side is another person advocating colonization, brutality and genocide. It makes it as if this is all of a relative question, that no one has a universal values.

And we can see the shift in the kind of Zionist, a comfortable Zionist defence of the Nakba as a good thing. As many of you know, the Israelis denied initially, that they perpetuated the Nakba, and they thought that the Palestinians were lying. Until in the late 1990s an Israel historian, Benny Morris, said that yes, Palestinians were right. They weren't lying. Israel had a policy to expel the Palestinians, but by 1990s, the 'clash of civilizations' theory was so well-established, he began to brag about this. He said, 'yes, we expelled them, but it was a good thing to do, because if we hadn't expelled them, they would have done the same thing to us,' which is an absolute lie. According to all historians, Palestinians did not have an intention to expel the Jewish population from this area.

I know that I will be mindful of the time. But let me get to my concluding remarks. So the 'clash of civilizations' theory is something that has to be watched very carefully by all the activists and intellectuals. It will sneak into every analysis. It will be very poisonous. There is some sort of a good intention, idea of embracing your own authentic civilization to decolonize the world, but this has to be done with caution, without the decolonization narrative.

A good example of this is in the literature on 1948 partition, as our distinguished colleague, Abed Takriti, was just here talking about, noting that 1948 is technically not the

partition like in India, because in India, there were native populations who were already there, and British colonialism created what we call the coarse geographical partition between Hindus and Muslims. And they argued that the only way to prevent chaos and problems was to sort them out. Kind of a poisonous idea.

In the case of Palestine, the partition was not between two groups of people who had been there many, many years. Yes, there were indigenous Jewish populations who were not European, who had less to do with Zionism, but eventually they had to adjust. [Editor's note, 1928 was the point when Palestinian Jews started siding with colonising Ashkenazis, by storing arms in their homes and businesses] But partition was between the settlers who just came very recently. Some of them were only 35 years old, and to justify kind of a settler-colonial situation and to justify the expulsion of the natives from this land. So that's, I think, one area where we have to be very careful, where we do not subscribe to the 'clash of civilizations' theory.

Another one, of course, is about the historical narrative of presenting a relationship between the Ottoman Empire and Europe always having been conflictual. We forget that the Ottomans were equally European, which, you know, which also tells a lot about racialization of Bosnian Muslims. And there is some sort of commonality of the experiences of how Bosnian Muslims were described as people who do not belong.

Now I want to conclude with the topic. I started with Edward Said versus Bernard Lewis, they have a very famous debate at the Middle East Studies Association (MESA) at Tufts University, Boston in 1982. It's on YouTube. I highly encourage everybody to watch it. It's all about Palestine. Still, the debate is technically on Orientalism. But we do know that Bernard Lewis was very close to the Israeli government, Israeli leaders, and as well President George W. Bush and Vice President Dick Cheney. He's famously said that the Arabs don't understand democracy. You have to hit them with the big stick to justify invasion and destruction of Iraq. We also know that this debate was won by Edward Said.

So Palestinians won because they were right in terms of their universalism, humanism and justice and enlightenment, many of my colleagues in America, all the Middle Eastern Studies scholars, thousands of them, are basically followers of Edward Said. We do not teach history from the perspective of the 'clash of civilizations' to justify Zionism. So what did Zionists do? They abandoned academia because they lost. Bernard Lewis never went to another MESA conference or any other conference. He established his own Association, composed of Zionists. But I think that the average age of the people there is 77 and nobody goes there, his own alternative organization. But then they won. So in some ways, they abandoned academia. They lost the intellectual debate, but they didn't care. Then they leveraged Israel's interest to think-tanks and lobbies with the American right-wing and the European right wing, and that's the reason why there's some close connection between fascist right-wing parties in Europe and America and Zionism. They also went to do an outreach to Hindu fundamentalists and that's the kind of a big crack in the Global South that India has now withdrawn itself from being one of the biggest supporters of Palestinian cause to a neutral position that seems very close to Israeli genocide justification.

Thus, it was heartbreaking for me to see that people who believe in clash of civilization, who lost the intellectual debate, had enough political power to beat my students who were true followers of Edward Said, not Bernard Lewis. So hopefully those people who have the guns and the weapons and the power and the money will be defeated with

our moral arguments. And I would like to caution everyone to watch out for the poisonous classic 'clash of civilizations' narrative, which was developed against Palestinian struggle and in their own acclaim making and arguments. Thank you.

Holocaust Exceptionalism and Israel's Genocide

Raz Segal

GT Chamber 3 Member, Professor of Holocaust and Genocide Studies and Recipient of Baron Velje Award

On 13th of October 2023, Israel ordered more than a million Palestinians to leave immediately the northern part of Gaza to the south. A journalist and translator in Gaza described what followed in a voice message to a friend two days later, and I quote: "I am still in my home in Gaza City. Many people fled to the south, but many stayed here in the north after they saw the massacre of 70 people and more than 200 injured on the road south, and then after that, there was so much bombing in the south, massacres. People left Gaza, went to the south and sought shelter with people there, and then they all got shelled. You even have people who fled to the south and came back to [the north of] Gaza."

This forced displacement occurred under the conditions of Israel's 'total siege policies,' that is with severe shortages of food and clean water, medical supplies and fuel, very much filled by Palestinians within days. In [the journalist] A's message on 15th of October, he reported that "There is no water at all." It's a huge problem. It's catastrophic. Indeed, Israel's "evacuation order" on 13th of October intended to create catastrophe, which is precisely what Israel has done in its attack on Gaza in the last 19 months. In the language of the 1948 UN Genocide Convention, Israel's 13th of October evacuation order "deliberately created conditions calculated to bring about the physical destruction of the group in whole, or in part." The University of Southern California, Shoah Foundation, a global Holocaust memory institute, interpreted the situation on 13th of October very differently. Executive Director Joel Citron and Board Chair Dr Robert J Williams described Hamas in their message that day as an organization, "with an ideology rooted in antisemitism." They promised that, and again, I'm quoting from there, "our programming will expand so that it not only creates opportunities for people to learn about and remember the Shoah, but also other victims of the same irrational hatred that led to the Holocaust and that persists today." The Shoah Foundation then presented the Hamas attack on Israel in the context of the Holocaust and antisemitism, legitimizing what former Israeli Prime Minister Naftali Bennett infamously said in an interview just the previous day: "We all remember that we're fighting Nazis."

This weaponization of the Holocaust and the concept of antisemitism erases Israeli history and turns the world upside down. Powerless, Palestinians, forcibly displaced and attacked for decades under Israeli settler-colonialism, military occupation and siege, become the worst perpetrators in modern imagination: Nazis. This image then casts the Israeli settler state, armed with nuclear weapons and backed by its Western allies, as the ultimate victim. The depiction of Palestinians as Nazis disrupts the axiom in Israeli politics and society, but the Holocaust is incomparable and unique, though at the same time, it strengthens another dominant idea that stems from the view of the Holocaust as unique, that is, that Israel, where many Holocaust survivors tried to rebuild their lives, is a unique state.

Now, the concept of genocide, I'd like to suggest, has functioned from its formulation in the 1948 UN Genocide Convention, in relation to this double uniqueness of Nazism and what we now call the Holocaust. No one, of course, used the term at the time. We are imagined on a hierarchy as more terrible than genocide, what's called in my field today, Holocaust & Genocide Studies, and this then placed Israel on another imagined hierarchy as more moral than any other state in the world. This gave rise to a common view in Israel and the West that the Israeli Army is the most moral in the world. So that from Israel's establishment in 1948, it became unimaginable that it would actually perpetrate any crime under international law, let alone genocide.

Maintaining this foundational image of Israel in the West required the denial of the 1948 Nakba and an ongoing denial that also stemmed from the broader impetus to deny the nature of the Israeli state as a settler-colonial project. This impunity for Israel in the international legal system also functioned to carve an exceptional status for Israel in the field of Holocaust Studies, notwithstanding the mountain of evidence of decades of crude violations of international law by Israel scholars. Programs, centres, museums and journals in Holocaust Studies have minimized, marginalized and disavowed Israeli state and settler violence also after October 7, 2023. On the 17th of November 2023 a group of over 150 Holocaust scholars, led by Jan Grabowski, a professor at the University of Ottawa, posted a statement online like the Shoah Foundation. These scholars separated the Hamas attack from the history of Israel and Palestine, placing it instead in the context of the Holocaust, and claiming that the atrocities that day, and here, I quote from their statement, "unavoidably bring to mind the mindset and the methods of the perpetrators of the pogroms that paved the way to the final solution." The statement includes no mention of any form of Israeli state violence, nothing. This outright denial reflects the way in which these Holocaust scholars, more than 150, understand the legacy of the Holocaust as one that provides licence to state violence rather than protection to groups facing it.

Now, not all Holocaust scholars engaged in such justification of Israel's genocide in Gaza. A small but significant minority has confronted the reality of Israel's destructive assault on Gaza from the very beginning. Even as it took time for most scholars in this group to acknowledge the genocidal character of the attack, some of them, such as Omer Bartov, have shaped the study of the Holocaust in important ways. Many of them are Jews, including Israeli Jews, which makes it particularly urgent for those justifying Israel's genocide to delegitimize them. The mechanism for this delegitimization also emerged from the world of global Holocaust memory, primarily the infamous working definition of antisemitism that the International Holocaust Remembrance Alliance adopted in its meeting in Bucharest in 2016. IHRA is another global Holocaust memory organization consisting of delegations from its 35 member states, including the United States and Israel. The working definition of antisemitism, the IHRA definition, offers a vague, a very vague, definition, but it also includes as an integral part of the document, 11 examples, seven of which focus not on Jews, but on criticism of Zionism and Israel as antisemitism.

Now this turns the historical struggle against antisemitism on its head. Rather than protecting the people Jews from discriminatory, exclusionary and violent states, the IHRA definition protects Israel from criticism of its discrimination, exclusion, violence and now genocide against the people Palestinians. It was Yehuda Bauer, the well known Israeli Holocaust scholar, who played a key role as honorary chairman of IHRA. In the adoption of the IHRA definition in 2016, Bauer was probably also the first Holocaust scholar

to justify Israel's attack on Gaza in an article in early November 2023. He presented "Hamas barbarism" as necessitating the protection of and again, I quote from Bauer here, "a more or less civilized (Israeli) society."

We just heard about the 'clash of civilizations' idea mirroring the dehumanizing rhetoric in Israeli politics and society. Bauer described, and again, I'm quoting from here, "two world views" that "appeal to different types of the human universe (*Times of Israel*, 5 November 2023). This required, he continued, "a relentless struggle."

Bauer passed away the following year, on 18th of October 2024 at the age of 98. An online event in his honour, two months later, was devoted fully to an attack against Holocaust scholars, mostly Jews, including myself, who have written and spoken out about Israel's genocide in Gaza, one of the speakers in the online event, a German political scientist who said, "The genocide claim against Israel is part and parcel of the history of 20th and now 21st Century antisemitism." It was a very strange spectacle of a German professor who tagged Jewish Holocaust scholars as antisemites, including those who grew up in families with Holocaust survivors.

Now this demonstrates the length to which Zionists and their supporters will go to justify Israel's genocide in Gaza, but this absurdity has now extended well beyond arguments between scholars, to become law here in the United States, Israel's key ally and arms supplier. The IHRA definition is now the basis for legislative efforts. Indeed, the Antisemitism Awareness Act best based on the IHRA definition, passed a vote with a large majority, 320 to 91 in the House of Representatives last year, during the Biden administration, and is currently in discussion in the Senate. The US Department of Education, however, has already adopted, in effect, the IHRA definition as part of the US government's big lie about rampant antisemitism on college campuses, a big lie shared by the current Trump administration and the former Biden administration.

This attack on the academic world is a core element of Project Esther: A National plan to Combat Antisemitism, that is part of Project 2025 of the Heritage Foundation. The Heritage Foundation, this organization of Christian nationalists, white supremacists and very real antisemitism, with various unofficial ties to the government, lays bare the absurdity of the politics of defining antisemitism. Project Esther discards the IHRA definition's thin pretence to differentiate between criticism of Israel and antisemitism, and instead, defines antisemitism as "anti-Israel, anti-Zionist and anti-American."

Antisemitism is thus any and all criticism of a new Christian nationalist trinity, the United States, Israel and Zionism. Now this world turned upside down is the genocide generating world of the settlers, in this case, the American settlers, who will do anything and everything to make sure that we do not speak the truth about the Israeli Jewish settlers. For the truth about the ongoing Nakba in Palestine is also the truth about the ongoing Nakba in Turtle Island (the USA). Maintaining this world of annihilation of Palestinians and other indigenous people also requires, in good Christian nationalist fashion, the redefinition of Jews, rendering antisemitism only about Israel and Zionism and about the Christian empire. Thus, an empire again, decides who are the "true Jews," the good Zionists in this case, as opposed to the bad Jews, the anti-Zionist Jews. All of this with the full support of the empire's Holocaust institutions and their Holocaust lessons, which were always the empire's lessons. Thank you.

Samir Al Arian: If someone tells you that you are either a self-hating Jew or you're antisemitic because you criticize Israel, how would you respond to that, which is counter,

obviously, to the IHRA definition?

Raz Segal: It's quite simple, I think, and straightforward. There is a very clear difference between a state and a people. And so Jews and Israel are, in the very simple way, not the same thing. Of course, it's an integral part of the Zionist project and the Israeli state project. Conflate Jews and Israel, the self-proclaimed Jewish state, and of course, that's an integral part also of adopting the exclusionary and racist perspective of the state itself. I mean, obviously today, 21% of the state citizens are not Jews, and according to the 2018 Jewish Nation-State Law, the states treats them as at best, second class citizens. But again, to come back to the point the state Israel and the people Jews are not the same thing and, and therefore this is really the key point right, there has to be a clear rejection of the idea that criticism of Israel and criticism of the political ideology Zionism has anything to do with antisemitism. My position is that criticism of Israel and criticism of Zionism has nothing at all to do with antisemitism. Just as if I present criticism of the Russian state in its invasion of Ukraine, and even say that it includes genocidal elements, which I think it does, does not make me you know someone who expressed racism against Russians at all.

Now this is my last point. Part of this is rooted in the exceptionalization, as I said, the Israeli state, its presentation in the frame of thinking about the Holocaust as unique, thinking about Israel as unique, and, of course, thinking about Jews as unique in the Judeo-Christian 'civilization,' right? So, so we can't, even in this framework, think comparatively in the way that I just suggested, right? Criticizing Russia, Russian state policies and violence is not racism against Russians. And therefore the same applies in the Israeli case, right? That is kind of almost unimaginable in the Israeli case, which has to be exceptional. Israel has to be a unique state. I think that it's very important to reject that outright. That's my response, right? That no criticism, really, of Israel, no criticism of Zionism as a political project has really anything to do with antisemitism.

And we have to understand that Israel was created at the intersection of the nation state project, self proclaimed state of the Jewish people, the exclusionary nation state project and the settler-colonial state, right? So if we think about the White supremacy, that is at the heart of settler-colonialism, and antisemitism is very central to white supremacy. And if we think about the nation state system as something that played a role in the persecution and destruction of Jews during World War Two. If we think about Hungarian state violence, Romanian state violence, so on and so forth, then we understand the tragic reality where Israel was created as a response to the Holocaust, but at the intersection of the political structures and systems that had targeted Jews and ultimately targeted them for destruction during World War Two. In that sense, we can say that Israel, as I have argued in a recent article, was actually, from the beginning, an antisemitic state. It reproduced antisemitism, right? And that's what I called in that recent article, settler antisemitism. So in that sense, that also adds to this idea that no criticism of Israel is not at all anti-semitism. In fact, it's part and parcel of the historical struggle against antisemitism. So I'll stop there. Thank you.

The Role of the Israeli Academy in Genocide Production

Maya Wind

GT Chamber 3 Member, President's and Andrew W. Mellon Postdoctoral Fellow at University of California Riverside

Thank you to the honorable jury of conscience and attendees of the Gaza Tribunal. My name is Maya Wind, and I'm a postdoctoral fellow at the University of California Riverside. It is an honor to join you today for this Tribunal, an essential and urgent civil society effort to stop the Israeli genocide against the Palestinian people. We know that this genocide did not begin 19 months ago. Genocide is structural to the Israeli settler state. All settler-colonial states are founded with the imperative to eliminate and replace the indigenous peoples of the lands on which they were built. To maintain their settler state, settlers must continually reassert their exclusive claim to the land, a project that requires narrative and intellectual scaffolding.

In the case of the Israeli settler state, universities have served as foundational institutions to legitimize its colonial, eliminatory project and apartheid rule over the Palestinian people. Israeli universities produce expertise to internally sustain the Israeli settler state as well as to sustain its international standing, undermining global efforts to hold it to account. This testimony will outline two mechanisms by which Israeli universities facilitate Israeli crimes against the Palestinian people, first by documenting the Palestinian decolonial epistemologies they disallow, and second, by documenting the colonial knowledge Israeli universities themselves develop in suppressing critical research, writing and education about Israeli settler-colonial and apartheid rule.

And in offering expertise to legitimize this violence, Israeli universities sustain the genocide and ongoing Nakba, university administrations have long stifled critical Palestinian epistemology, research and pedagogy, but they have escalated the suppression of Palestinian knowledge and student mobilization since October 2023. Israeli universities have consistently constrained the right of Palestinian faculty to investigate the subjects and events most central to the Palestinian experience the founding of the State of Israel in 1948 and with it, the mass expulsion, dispossession and fragmentation of the Palestinian people. The Nakba is what led to the very creation of Israeli citizenship. In repressing its study, the Israeli academy is excluding the most foundational research questions from the Palestinian perspective, and in so doing, seeks to erase and deny their very identities as Palestinians.

Beginning with research into the Nakba, Israeli universities have limited opportunities to critically explore Palestinian history and with it, the Palestinian present. Over the past two decades, the Israeli Academy (Israel Academy of Sciences and Humanities, established 1961) has overwhelmingly coalesced with the state to further constrain the right of Palestinian faculty and scholars whose critical research, writing and teaching has been increasingly made untenable. Palestinian epistemology is routinely delegitimized as scholarship through mechanisms of policing that scholar of education, Sorab Abu-Rabia-Queder calls "unmarked forms of discipline and punishment." As universities produce scholarship advancing Palestinian dispossession, they continually deny their Palestinian students the right to resist it.

These students, Palestinians, whose Israeli citizenship was itself created as a result of the 1948 war, and many of whom have relatives displaced by it, have been restricted in

educating their peers about the Nakba or mobilizing for Palestinian return. Palestinian student groups across campuses have faced permanent denials, disciplinary hearings and violent repression of events, vigils and protests commemorating and educating students about the Nakba.

On Israeli campuses since October 2023, universities have escalated their campaign to suppress Palestinian students for online posts, speech on campus and political organizing. Palestinian students have faced suspensions, expulsions, orders to vacate campus dormitories, disciplinary committees by university administrations and interrogations and arrests by Israeli police and security forces, with no due process. And in a move that Adalah (adalah.org), the leading Palestinian human rights organization in Israel, has argued is a violation of foundational civil rights. University administrations have accused their students of "support for terrorism" and referred student cases to the police for criminal investigation.

After months of escalated political repression on campus, on Nakba day in May 2024, Palestinian students at the University of Haifa nevertheless organized a rally against what they called the 'ongoing Nakba.' They explained that the Gaza Strip was itself created as a refugee camp to which Palestinians from across historic Palestine were deported in 1948, and that Palestinians within Gaza were currently being further displaced. As they wrote, "It is not possible to separate the Nakba from the war and vice versa." The university response was unequivocal. It refused to authorize a rally and assured the Israeli press that the protest would absolutely not take place on its campus. Palestinian student protests against what they articulate as the ongoing Nakba, in May of 2025, also ended with the violent arrests by Israeli police forces.

Israel offers its campuses as sites of knowledge production to design and legitimize Palestinian dispossession, but not for critical education. About this project, Israeli universities actively sustain it. In so doing, they deny their Palestinian faculty and students not just academic freedom, but also the opportunity to study, understand and, most importantly, intervene in the ongoing genocide against the Palestinian people.

In Israel, universities do not only actively repress educational activities that seek to disrupt Israel's violent machinery, but they sustain this machinery itself through their structural ties and collaborations with the Israeli state. Israeli academic disciplines have themselves become integral sites of knowledge production that maintain Israel's system of apartheid and the project to eliminate the Palestinian people. While examples abound across the sciences, social sciences and humanities, today we'll detail how the field of legal studies creates a discursive, ethical and legal infrastructure to shield Israel from accountability for its war crimes and crimes against humanity.

Israel is an innovator in interpreting international humanitarian law with the Occupied Palestinian Territory as its laboratory; illegally governing the Palestinian people through military occupation. For decades, Israel has developed a corpus of laws and legal interpretations to justify its regime. As legal scholar Noura Erakat shows, this development expanded with rising Palestinian resistance throughout the Second Intifada, which began in 2000. As it waged military campaigns to subdue Palestinian protesters and insurgents - and came under international scrutiny - Israel began to advance arguments that its use of force against Palestinians constituted a new form of warfare which could not be subject to regulation by existing bodies of law.

Over the course of its interpretive innovation, Israel has created the legal infrastructure to justify extrajudicial assassinations torture and deployment of what would otherwise be considered disproportionate use of force against civilian populations. Israeli universities have offered themselves as key sites for this military strategizing and legal innovation at Tel Aviv University's Institute of the National Security Studies (INSS), scholars and senior security state personnel joined forces to develop legal guidance for the Israeli government and military. During his tenure as the INSS' director, Israeli Major General Amos Yadlin collaborated with leading state ethicist Asa Kasher, to publish such ethical and legal guidelines for over a decade in INSS Journals. They argued that traditional conceptions about the nature of warfare and how to restrict it do not apply to what they define as Israel's "war on terror, and therefore that international law is not the point of departure for Israel's "counter terror doctrine." In this context, they have arranged the value of human life to justify greater numbers of civilian deaths. And, in 2014, Kasher even proposed a new category to contravene the legal distinction between combatant and civilian, when he coined the term "third population," persons who may potentially interfere with Israeli military operations, in reference to Palestinian civilians.

Legal infrastructure, developed by faculty and research fellows at Israeli universities, consistently reshapes Israeli military operations and legitimizes their tactics. This scholarship has worked to shield Israel from accountability, often in direct response to international condemnations or probes, and sometimes even anticipating them during Israeli operations in real time. In May of 2021, the Law and National Security Program offered a defence of Israel's offensive on the Gaza Strip, even as it was still being carried out, claiming that it cleared the threshold of proportionality based on its reading of excessive damage in international humanitarian law.

Simultaneously, the INSS works to undermine the legal expertise and legitimacy of international regulatory bodies. In 2022, it published legal arguments challenging both the ICC jurisdiction and its definition of war crimes, and offered policy recommendations for the Israeli government to obstruct investigations into Israeli activity in the Occupied Palestinian Territory. On this basis, in 2024, Israeli faculties of law and legal scholars have mobilised explicitly to delegitimize a South African petition charging Israel with committing genocide against the Palestinian people. A number of university officials condemned the petition and the hearings at the International Court of Justice. Just days after South Africa presented its petition, Tel Aviv University's INSS held an urgent discussion with program director and the former head of the military Advocate General Corps Department of International Law, Colonel Prina Sharvit Baruch, as well as senior officials from the ministerial ministries of justice and foreign affairs. The explicit goal of the discussion was to strategize about how best to discredit the South African petition with legal scholarship as a crucial weapon.

Baruch clarified that Israel understands the international arena as, "a battlefield in which you have to know the enemy in order to know how to deal with the enemy." Baruch emphasized that what she called "irresponsible statements" made by the military and state leadership, alongside videos released by soldiers on social media were doing great damage and would be used against us." She was referring to the long and meticulously-documented list presented by the South African legal team of dehumanizing statements about Palestinians, made by Israeli officials and soldiers alike, that could further substantiate the evidence of genocidal intent. Sharvit Baruch emphasized that

what Israelis say aloud is important and will influence not only international lawyers and public opinion, but also judges. At the ICJ, she argued for constructing legal arguments that explain the destruction of Gaza based on claims of threat to Israel, rather than 'revenge, which, for judges and jurists, is not a good enough argument. You cannot now kill thousands of Palestinian children in Gaza because of revenge. This is why the argument that presents the continual threat is very important.'

For decades, Israeli universities have produced legal scholarship to justify Israeli crimes against humanity, while they define critical research and discussion of historical and present Israeli state violence as illegitimate and even criminal. Israeli universities have built a scholarly infrastructure to repeatedly legitimise widely-condemned Israeli war crimes. Israeli universities now facilitate Israeli impunity as it commits the crime of genocide. Thank you.

Roundtable: Role of the Media

Lubna Masarwa

Palestine and Israel Bureau Chief of Middle East Eye

This is the most documented genocide in the modern history, and the worst Western media coverage as well, in modern history. So I just feel shy, as a Palestinian who lives in Jerusalem, to speak about my own difficulties, because the true heroes are the Palestinian journalists in Gaza who are paying with their life as a price to bring the truth to you outside. This is alongside of the silence of the mainstream media, the political elites in Europe, with the US and the Western governments, which put a lot of responsibility on us as Palestinian journalists, as alternative platforms as well, often used, such as *Middle East Eye*, 972, Al Jazeera and the masterful citizen journalism, which is in the shoulders of many young journalists in Gaza like the Bisan News Agency, like the Hodari, like many others, are risking their lives every day to bring the truth to us and being an alternative for the role the Western media has played in this period, very shameful. We are shocked of the scale of the crimes, the genocide and destruction, but also we are shocked of the role of the Western media in this genocide. So it had been shocking for all of us, as Palestinians, how they can watch our lives being eliminated, the starvation, bodies, remains of bodies, babies being burned and still being somehow silent about what's going on and taking part in dehumanization of Palestinians. We could see that also in the way of coverage.

When Western media cover Israeli victims, they always have a history. They always have a life story, a love story. They have names. They have everything, even the light in their faces. I remember the face of one of the mothers of the hostages, the light, the colour, everything looks different. While when it comes to Palestinian victims, it's always a mass of them. In a good case, numbers are revealed. But many massacres are not being covered in the media. Or, for example, when there was the deal of releasing hostages/slash prisoners, the media will not even write 'children'. They will write 'minors' or 'teenagers', or any way to dismiss our human life. So I do think, for me these 18 months have been very massive.

I wake up every morning I watch hundreds of short movies, not movies, but video material that I receive from my journalists in Khan Yunis and Rafah in Southern Gaza. I see a lot of bodies, a lot of hands, a lot of heads, a lot of grief, crying mothers trying to identify the bodies of their children in mass graves.

And it's shocking for me every day, the gap of what I witness, what I see, and the way it's covered is shocking for me, and I'm just speaking randomly. I didn't prepare. I wrote here a few notes, but it doesn't matter.

I think it's mostly exposed for us something deeper, because we could argue in the past, they didn't know. So all the young Palestinians will be fixers running with the white journalists in Palestine, to teach them and educate them about what's going on. But now they know, so we can't say they are ignorant, right? We're all with WhatsApp, with Instagram, passing more and more footage of beheaded babies, burned children, bodies mixed with the flour of people who went to get food and been murdered. And still, it's not changing, and I think it's putting us in a new fact of like, who are the victims, who's dying? What is skin colour? Where he's coming from? Is he a Ukrainian, or is he Palestinian?

And this is where we had as Palestinians, we had a gathering a month ago in Nazareth, in 48 Palestine, to start thinking together, how to find new platforms, how to tell our stories, because we can't rely anymore in Western media.

And I want also to mention here something of mainstream media that entered Gaza and the Israeli tanks these two years. This is very massive. And writing for *Le Monde*, for BBC, *Haaretz*, of course. And so this will not happen in Ukraine. They will not join a Russian tank and enter Ukraine.

So mainstream Western media, let's say, and just be more correct, has completely failed in covering and standing with the Palestinian people. And this should be discussed, should be worked out. And I do think people on the ground in the world, which I think give us also hope when we see the turning point in the streets. We see more people angry, more people active, and we are providing more of our work for them.

I cover Palestine as long as I wake up and my colleagues on the ground, in Gaza and the West Bank, wake up and are still going and covering every morning for 600 days. They're still writing. They're insisting. And I think we should keep our work by all means. It's hard sometimes to feel like what difference we are making, but we do. We are documenting. We have to push the wheel, and I'm sure the others may join one day.

So thank you. Thank you for the hospitality. Thank you to the Bosnian sisters and friends for hosting us here as Palestinians. I just read today about a journalist who was killed 30 years ago for not leaving, refusing to leave. He was murdered, and all of my colleagues who I tried to convince some of them to leave Gaza, and they had the option, they refused to leave, and they still work. So they are the true heroes.

Victoria Britain

GT Advisory Policy Council Member, Journalist and Author

Well, I'm in exile from the Western media in Britain, although I still seem to manage in France. But I want to say as this shows, the Al Jazeera numbers are at least 10 more than that. And I feel that our whole presence here is entirely about them and the courage of their lives. As Lubna has said, every day, they go out and they do the same things after with all the losses and all the deprivation that they have.

I wanted to just make one very obvious point. I've been a reporter on wars in Vietnam, in Angola, in Mozambique, in Cambodia, and lots and lots of places in the Global South. And sometimes my colleagues have been killed. They were killed in helicopter accidents

or through recklessness, particularly photographers, and one was killed in an asthma attack. This is a completely different matter. This is targeting on such a grand scale, and we know many examples of countries that are hostile to journalists, in which they either get imprisoned or killed quietly, but that's individual. This is a mass thing. And as Lubna said, it's trying to prevent the world from knowing. And when you think of all the reports that we see from the UN from all kinds of amnesty, human rights, what all of this, all those reports which and a lot of what we've heard here, depend on the work of those journalists. They are the crucial things that will bring this, this to an end.

So I just wanted to show how enormously different this phenomenon is and linked to it. I just wanted to raise the question of one of the narratives in the Western press because Western journalists aren't in Gaza, we can't find out what's going on, and it's so monstrous to hear this again and again, we should really press for Western journalists to be in Gaza. I'm telling you, there's no Western journalist who could do this job. They're completely ill-equipped. So this is the kind of ridiculous, fake narrative that takes up the space and stops people thinking about everything that Lubna has talked about, which is so, so real.

I mean, I'm sure we've all been brought up on or many of us. Perhaps I'm too old to say this, but I'm going to say it anyway. Noam Chomsky's *Manufacturing Consent*, which is the Bible, to teach people or remind people that the media is part of state control.

And I think the most hopeful thing that I want to bring up is how that has changed. The Western media basically doesn't exist. For anyone that I know who's under 30, they read completely different things. Of course, they read social media. But then there are all these new outfits that have started, and one or two people have asked me here what I read. So I just made a tiny list. And some of them will be familiar to all. Some of them may not be, well, the old dissident news are two American ones, consortium, news and counterpunch. It may or may not be familiar to you, but they're great. Then there's Drop Site News, with Jeremy Scahill, Ryan Grim (*The Intercept*), this is journalism that is real, and I love it, that we have access to it, and that people believe in it. As opposed to the Western press. There's Mondo vice Palestine Chronicle, Middle East Eye, which I think all of us, in one way or another, do work from for the Middle East.

I was the opening Chair of Declassified, and I think they're doing a fantastic job, completely built up over three years. Orient XXI, which is multilingual. It's not just a French outfit. It's also in English, Arabic, Farsi, and Spanish. I'm part of that world. also involves Afrique 2), and the multilingualness of that is something that I really love, and is completely absent in the British and American world.

And then, of course, you get the social media, all the Instagram and the blue skies that even if you're not on social media, which I am not, your friends, send you these fantastic things all the time. So the way the mood of what people know has fundamentally changed over this period, I think is optimistic and something that we can all think more about. I won't go on.

Kenizé Mourad

Journalist and Novelist

Hello. I'm glad to be with you. In France, there's been nearly nothing coming on the TV. One channel sometimes shows something. And on the French channel, mainstream channel, there's nothing, very, very little and also, not only that, just I heard that just

one week ago, a schoolteacher wanted to do one-minute silence for Gaza. She was thrown out. She was suspended a little while before, sometime before university professors were interrogated by the police during hours, because they signed something pro-Gaza. One of them dared to say that Hamas is a resistance organization and not a terrorist organization. He said resistance. He has been condemned to eight months jail. So the situation is absolutely terrible. At the beginning of the Israel-Gaza drama, we were in France, forbidden to do demonstrations, so as a lot of demonstrations were in England, in America, but in France, it was forbidden. After some time, it was allowed, but the police were around all over, and one had to stay in the same place, not walk in the street. Only a very tiny demonstration was allowed.

One must say that in France, it's a peculiar situation. Well, Germany, we know they can't do much because, I mean, one talks to them all the time about their guilt, what they did under Hitler, etc. In France, there's something a little similar. During the Second World War, many French did not behave very well, and we had the Vichy government, and this government helped the Nazis and the Zionists don't let the French forget it.

And the Zionists have become, especially since about 30 years, very powerful in France in a very clever way. They are all over, in the press, in the media, in universities, in all sorts of different things. But let's talk about university and medias and I must say that the other [pro-Palestine] part have not organized at all. The Zionists are very organized. Very, very organized. And now, if you say, if you say, and also, there is another thing for France that we have this past, colonial past, and this war with Algeria. So many French don't like the Muslims. Let us say things like it is today, Muslim, it has become terrible. 'Muslim' has become an insult, and a Muslim is always suspected to be a terrorist.

Added to all this, the government has been trying to pass laws for a few years and under Mr. Macron, but even before, under Nicolas Sarkozy and François Hollande, all have been more or less the same, to pass law equating anti-Zionism and anti-Israel with antisemitism, which obviously as said one of our speakers before has nothing to ... it's not because I would criticize Macron, for instance, that I am anti-French.

So they're trying that. They nearly succeed each time. There are some, you know, scientists or great people from universities who still are honest and keep principles and who oppose that. But I'm afraid they will manage some time, because you see when, when I tell you that a teacher who wanted to do one minute silence for Gaza has been suspended. If I can talk about it, I wrote 20 years ago, when I was first a journalist in *Le Nouvel Obs*, which is centre-left paper, supposedly rather sympathetic to Palestine. In fact, each time there I was writing something about Palestine, my articles were censored because, of course, in France, there is no censorship, they said, but there's hidden censorship, which is very, very strong. When there are things in an article they don't like, they say, "Oh, the article is too long," and they cut the message they don't like. If it is the world article they don't like because it's too pro-Muslim, pro-Palestinian, pro-Middle East, anti-West, or anything, they say, "Well the article, we have something more important this year, this week, so it will come next week." And it never is published.

So this is what we call, what is really, really very strongly hidden censorship. That was when I was a journalist, 40 years ago, after I became a writer, but now it's worse. Now if they have to show something about Palestine or something the very day or the day after, is a big film about the Holocaust. So it's not one week without our film, our song or document about the Holocaust or about how the Jews have been persecuted and one

does not think, well, of course, it has been terrible. Holocaust has been terrible. But why does a holocaust? I mean, for instance, the Germans, they have it wrong on all parts they have done on Holocaust, and now they think that they're going to be forgiven this holocaust by another allowing another holocaust. So anyway, to come back to my experience, also as a writer in during the First Intifada, I was so outraged to see how the papers were covering in such, you know, double standards and all that, that I knew it would be very dangerous for me to write a book about the problem. But if I was not doing it, I would, I would feel that I could not look at myself in the mirror.

So I wrote a book, and this book is, I'll show you. So this has been added after but the book is called in English. It has been translated into eight languages. And it is a book, is just, it's a book talking, telling about ordinary people, interviews and portraits of ordinary Palestinian and Israeli in the beginning of the 90s. And I did not want to do politics. I was just describing. And it's such, it's a very strong book. And because, you know, people read it and cry and the thing is, because I always thought that one must talk not only to the intelligence and the head of the people, one has to talk to the hearts, and it's what I'm doing also in my other books. And this has put a new thing on this book, which has been written some years ago, but which is very actual, and it's what led to seven of October.

And it shows the life of the Palestinians, the miseries, although I mean, the persecution, the killings, the children. One child there was coming back from school and some Israeli soldiers shot him, on his legs, and I saw him in hospital, and he said, "Well, they were shooting at me as a way of amusing themselves. I was doing nothing, although other children, of course, were throwing stones." And at that time, Ariel Sharon had said, "we'll make the Palestinian people maimed." And he was telling the soldiers to shoot the legs of the children who were throwing stones. What is very interesting in Israel is that many things they do legally, many awful things legally.

Palestinian families are becoming very big. They need to build a house. You cannot build a house without the permission of the Israeli government, which of course, never gives permission to the Palestinians. So the Palestinians try to build anyway, and when the house is finished, the Army comes and demolitions it. So anyway, I am not going to go on because I think we are. We have to talk about journalism more, but this book is full of examples where the Israelis are persecuting, often within the law.

Again, I must also say my great admiration for the journalists in Palestine. Now, in my time when we were journalists, we were protected in a way, but now, being a journalist, you are targeted, because obviously, information is the most important thing.

We have to speak. Thank you very much.

Ezgi Basaran

Journalist, Author, and Academic

I worked as a journalist for 17 years, reporting mainly from Turkey and the Middle East, and that period shaped my understanding of how narratives are constructed. Like you said, narratives are sometimes manufactured, not just through editorial decisions, but through the political economies and institutional hierarchies that govern what counts as knowledge. So I have since moved into academia, where my current work examines the Middle Eastern politics and Turkish politics, particularly in moments of interaction, convergence and divergence. So when I speak of media complicity in the Gaza genocide, I do it with full awareness of both the internal constraints of the newsroom and the broader structural conditions under which media operates.

So what I would like to talk about is three modalities. First is the unpeopling of news stories that involve or are related to Palestinians. The second is the myth of objectivity and the strategic production of that myth. And third is just, we need to remember, the power of algorithms. So as we've had this [slide presented] at the back [background screen] and the number [of journalist victims] keeps increasing - and also, as Kenizé said- these journalists are not being murdered, they're being targeted. So we have to realize that those are not incidental casualties. They are silenced because they are insistent on documenting the war from within. So this is the most overt and brutal way of how the media complicity in the genocide is manifested. Other forms are more insidious.

Scholars have described a pattern of unpeopling. Lawyers like the current British Prime Minister Keir Starmer, you know, refuse to call this a genocide, and that is actually called a terminological hair splitting. This can be done through media stories as well, and the media stories can be unpeopled, not only Gaza itself. For example, Palestinians are routinely described as being killed as something passive or struck and rarely is the murderer named. And children in Gaza are usually 'minors', while Israeli children are always 'children'. So if you think the linguistic asymmetry is accidental, you're mistaken. This is systematic in a similar way, if you just read the news stories and or just hear the very mainstream, 'prestigious' news you know, hours you would hear the description that Hamas runs Gaza, which implicitly renders all infrastructure, schools, hospitals, you know, bakeries, where you I mean, there are none left. So they make it legitimate that these other spheres are military targets. This is so insidious and so it is the framing that obscures reality, rather than manufacturing or fabricating truths. So framing alone suffices.

The second major issue is actually used around the world, that is, situations that are monumental and pivotal, the weaponization of the journalistic principle of objectivity. So first, this is an important principle of our trade. But the concept has to be hollowed out, then strategically applied to an utterly asymmetrical war. Israeli state narratives are rarely challenged. If you have seen one, just send me the link. In mainstream news coverage, in the name of so-called objectivity, lies are often given a platform to "counter-balance" the voices of Palestinians. This is a grotesque, you know, asymmetry, a false equivalence. Because even when, for example, a basic and verifiable Palestinian claim, such as that, two hours ago, "my entire family has been wiped out in a matter of hours," this is treated with suspicion, interrogated for proof, or framed as allegations. Meanwhile, official Israeli statements, no matter how implausible or unsubstantiated, are reported uncritically, often repeated verbatim and granted the authority of fact. This is not objectivity.

Journalism does not fulfil its duty by giving equal weight to truth and misinformation and propaganda. This is not what journalists do. To amplify state misinformation and disinformation under the guise of neutrality is not impartial. It does the inverse. So we all also remember the uncritical circulation of the false beheaded babies by Hamas. It made global headlines, amplified by heads of states, and then it, you know, evaporated. But when it retracted, its purpose had already been fulfilled, it had reinscribed the Israeli exceptionalism and the Palestinian Hamas monstrosity. So I do not believe this is journalistic failure, as I mean, Edward Said has been cited a lot, I think decades ago, pointing out that media often functions in perfect synchrony with colonial policy. That synchrony today extends from talking points of heads of states or policy makers and thinktankers to editorial priorities to the silencing of Palestinians.

One last issue we all need to remember is infrastructure. It's also about the financing of journalism, which is in a shambles right now, for example, even beyond the orientalist habits and colonial hierarchies of Western newsrooms, we now face a bottleneck controlled by a number of unelected and bizarre tech oligarchs that oversee social media platforms, as you know, and regulate the flow of information. And this is, like you say, where most people now encounter the news, but they are governed by opaque algorithms, surveillance capitalism and the whims of a few billionaires who allegedly moderate in, you know, perfect political correctness.

So yes, there is systemic racism, complacency and narrative control in the newsrooms. But even these were magically resolved tomorrow, we would still be confronted with the filters of a few eccentric, profit-driven men: Elon Musk, Mark Zuckerberg, back and Sundar Pichai, for example. We used to have problems just with media censorship, authoritarian reprisal, editorial ownership problem, advertisers. Those dynamics remain, but now every journalist and Palestinian witness must also hurdle past these tech parents who decide, without any oversight and conscience, whose stories circulate and whose are buried. Thank you.

Assal Rad

Journalist, Author, and Fellow at the Arab Center Washington D.C.

Honoured to be part of an event that's so important and with so many esteemed colleagues to be discussing this, and I don't want to overlap a lot with comments that have already been made. So hopefully I can just build on those comments and we can have more of a discussion.

What I think it's interesting as I've been listening to everybody speak, obviously, I thought Victoria's point was so interesting about how we have these alternative medias, and younger generations are not reliant on sort of mainstream legacy medias in the West, which is true, and we're happy to know that, and that's part of the reason why.

You've seen. I mean, I'm in the United States. I've grown up in the US. When it comes to the issue of Israel-Palestine, I don't think... I mean, there might be debates about other European countries that do this, but we're quite propagandized in terms of the way the entire narrative has been framed for decades. And so while we're focused on Gaza because we've watched a live-stream genocide unfold every day on our phones, on our devices, in a way that we haven't seen before: (A), because of the level of atrocity, and (B), because of the access that we have to that information. I think we've talked about this, but it's always important to emphasize that, because of Palestinian journalists on the ground, it is, I don't know what word to use, maybe remarkable to think about the fact that Palestinians have to report their own genocide because their Western colleagues refuse to call it that. That is, I think, one of the issues that we'll be studying for years to come how the Western world, which champions the idea of a free press, and we can talk about what a free press actually is supposed to do, but that champions this idea of the free press as a foundation of their democratic liberal societies, have completely failed in acknowledging the slaughter of their colleagues, because they're Palestinian, and because the perpetrator of those crimes is Israel. The fact is that they've failed to report what is actually happening, and that they've whitewashed Israel's crimes throughout this genocide, as we've seen. And so the narrative shift that you've seen in the US, where there's actually now polling, where Israel has lost favour, lost quite a bit of

favour, in the American populace, is because of those very sources, the fact that there is social media, the fact that we're, despite the fact that the mainstream media is not showing you these stories, people are still seeing them at the same time. I would say that legacy media still has a huge role and influence in the broad narrative, especially because we have aged societies like there are people, there are many, many people over 30 who are still looking at these broadcasts, whether they're watching it on television or whether they're, you know, reading a newspaper, reading something on their phones. I think there's another part where social media actually plays a factor, because a lot of individuals in the public are not following these events the way that we necessarily are, and so the way that they're getting information is passive, as you're scrolling through and you see a post or a headline, and this is why I focus so much on headlines, that passive way of receiving information is how thoughts and ideas are being shaped.

And this is essentially how propaganda works. If you repeat something over and over and over again, it starts to stick in people's minds, and they assume that it's a truth. For instance, if you've ever heard the phrase, "Israel has a right to defend itself," because it gets repeated over and over and over again, but you never hear the phrase, "Palestinians have right to defend themselves." Palestine has a right to defend itself. Iraq has a right to defend itself. Iran has a right to defend itself. Lebanon has a right to defend itself. That phrase is never uttered, but Israel has a right to defend itself is repeatedly said until this becomes an ingrained concept within the mind of the public. And so this brings me to the sort of question again, not repeating the fact that I think we've covered a little bit about how, you know, how dehumanizing language works, how whitewashing works, by lack of attribution to Israel, not naming Israel as the culprit, how framing is important. We've discussed all of that.

So let's just talk for a moment about what is a free press. What's supposed to be a free press? What's the difference between what we call free press in the West or the press under an authoritarian state? Well, in an authoritarian system, there's no journalistic freedom, theoretically, and that means that journalists, or these institutions, media institutions, simply repeat what the state says, because there's no space in which they can challenge the state narrative. That's precisely what we've seen occur in terms of how Western media has covered the Gaza genocide, just the fact that they don't use the word genocide to describe what is happening. The fact that there have been UN reports that concluded that Israel is committing genocide that get basically no coverage in the West. When the largest human rights organizations in the world, such as Amnesty International and Human Rights Watch come out with reports saying Israel is committing genocide, meaning they've concluded that Israel's actions constitute genocide. It's still framed as allegations, and within the same headline, you get something that says Israel denies this, as if the party committing genocide has an equal say in whether or not they are committing genocide and not the institutions that were created to prevent said genocide from happening.

So what you've seen in the Western media is a repetition of whatever the Israeli state says, "Israeli officials say" as truth, it's presented as truth. Often you don't even have to see "Israel says." You'll see headlines that say, you know "50 Palestinians." Well, I wish they would say not "50 Palestinians killed," but, you know, "50 people killed in Israeli airstrike targeting Hamas." It doesn't even say Israel says they were targeting Hamas. It just says targeting Hamas stated as a fact when those 50 people who died, most of

which were women and children, clearly not targeting Hamas. So this is the kind of repetition of Israeli positions that you see, as well as US government positions when it was the Biden administration. Whatever the Biden administration said, that was repeated in the news. If President Biden questioned the Hamas-claimed death toll, which he did very early on in the genocide, dehumanizing Palestinians in the process. That's when you see the emergence of this phrase. When he says he doesn't trust those numbers of the Hamas-run health ministry and the media picks this up, and everybody starts using it to undermine the numbers, which are actually underestimates of the number of people killed. We do not know, but we just know it's much higher than what we've actually been able to see, because the chaos on the ground doesn't really allow for accurate counting and measuring and identifying a body. Just imagine how many thousands of people are still buried under rubble, and they cannot be retrieved because Israel destroys the heavy machinery needed to retrieve those bodies.

So the idea of the free press is supposed to be to challenge the state and to tell the truth. It's not to point out what both sides are saying. It's to say what is the truth, and that is what has been lacking in this coverage.

And there's one more point that I wanted to make, and use it using a concrete example, because we've talked about this idea that a few of the speakers have mentioned Palestinian journalists, and the fact that Western, foreign journalists have not been allowed into Gaza. But you have Palestinian journalists on the ground. They're trying to do this work, and they are doing this work. The reason why there's reporting lacking sometimes in the western world is because they don't listen to Palestinians on the ground. So the horrific story of 15 Palestinian medics slaughtered by Israel, which Israel lied about after burying them in mass graves, crushing their ambulances and burying those along with the bodies, Palestinians were reporting that this was happening many days, about a week before the story finally, finally started getting played on mainstream media. And that's only because the UN finally revealed a mass grave with aid workers, with 15 aid workers still in there, still wearing their uniforms in mass graves with crushed ambulances. So it wasn't until the UN actually revealed the grave that Western media started to pick it up. And what did they do? They started repeating whatever Israel said. As the story came out that Israel was clearly lying, which has happened repeatedly, they were forced to say, well, this casts doubt. This is the framing. This casts doubt on Israel's story. No, Israel lied because Israel lies repeatedly, but you'll never see that phrase used. Not only will you never see the phrase "Israel lied" used, but they will continue to cite Israeli sources as being factually true, despite the many, many lies that they have been caught in. So this is the sort of picture that has been created where whatever Israel says is fact, Palestinians, who are actually the ones being slaughtered and are reporting their own news, have to be verified somehow by some outside source in order for it to have legitimacy. And I think we can discuss the this racial bias, the racism, the anti-Palestinian bias that plays into the anti-Muslim bias, all of these layers that play into how the story is being told, but the reality of it is the story is not being told, at least not by the mainstream Western press.

Lauren Booth

Journalist and Activist

Bismillah al-Rahman al-Rahim. (In the name of Allah, the most compassionate, the most merciful). Allahuma salli 'ala Muhammad wa ali Muhammad kama salaita 'ala Ibrahim

wa ali Ibrahim innaka Hamidun Majid (O Allah, send peace upon Muhammad and his family as You sent peace upon Ibrahim and his family; indeed You are Praiseworthy and Glorious). Salaam alaikum. Peace, to you. What horrible testimony we've heard so far, but here's one to add to it that's very interesting. The founder of the Nazi newspaper *Der Stürmer*, Julius Streicher, was convicted at the Nuremberg Trials. He was convicted not of violence, not of partaking in violence, not of carrying a gun. He was convicted because his speeches and his writings were found to have contributed to genocide. He was hanged. When we talk about the complicity of journalism, we are not talking about a small thing. Now. We are talking about the arguments that have directly led and allowed the governments to make their arguments towards a genocide, supporting Israel in what they do. And these arguments made in the press, by the way, allow a cover for the arms trade to continue, because "Israel has a right to defend itself." So I do want to go a little bit in the next couple of minutes into 'frame-building', so that we all understand what it's about. And as my Turkish colleague here said, there are no accidents in journalism. Everything is sub-edited and checked. Nobody's just stumbling across these phrases.

So linguistically, the term 'frame-building' refers to how journalists select stories, facts, and what to focus on at each point, and every story has a frame. When I first reported from the West Bank, I went to Jenin and I met children on the rubble of their homes, and I had to dig my nails into my hand almost until they bled to stop from crying and patronizing them with my Western tears. And I managed to do it, but I got a question out at the same time through a translator, "what do you want to be, darling, when you grow up?" I'm not saying I was a brilliant Middle Eastern journalist at that point. So I asked them, "What do you want to be?" And a nine-year-old said to me, "I want to be a doctor." And the next little girl said, "I want to be a teacher," and the next little girl said, "I want to be a psychotherapist." These are on the rubble of their Janine homes, with no shoes on their feet. So I said "psychotherapist," thinking, "How does she even know that word? Why?" And her answer went right to my heart. She said, "Because my people are in pain, and I want to help them." I wrote this. Now I was naive. It was my first article from Palestine, and I said to my editor, Peter Wright, at the Mail on Sunday, "Peter, don't change a word, or I'm pulling this article." You're not really allowed to say that as a journalist, by the way. I don't know who I thought I was, but I said, "I'd rather you sack me and I don't do anything. I'm feel that strongly about what I've seen." He looked at it, and he got back, and he said, "It's a great article. We'll print it." And I said, "as is." He said, "Yes." And I had a moment of feeling that I cured, that I brought world peace. It wasn't that hard to get stuff in about Palestine. What was everybody making a fuss about? I called all my Palestinian friends. I called Afif Safieh, who was the delegate to the United Kingdom from Palestine at the time (1990-2005). I said, "I've nailed it. Get the Mail on Sunday next week." And there was the picture on the front page of the magazine of me standing in front of these beautiful Palestinian children on the rubble of their homes and the headline across their faces read: "Which of these children will be a doctor and which a terrorist?"

This is part of making the argument for the crimes of today. It didn't start on October 7th. It's not new, and it is deliberate. Now the themes and sound bites that we've been seeing throughout this have been hand-picked and chosen. Some of them are presented by think-tanks, usually run by Zionist money from the United States, but Britain is perfectly capable of having our pro-Zionist think-tanks too, and so if I say to you, "bring them home, you can go rescue the hostages." It's like a game. Beheaded babies, women were raped,

human shields. Hamas, using the population to their own ends. Hamas, here comes the mission creep of the Israelis: al-Shifa Hospital, Gaza City, as a Hamas command centre. It's under the ground. The tunnels under the ground. But as my Turkish colleague said, you didn't see, you couldn't, you couldn't say anything from the Palestinian side.

Do you have a sound bite that sticks in your mind from a representative from anywhere in Gaza that to you that is memorable, that stays with you. This is not a game. This is very, very serious, and it is time that people are held accountable. And we have to think of the mechanisms that are going to allow that to happen.

But first of all, we have to unpick: who are these editors? Who are they working with? What is the phone call that comes in at two in the morning? Right? I've been in newsrooms like you. You know, the next day they had a phone call from the Israeli embassy. So what do I mean literally? So are we a British newspaper or not? Well, the right phone call at the right time, and headlines get changed. We can't really have that person on.

I'll end with this because it was one of the most visceral, kind of obvious moments on British TV. Husam Zomlot, the Palestinian ambassador to the UK, in November 2023, had a great deal of members of his family wiped out in a Zionist missile attack. And he went straight into an interview on the BBC's Newsnight, hosted by Kirsty Wark. And he said, "Look, my family have just been decimated. So you know what this is? This is what the weaponry is doing right now." And she said, "Oh, it's terrible to hear about that. But do you condone violence?"

This is a sickness. It is deliberate, and I would like to see us at this Tribunal start looking at making the mechanisms that allow this to happen to pay a price. Make journalists welcome, journalists who are whistleblowers, because there have been open letters from as early as the end of October 2023, trying to push for a fair hearing for the Palestinians.

And finally, I'd like to say, yeah, just a big tribute to all of our colleagues who are on the ground in Gaza, where I cut my teeth. Many of them taught me how to do a news package. And it's not just them that are targeted. I think we have to remember that when they go on a story, they know that at home, they may not go back to their children and family. And I pray to God and the shaheed, the martyrs in heaven, that these crimes will get paid for and those who are committing them are going to Hell. Thank you.

Peter Osborne

Journalist, Broadcaster, and Former Chief Political Commentator of the Daily Telegraph

Yeah, I put it another way, I mean, it's if you go back to October the 7th, and the aftermath, you had the British government, led by British Rishi Sunak, throwing its weight unequivocally behind Israel. And it became clear immediately from the language of Israeli politicians and the actions of the IDF that this was going to be terrible. And Keir Starmer, then the leader of the opposition, came out and supported Israel, and indeed supported collective punishment, we will recollect. And so you had a cross-party cartel in the heart of British politics, behind Netanyahu's project in Gaza.

In those circumstances, you would have hoped that the press would have played the role of an independent observer, the way that it does. That includes painting the atrocities of Hamas and but it would also have been about telling the truth about what was going on by the IDF. And the press didn't do that. It actually became part of this cross-party cartel.

And so, there was Labour, the Conservatives and the British media and the BBC all on the same side.

So if you did have an objection to the daily slaughter of Palestinians, you had no mainstream place to go in Britain. You couldn't read the papers and you could only see that the politics was not there for you, and so there were protesters for street marches. That was the only way to do it. And the role of the press over the last 18 months has been to target the protesters, to smear, delegitimize the protesters, turn the protesters into antisemites, Islamists, terrorist supporters, invent, fabricate, smear, and that has been the story. The fundamental role of the British media has not been the attempt to tell the truth. It's the attempt to reinforce the state Israeli narrative. Of course, they were joined by one further party, the far right, Tommy Robinson, now out of jail, Reform's Farage, etc, coming out, and that is what has happened to the British press?

The main media groups are completely pro-Israel, much more so even than the Israeli papers. If you want to find out, I mean, look about the Hannibal Directive, you won't get it in the British papers. You won't hear the word 'apartheid'. You won't have the word 'genocide'. But whereas you will, funnily enough, even in papers like the *Times of Israel*, even the *Jerusalem Post* sometimes, let alone *Haaretz*, will tell you what's going on. You won't get it in Britain. Or at any rate, you didn't. Something has happened.

I was reflecting, actually, we hear in Sarajevo, and I think I might be saying about the Bosnian genocide to begin with, the orthodoxy was pro-Serbian, but journalists came here and they sought out the truth, including ITN's Penny Marshall, and they brought the concentration camps to national attention in Britain, the conditions in Israeli prisons. Somebody was making the point, brilliant point about Amnesty International and human rights. All these reports, just ignored or slandered.

And meanwhile, the *Daily Telegraph*, for which I used to work, I've done a check. I don't think I'm wrong, has never reported the death of a single Palestinian journalist. Nothing about it at all. I mean, when the ICJ made its momentous genocide decision in January last year, the *Times* didn't report it at all, and this is supposed to be a 'paper of record', but actually three paragraphs on page 42. The *Sunday Times* they didn't report it. It's a systematic fake decision. The *Daily Mail*, for which I used to work, called the ICJ, a 'show trial'. So did the *Economist* call it a 'show trial'? The same words, try reading the *Economist*. When there was cause for cease fire, the *Economist* ran an editorial saying, why Israel must fight on.

So the British press has been part of the whole machinery. I do find this really ugly. You know, you write a sort of controversial piece which insults an important politician, but it's a very brave arse would call Peter.

Not a word. Have we had anything really, about the deaths of these 200 Palestinian journalists, 200 more. Quite often you'll get Israeli stories run about them, saying, "Wait, are these people Hamas? Are you? Well, of course, in British newspapers putting a target on their back. That part of the attack on the Palestinian journalists, and let us not forget the immortal words of David Lammy on 30 November 2024: "There are no journalists in Gaza." That is depersonalization. Thank you.

Session 5: Cultures of Erasure

Politics of Palestine Exception (online)

Ussama Makdisi

GT Chamber 3 Member, Professor of History

Thank you for the opportunity to address the Gaza Tribunal, and a special thank you to Professor Richard Falk, of course, and to the steering committee members. The question I'd like to address with you today is the historical and ideological underpinnings of what we call the Palestine exception. This exception has allowed so much of what we've already discussed and heard today to happen.

How, in other words, Western governments, officials, mainstream journalists deny and yet paradoxically condone and enable the genocide in Gaza. The Palestine exception works by constantly evoking a very specific and profoundly Eurocentric narrative of anti-Semitism. This narrative displaces Palestinians from history at the same time as Israel displaces Palestinians from their own land.

Ideologically, the Palestine exception expels Palestinians from serious ethical or political consideration in the name of reconstituting and defending Western humanity and so-called civilization after the Second World War. The Palestine exception has forced upon the Palestinians the burden of not simply being the victims of the victims, to evoke Edward Said's famous formulation, but the stigma of being a reincarnation of Nazis after Nazism in post-Holocaust Western consciousness, allegedly and putatively cleared of its historic anti-Semitism, to say nothing of an Israeli-Jewish consciousness that has predicated its entire colonial project in Palestine on the denial and destruction of Palestinian history, Palestinian memory, and Palestinian archives. Why, in short, across so many parts of the liberal West that so solemnly proclaims the universality of law and enshrines notions of human rights, are Jewish victims of violence valued vastly more than the vastly greater number of Palestinian victims? Most of all, why does the alleged Western concern with combating Western anti-Semitism coincide so clearly with an apparent mainstream Western lack of concern for and disavowal of Palestinian humanity? The question that concerns me to be clear is how and why Palestinians and Arabs and Muslims more generally are rendered peoples without history, peoples without ethical or political importance, peoples whose past and therefore whose present and future can be overwritten by a deeply Eurocentric philo-Zionist narrative.

This overriding is one that has valorized for a century at least the imperatives of nationalist Zionist ideology in Palestine that has cherished and celebrated the creation of an exclusively Jewish nationalist state in a multi-religious Palestine, irrespective of the obvious implications such a state has entailed for millions of non-Jewish men, women, and children, in other words, Palestinians, as well as, of course, for Jews themselves. Now the interesting aspect of this overriding of Palestinian history, this erasure of Palestinian history, has been the profoundly uneven manner of its transaction over a century and a bit. At first in the 19th century, if we go back to the 19th century, Palestinians as people were barely seen or considered.

Then with the advent of British-backed colonial Zionism in Palestine, and specifically with the Balfour Declaration of 1917, and then the British Mandate that lasted until 1948, Palestinians were considered, quote, non-Jewish natives who were very much seen and because, of course, they were on the ground, to the point where the UN 1947 partition

plan openly acknowledged the degree to which partition would harm the Arabs of Palestine. Then, of course, you had the Nakba, Palestinians were forgotten by the liberal West, and finally, when Palestinians have insisted on their history and their future, as well as on their present, they have almost always been demonized as anti-Semitic after the Nakba. So the Zionist project in and over Palestine developed as an openly colonialist project in the 19th century, when European empires routinely segregated humanity into a hierarchy of superior and inferior races.

So while leading Zionists grappled with racial anti-Semitism in Europe, they were also desperate to belong to this Europe. They expressed, they shared, they contributed, they circulated many of the foundational racist tropes of 19th century Western culture, that the non-West was manifestly inferior, supposedly, that the lands of indigenous peoples was largely empty and thus open to colonization, that removal of native peoples was both justifiable and necessary. Recall, of course, one of the notorious slogans of the Zionist movement, a land without a people for a people without a land.

And the underlying point here is that both the Christian and Jewish versions of colonial Zionism were predicated on solving Europe's Jewish question, quote-unquote, by removing or restoring Jews en masse to Palestine as if Palestinians did not exist or fundamentally did not matter. Now this obfuscation was theoretical as long as Zionism remained ideology in Europe. But once it became colonial practice in Palestine, it became, of course, colonial practice.

As soon as Zionism, in other words, moved from Christian and Jewish Western colonial fantasy to Western colonial practice, Muslim and Christian Palestinians inevitably were seen. They were, of course, on their homes, in their lands in Palestine. As such, they constituted a real impediment to the successful unfolding of colonial Zionism.

Native resistance, that is to say, Palestinian resistance compelled the British colonial rulers to figure out some way to reconcile their commitment to Zionism in Palestine, colonial Zionism, with the reality of Palestinian bodies on the ground. And so, in other words, how do you resolve this sort of impossible situation? The British in 1937 proposed the Partition Plan of Palestine, which foreshadowed the Peel Commission Plan, which foreshadowed the 1947 UN Partition Plan. Both plans, the British one and then the UN one, a decade apart, prioritized making of a Jewish state, not the creation of a secular and democratic state.

Both embraced as a central idea that the dispossessing of native Palestinians, the majority of the population, from much of its land and its homes, to make way for a Jewish state was both necessary and inevitable. The 1937 British Partition Plan, in fact, the Peel Plan, admitted openly the injustice to the Palestinian natives who owned the majority of the land of any partition. And with remarkable disingenuousness, the Peel Commission lauded, celebrated, or cited the proverbial, what they call the generosity of the Arabs to justify what the Peel Commissioner said was at some sacrifice to the Arabs, that this sacrifice would help the Europeans solve what the commission referred to as the West's, quote, Jewish problem.

In other words, the Peel Commissioners were very clear that we see the Palestinians, they're going to suffer, but they're going to help us resolve Europe's Jewish problem. And that is the language of the commission. A decade later, in November, 1947, the Western dominated UN, of course, this is the UN before decolonization, voted to partition Palestine and to establish a Jewish state and an Arab one, despite the fact that

the same UN recognized that the overwhelming majority of the population of Palestine was Palestinian.

And despite centuries of Palestinian belonging to what had always been their lands, their villages, their towns, and their homes, virtually every Western state that voted for partition in 1947 recognized that the Palestinians, the Arabs, existed and that they would be harmed. But they justified their vote by insisting that what happened to the Jews in Europe was a horror. In other words, the Holocaust was a horror that needed urgent redress.

And this redress, they said, embracing Zionist logic could only occur in Palestine, even if it occurred at the expense of the Palestinians. In other words, this is not so much about overt denial, but about recognizing the harm that was going to be done to Palestinians and then justifying that harm in the name of making amends for the horrors of the Second World War. And of course, for solving what was a European Jewish displaced persons problem after the Second World War.

So in the wake of the Holocaust and the creation of a new international community that disavowed the overt racism of Nazi Germany, but turned a blind eye to racism, Western racism across the rest of the West, and of course, the colonized world, the narrow Christian philo-Semitism that had sort of informed earlier Western support of Zionism was effaced by a far more practical, secular, liberal, and temporally urgent language of saving Jews and ending what was now referred to in 1947 as the Palestine problem. The irony was that the Arab was at last heard at the UN and seen on the ground in Palestine, but without emotion, without identification, without connection that Jewish diplomats, survivors, and refugees made among Western diplomats. There was nothing the Palestinians or the Arab diplomats at the UN could say, let alone do that made any appreciable dent in this powerful equivalence between Zionism and the Southern post-war Western desire to be done with its so-called Jewish problem, especially in a manner that satisfied the Zionist movement that claimed to speak on behalf of the Jewish people worldwide.

But the Palestinians were to be sacrificed at the altar of philo-Zionism was acknowledged only obliquely since virtually every Western representative at the UN insisted that they were cognizant and sympathetic to the aspirations of what they refer to as the Arab inhabitants of Palestine. Nevertheless, they voted almost all of them for the UNSCOP proposal, the UN Special Committee on Palestine proposal that of course destroyed Palestine, destroyed Arab society, and as much as they said they were aware of the problems to Palestinians, they nevertheless voted to harm the Palestinians. And then of course there was the Nakba of 1948 that at least for a while, brutally resolved the problem of a majority of Palestinian bodies in a Jewish state that has long preoccupied Zionist planners.

It created in turn a humanitarian problem that the liberal Western agencies, UNRWA specifically, have only been too happy to tackle so long as it avoided the obvious history and politics of the question of Palestine. Liberal Western states and leaders in fact hailed the creation of an ethno-religious nationalist Jewish state in a historically multi-religious land. Leading American liberal figures such as a theologian Reinhold Niebuhr and the co-author of the Universal Declaration of Human Rights, Eleanor Roosevelt, rationalized and justified the uprooting of Palestinians.

So my point here in conclusion is that the Second World War and the creation of Israel in 1948 reflected far more than just Western settler colonialism as a practice of native elimination, although that was obviously there as well. The support for Israel I think is the more important point I'm trying to make. The identification with Israel, the reconstitution of post-war Western humanism was reborn with a philo-Zionist core and with a Palestine exception at its heart.

In other words, the Western powers after the Second World War claimed to be done with the history of European and Western anti-Semitism by recognizing a Jewish state in Israel at the same time as they acknowledged initially that there was going to be harm done to the Palestinians. But over time as Palestinians were made into a refugee people, were made into a stateless people, were made into a people without history, the Palestinians were forgotten. And then what happens is that as they got forgotten and as this narrative of a European triumph in the Second World War over Nazism was consolidated, what happens is that over time when Palestinians insist on their history, because they're seen as a people without history, they seem to come in from out of the blue as a people without history and therefore are almost always, and we've heard this over and over again today, depicted as somehow anti-Semitic.

And so there we have it until today. That sort of explains to me the kind of the moment that we're in that no matter what Palestinians say, no matter what they do, until this deeply Eurocentric narrative of one history and only one history that matters is made more universal, until we actually recognize Palestinian history and Palestinian politics, there's very little, I think, to be done that will break this kind of ideological sort of framework that has so comprehensively excluded Palestinians, expelled Palestinians, as I said, not just from their lands but from historical consciousness as well in the West, in the mainstream West. Hopefully this is changing with a new generation and with different forms of media, but let's see if that actually happens.

Thank you.

Zionist Culture and Genocide Denial

Saree Makdisi

GT Chamber 3 Member, Professor of English and Comparative Literature

I'd like to begin by echoing Usama's thanks to the organizers of the Tribunal and the members of Chamber 3, and also I wish I could be there as I'm sure Osama does with you in Sarajevo. My task is to talk about the culture of denial that has long sustained support for Zionism in the Western world. Across the Western world we continue to hear some people denying that Israel is transacting a genocide in Gaza.

How, we must wonder, can anyone sustain such levels of in the face of the first genocide in human history to be live streamed by its victims and available for any of us to witness in real time on a device held in the palm of our hand? Most of those who engage in this denial are moved by the images and narratives of Israeli suffering on the 7th of October 2023, but have had nothing to say about Palestinian suffering on a far greater scale and for all the months ever since, to which they simply turn a blind eye. For the most part, those who engage in this form of denial are not overt racists necessarily, who explicitly call for the destruction of Gaza and the expulsion of the Palestinians. Of course, there are Israelis who do, like Smotrych and Ben-Gvir and Netanyahu, but they say so explicitly.

They don't deny what it is that they're doing. They're proud of what it is they're doing. Most of those who engage in denial in the West are ordinary people, solid progressives when it comes to politics, advocates of gender and racial equality, anxious about climate change, concerned for the homeless, voters for the most progressive of politicians. What we are seeing here then is not heartlessness, for these people clearly have plenty of heart. It is rather one manifestation of a much broader culture of denial. The reason that people like this seem not to recognize or to see Palestinian suffering is that they really do not see or recognize it.

They are far too intent, far too focused on the suffering of people with whom they can much more readily identify, people that they understand to be just like themselves. A scene of suffering that, with all the logic of a monopoly, occludes, overshadows, displaces, removes from view, hides, any other kind of suffering with which it might otherwise be seen to compete. And if anyone brings that occluded suffering into view, their reaction will be one of anger.

Why, they will say, are you telling me to look at that instead of joining me in my outrage about this? Can you not see this? Don't look over there, look over here with me. Such forms of occlusion are features of a much more widespread culture of denial that for decades enabled otherwise progressive and even left-wing people in the West to support the Zionist project in Palestine, while remaining in denial about what it is they're actually supporting. How, after all, could a left-leaning Western person reconcile a commitment to democracy and human rights with their support for a state that practices apartheid? How could one balance one's support for the separation of church and state, one of the core Western values, with one's support for a state in which the lack of such a distinction is a founding premise? One's belief in civil marriage and women's rights with a state that has no institution of civil marriage and imposes ancient theocratic restrictions on the rights of married, at least Jewish, women.

One's affirmation of a culture of inclusion with a political system premised on brute exclusion. These contradictions are not mere hypocrisy, any more than the people who mourn the loss of Israeli life but turn a blind eye to the loss of Palestinian life are hypocritical. Hypocrisy, after all, involves a kind of self-knowledge, and what we see here is a form of denial, not awareness.

But simply ignoring and looking aside, refusing to recognize, these are difficult to sustain on their own, especially in the face of a massive archive of evidence to the contrary, and they provide no basis for the elaboration of a progressive sense of self. Something more is needed to enable such a subject to reconcile her support for Zionism with her commitment to progressive values. Essential to this miraculous act of political alchemy, as I argue in my book *Tolerance is a Wasteland*, is a very specific form of denial, in which the Palestinian claim to Palestine is not simply refused, covered up, or negated.

Rather, it is occluded by being expressed as an affirmation of various positive virtues that can fervently be embraced. The emphasis of the positive value doesn't just make it possible to overlook the dark history. It makes the dark history possible in the first place. It nourishes and sustains it. I want to give at least one brief example to ground this argument, which otherwise risks sounding abstract. After the gangs and militias that would eventually coalesce into the Israeli army completed their expulsion of hundreds of thousands of Palestinians from Palestine during the Nakba of 1948, the terrain left behind was a landscape of empty ruin.

The first step in remaking this landscape in the image of the new putatively Jewish state was the demolition of Palestinian homes, mosques, churches, and cemeteries, as well as the methodical extirpation of the cultivated landscape of citrus and olive groves and prickly pear cactuses, the indigenous landscape to which those homes and other spaces had once corresponded. No sooner had Palestinian villages been demolished than the agencies and auxiliaries of the new state, in particular the Jewish National Fund, started planting forests over their ruins. Unlike the demolition of family homes, which was done as quietly as possible, the project of tree planting over the ruins of these now unmentioned, disappeared, erased-from-all-maps villages was, and still is, carried out with much fanfare and under the banner of grand proclamations.

People, particularly Jewish people, are invited to plant a tree in Israel, to donate funds for afforestation, to make the desert bloom, and to visit ceremonial tree planting sites where they can actively participate in this quite literally wonderful endeavor. As though by magic, then, a project of ethnic cleansing has been transformed into one of family-centered tree planting, and by virtue of that transformation it has secured the support it needs from progressive subjects who would never knowingly lend their support to a process of mass eviction and home demolition, but do lend their support as long as it is disavowed and almost literally unknown, turned into something positive and affirmative, such as greening the landscape, making the desert bloom, and so on. The deliberate and systematically worked-through occlusion of the Palestinian claim to the land has thus itself been occluded by a transformative act of affirmation to which hyperbolic levels of acclaim and attention can be drawn.

Don't look over there at the ruins of Palestinian villages, look over here with me at the wonderful forest making the desert bloom. There are other versions of this story that I could tell other examples, but for the sake of time I'll skip them. What I want to come back to now is the face of the forms of denial that we see transacted again among Western liberals.

There are still some of them who support the Zionist project in Palestine, and they obviously have to engage in order to reconcile their support for Zionism. They have to engage in a form of denial about what it is that's actually happening, not just in Gaza, but throughout Palestine. Those who engage in this form of denial about the genocide that Israel is transacting in Gaza are involved in a very similar form of denial to the one I just outlined.

What we're witnessing in this case, the Gaza case, is a return to the same mechanisms of denial and occlusion discussed earlier, only turned on their head. Instead of transacting denial by loudly drawing attention to a positive value, this time denial is transacted by loudly drawing attention to a negative. The structure itself remains intact, but just flipped around.

Still, don't look over there, join me in looking over here instead. That is the function of the persistent narratives around the events of October 7, 2023, and how they are relentlessly presented to Western audiences. Hence, for example, the film consisting of brutal video footage from that day, curated and packaged by the Israeli army, and exhibited in Western sites of image and narrative production, including New York and above all here in Los Angeles and Hollywood.

The function of this film, in the context of the ongoing genocide in Gaza, is to draw attention away from Gaza and help to justify the genocide. A similar role is played by the

quasi-documentary featuring and supported by Sheryl Sandberg, alleging that Hamas conducted a mass rape campaign on October 7, for which, of course, there remains no tangible evidence. And as we know, the Israeli state continues to block international investigations of that day's events.

That is also the function of the Traveling Nova exhibition that claims, again in places like New York and here in LA, it was here too, that claims to replicate the attack on that festival. It is also the function of the recent BBC documentary on October 7. It is the function of the October 7 narrative play, which was staged in New York, Los Angeles, including on my campus and elsewhere. And Israel is producing a vast walk-through reconstruction of what it claims is the October 7 experience, a scripted space to re-traumatize anyone who wasn't already traumatized on that day, to capture the trauma specifically in order to reify and to package it.

All of these products are intended to fixate people's attention on October 7, precisely to the exclusion, and this is the point, of everything that came before and everything that's continued ever since October 7. Again, the structure is, don't look over there at this holocaust taking place before our eyes. Look over here with me at this alternative scene that I want you to focus on and that, of course, that I'm intent on focusing on. Those not actually interpolated into these structures of denial in person, for them, the main way the structure of denial works is by this constant return to and recycling of a certain narrative of October 7. This is the whole purpose of the constant return to and recycling of October 7 that continues to saturate the new space all around us in the form of re-statements that are there in literally every single mainstream press report that is even remotely connected to Gaza.

This violence, we are told over and over and over again, began as though out of the blue when Hamas attacked Israel, to use the scripted line, on October 7th and killed 1,200 civilians. It is arguably even more in this constant restatement of a particular framing of the events of October 7th and their context, or rather lack of context, than in the distorted coverage of the news coming out of Gaza itself that our mainstream news organizations have made themselves the enablers of this genocide. The constant return to and recycling of October 7th helps to sustain the genocide by occluding it.

The version of October 7th, moreover, to which our attention and sympathy are constantly being drawn, has been frozen. It's been frozen in the sense that it is premised on a forestalling and denial of all of the specific knowledge of that day that has emerged in the months since it took place, to which the western mainstream media have been entirely impermeable, even though these news stories have been circulating all over the mainstream press in Israel itself, in English, as well as in Hebrew, and of course in alternative media throughout the world. These stories yield a far more complicated set of scenarios than the simplistic narrative of Palestinian animal savagery unleashed against Israeli bridal innocence, to which our attention is unceasingly drawn.

We now know, for example, that an as yet undetermined number, but clearly a significant proportion, of the civilians killed that day were in fact killed by the Israeli army's activation of its Hannibal Directive, and its subsequent indiscriminate bombardment of built-up areas, and anybody or anything moving to or from Gaza. We now know, because the broadcast of them saying so in their own words appeared literally within days of October 7th, that Israeli helicopter gunship pilots and tank crews fired missiles at high-explosive 30-millimeter and 120-millimeter shells at buildings inside Israel, and

again, anything moving to or from Gaza, without positive identification, in other words, without actually knowing, having any idea what or whom they were firing at, whether they are Palestinian or Israeli, fighters or civilians. Although stories about the activation of the Hannibal Directive on October 7th started, as I said, appearing in Israeli media within days of that event, their first appearance in a mainstream Western news outlet occurred almost a full year later, via a story carried on the national ABC News in Australia in September 2024.

The story has received no other coverage, to my awareness, in mainstream media in the U.S. to this very day. Moreover, this version of October 7th has been frozen in the sense that it has been lifted altogether out of history, as though nothing had happened before it to make it possible, as though 75 years of abrogated rights, the detention of tens of thousands of men, women, and children at a time, the closures and lockdowns, the checkpoints and home raids, the ethnic cleansing, home demolition, child abduction, random bombardment, dispossession, torture, rape, murder, abuse, immobilization, deprivation, punishment, siege had all never happened, and as though nothing has happened since, as though October 7th is the only day in history. This suspension at time thus transacts two structures of denial simultaneously.

In insistently and naggingly drawing attention to this one day, it occludes all the days that came before. It blocks them out, it hides them from view, it thus decontextualizes the events of that one day, making them impossible to historicize and therefore to understand. And at the same time, it hides from view all the days that have followed ever since, and hence it helps to justify the genocide that has been unfolding for every month, week, day, hour, minute, and second ever since.

Stopping one clock on October 7th is exactly what makes the other clock, the clock of genocide, run. This is the meaning of denial in a time of genocide. Thank you.

29 May 2024 - Day 4

SPECIAL SESSION: FROM SREBRENICA TO GAZA

Harun Halilović

Assistant Professor of Law at Sarajevo University

I would like to welcome you all here, present and of course online. We are today starting with the Srebrenica panel, also linked with Gaza. And me, as the first presenter, I'm going to talk about the topic of litigating genocide. As we know, the most common venues of judicially processing of the genocide are through the criminal courts and through establishing of the state responsibility in the venues like the ICJ.

But often overlooked venue is actually the establishment of the civil liability for the damages in the civil proceedings and questions which need to be resolved prior to the determination of the damages and the obligation to pay the compensation of the damages. The question of state responsibility. So, I'm going to talk about a very interesting case, the case of mothers of Srebrenica versus Netherlands and its potential implications to the application of international law and of course to Gaza.

So, what are we talking about? The Supreme Court of Netherlands in July 2019 adopted the decision in the case which was initiated by the relatives of the victims of this Srebrenica genocide. The decision found that the state of Netherlands is partially liable for the death of around 350 victims of the Srebrenica genocide that were located and later evicted from the Potocari compound, the Dutch but military compound, and given up into the hands of the army of Republic of Srpska and later killed. The decision has its special significance since it reaffirmed the possibility of the dual liability of the state acting under the UN mandate.

However, it reversed or lowered the responsibility of the state which was first determined by the lower courts at the 30% to only 10%. So, of course, the background of the case is Srebrenica genocide. Some of the facts are very well known.

So, in 1903, there was the first initial Security Council resolution proclaiming the safe area of Srebrenica and in 1904, the Netherlands army contingent arrived at the Srebrenica, the Dutch bat, and they were garrisoned in the Potocari compound. And as we all know, in July 1995, after a heavy military campaign, the Srebrenica was overrun by the army of the Republic of Srpska. At those moments, the civilian population en masse made its way to the Potocari near the Dutch bat compound requesting the protection from the Netherlands forces as per the Security Council mandate.

While doing that, some 350 residents of Srebrenica were at the Dutch bat compound on various grounds. Some of them were working for the Dutch bat as interpreters, as technical support. Some of them were members of their families.

Some of them got their way into the compound. So, Dutch bat lacking support, for which one has to mention nobody was held accountable, they decided not to react and ultimately they abandoned the Srebrenica and its people and basically taking their own safety as the priority instead of the mandate that they were given. So, when we are talking about the proceedings, proceedings in this particular case were initiated in 2007 in front of the District Court of Hague by the relatives of the victims of the Srebrenica genocide against the State of Netherlands and the United Nations.

So, they were initiated as the civil suit requesting the determination of the responsibility of both the State of Netherlands and the United Nations and requesting payment for the compensation of the damages suffered by the loss of their relatives. The lower courts found that the liability can exist, the dual liability can exist and the liability of the State of Netherlands acting through its Dutch bat being the agent of the State in this case does not prejudice or determine the liability of the United Nations. Finding that the case against the United Nations is as inadmissible.

So, it actually follows the string of the cases like the Nuhanovic case which also determines the possibility of the existence of the dual liability of the State acting under the UN mandate. The inadmissibility against the United Nations was actually upheld by the European Court of Human Rights which referred to UN Charter and the Convention on the Privileges and Immunities of the UN stating that UN cannot be tried in front of the national courts for the grounds of preserving their impartiality declaring therefore the case as inadmissible. So, when we look into the reasoning of the decision of the Supreme Court of the Netherlands so, the Supreme Court of the Netherlands deciding on the appeal reaffirmed the line of reasoning of dual attribution of the responsibility determining that the Dutch bat as the agent of the State has exercised personal jurisdiction and had effective control over the victims.

Now, the Supreme Court of Netherlands restricted, limited the liability or responsibility only to approximately 350 persons that were in the Dutch bat compound that were later evicted and reduced the amount of responsibility from 30% to 10% stating that the victims would have only 10% chance of survival even if they have not been evicted. So, of course, this decision can be described as one step forward, three steps back because, on one hand, it determines some degree of liability however, that liability is heavily limited and one cannot identify several contentious points in that decision. Well, first point that is problematic is, of course, the determination of the percentage of the responsibility of the State of Netherlands because both numbers, 30% and 10%, are arbitrarily set they are based on speculations and the decision on choosing either number is not well reasoned because one can also argue that if those persons were taken together with the Dutch bat when they were leaving the compound, in that case, their chance of survival would be 100%.

So, any number, both 30% and 10%, are based on speculation. And, of course, the limitation of the responsibility only to those approximately 350 victims that were found within the compound goes against the logic of the case and the facts of the case because the vast majority of the civilian population made its way to Potocari to demand the protection from the Dutch bat not on the basis of any illegitimate expectation but on the basis of legitimate expectation of their mandate that was ordered by the UN Security Council. And, ultimately, this decision creates the division between the victims and shifts the onus of the proof to the victims so now they have to prove that their relatives were within the compound and they have to prove it to the so-called Netherlands Compensation Commission Potocari which, up until this moment, paid some compensations to those who have proven that their relatives were among those within the Dutch bat compound.

So, legally analyzing this decision, this decision sets a very negative precedent for the international law because it stated that the UN Genocide Convention does not provide for the direct effect which would enable citizens to initiate civil suits and request the compensations in front of the national courts. However, when analyzing the decision,

it can be inferred that the responsibility of the state of Netherlands was determined by the wrongful act of giving up the persons who were under the effective control of the agent of the state, the Dutch bat, to the non-state actor, the Army of Republic of Srpska, for which the state of Netherlands is not responsible based on the doctrine or the principle of Nicaragua which states that, in the ICJ case of the Nicaragua against the USA, which states that the limits of the state liability for the actions of the non-state actors is limited to the extent of the effective control the state has over the non-state actors and whether the non-state actors were acting under the effective control. This application of this standard and this doctrine was also very contentious in the very decision of the ICJ especially in the case of Bosnia versus Serbia which ultimately decided that Serbia was not directly responsible but responsible for non-prevention of the genocide in Srebrenica.

Although this reasoning is correct, the same way it is an unlawful act for a country, for example, to extradite somebody to a place where they can face a death penalty or similar situation, it only answers the question of how the state of Netherlands exercised the jurisdiction, the personal jurisdiction over the victims. The Supreme Court of the Netherlands is avoiding the question of why was the state of Netherlands and the Dutchbat as the agent of the state involved in the Srebrenica at all. And the answer to that question is, of course, they were fulfilling the United Nations Security Council mandate of protecting the people of the safe zone of Srebrenica.

Which leads us to another question, why was that mandate established in the first place? And that mandate was established in order to prevent the occurrence of the large-scale war crimes and even genocide. Because we have to remember that the case of Bosnia-Herzegovina versus former Yugoslavia was initiated in 1903 and shortly after there were provisional measures similar to the ones that we have in the case of South Africa against Israel, which indicate the risk of genocide, possibility of genocide occurring. So, legally speaking, that point is of great significance because it indicates a point which triggers the duty to prevent genocide.

And, well, talking about the duty to prevent genocide, it is a well-established obligation under the international law which is defined, of course, primarily by the Article 1 on the Genocide Convention. However, that obligation is especially reaffirmed in the Bosnia versus Serbia case or the Bosnia genocide case, which ICJ, in its judgment, in the paragraphs 430 and 431, in very strong terms, defined as a strict obligation which is far-fetching. So, the ICJ, in its judgments, concluded that the state cannot be under the obligation to succeed in preventing genocide.

So, it is not expected for the state to prevent the genocide. However, the states are under the obligation to employ all means reasonably available to them to prevent genocide as far as possible. So, meaning all the actions that they can do, which are in their power, that could contribute or, if withheld, could contribute to prevention of the genocide, these states are under obligation to perform those acts.

And the moment when the states incur this obligation, this obligation is not triggered, it does not come into being when the perpetration of the genocide commences. Because, as we know, historically, during the commission of the genocide, the genocide is denied, the genocide is hidden away. So, the court concludes that that would be absurd because the whole point of the obligation is to prevent or attempt to prevent the occurrence of the act.

So, the state's obligation to prevent arises at the instant the state learns or should have normally learned of the existence of the serious risk that the genocide will be committed. And we mentioned that this point, legally speaking, it can be inferred that it especially exists after the point of the adoption of the provisional measures by the ICJ which indicate to very minimum the risk of the possibility of the genocide. We know that, especially in the case of Gaza, we are way past that point.

So, when talking about the duty to prevent genocide, one especially interesting case, one to follow, one that can leave many implications to the international law and also ultimately to the possibility of request of the compensation is the one that is actually initiated, again, in front of the ICJ by the Nicaragua in March 2004 against Germany. In that application, the Nicaragua is claiming that Germany, by its long-term financial, political, logistical and military support to Israel, is actually infringing on the duty to prevent genocide, which, as we said, arises especially at the point of adoption of the provisional measures which indicate, to say the very minimum, the risk of the occurrence of the genocide. So, the interplay of the facts in this case and the decision of this case can be very wide-fetching.

But especially when we look at the facts of this case, in this particular situation, the ICJ cannot really rely on its, let's say, the old friend, the Nicaragua standard or the Nicaragua doctrine, because we have a state of Germany supporting the state of Israel. So, the line of thinking of state liability for the actions of the non-state actors, which was the problem in the Bosnia versus Serbia case, which was ultimately mentioned even in the Mothers of Srebrenica case, is not applicable in this case. And, of course, the far-fetching implications are in those that it opens the doors for other similar applications against other states for the support of Israel and for failing the duty to prevent genocide.

And, of course, if the decision of the ICJ turns out to accept this application and this reasoning, the implications for the possibilities of the claims of damages against these states is very, very wide-fetching. So, as we said, this is also a very important case to look at, and especially in the case that the ICJ, for example, decides to reject this application. Well, in this case, the ICJ has to go against its own wording, which is a very strong wording and very expansive in defining the obligation of the duty to prevent, as we have seen in the paragraphs 430 and 431 of the judgment in the case of Bosnia versus Serbia.

So, this case, as we mentioned, is of great significance, and its implications can be far-fetching, both in determining the responsibility of the state and in the determination of the duty to prevent genocide, and especially if we are talking about the possibilities of the request of the compensation for the victims, which could potentially follow later. So, that was from my side. Thank you very much, and I'm thanking our listeners online.

Mustafa Cerić

President of the World Bosnian Congress and Former Grand Mufti of Bosnia and Herzegovina
As-salamu alaykum (Peace be upon you). Good morning, I'm honored to be with you today. Even though you are few, I think I may say you are selected. So, thank you for your selection. So far, we humans have only one brain, and it is designed by God to communicate with the human brain.

Similar to our brain. But I think in the future, I will not interfere in God's business, but I expect that God will create two brains, so that one brain can communicate with the human brain, and the other brain can communicate with the AI brain. So that we can, at

the same time, use both brains when one speaks, and also the other brain to be occupied with the AI brain. Because this human brain is becoming boring. It's not exciting. And this AI brain that we are using all the time, it is exciting.

And our human brain is learning, and is now eager to receive only exciting information. I am not sure that I can give you, by my human brain, exciting, exacting information that will attract your attention. But I would say, and share with you something that you know. So it's going to be boring, but I have no choice but to expose you to my boring speech. The last century, the 20th century, is the most dramatic century in human history. In that century happened everything that humans can imagine and cannot imagine.

Among other things, the last century witnessed three imaginable, unimaginable, but real events in human history. One is Nakba, 1948. The second is the Holocaust in 1945. And the third is the genocide in Srebrenica. So, for example, 27th January is the day of remembering Holocaust. As you know, everywhere in the whole world.

11th of July is the day of remembering genocide in Srebrenica. Last year, 22-24, on 24th May, United Nations adopted the resolution by which the whole world accepted to remember Srebrenica genocide. And this is very near and close now, 11th of July, 15th May, 1948, was Nakba. Who remembers among us Muslims about this date? 15th May, Rare. But United Nations, in 2003, adopted a resolution that 15th May be the day of solidarity with the Palestinian people of Nakba. On that notion, I asked my women in Bosnia to create this flower, which is similar to the flower of Srebrenica, which indicates on the 15th here. Meaning 15th May, Nakba. But everyone knows about 27th January, about Holocaust. Everyone knows, or half of the humanity, about 11th of July. But few people know about 15th.

And here we are, to speak about Gaza. So, you asked me to say something about the comparison between Srebrenica and Gaza. But in order to understand, and in order to introduce you to this subject, I would ask for your patience to give you some comparison between Auschwitz and Srebrenica. Let me say that. In the span of a half century, two places, Auschwitz and Srebrenica, became symbols of the deepest moral collapse of humanity. In them, the human capacity not only to ignore the suffering of others, but to rationalize their annihilation was laid bare.

In Auschwitz, in the heart of Europe, under the cold regime of industrialized evil, the Holocaust was committed against Jews and other undesirables. In Srebrenica, at the end of the 20th century, under the gaze of the entire world, the Srebrenica army, the Serbian army committed genocide against the Bosniaks, the worst war crime in Europe since World War II. Both crimes, though different in time, technique, and ideology, revealed the same darkness, the wicked nature of man.

They showed that no matter how advanced civilization may be, it does not guarantee morality, that international law, however developed, does not ensure justice, and that democratic societies, however free, are not immune to indifference. Auschwitz was more than a camp, it was the symbol of rationalized evil. Nazi Germany turned the extermination of Jews into a technical task, a logistical challenge, an industrial project.

Human beings were reduced to numbers, then to smoke. Planned, documented, archived, the Holocaust had the support of the state, science, administration, and industry. Genocide failed in Auschwitz not because it didn't know, but because it didn't want to know. The crime was too great to accept, so it was rendered invisible. Srebrenica,

half a century later, was a United Nations safe zone. There were no gas chambers, but there were rifles and trenches. The difference was merely technical. In Srebrenica, people were killed after being disarmed under international guarantees. It was a betrayal of trust, of law, of humanism.

The genocide was carried out in the presence of international troops, who remained silent, mute, before genocide. If Auschwitz was the crime of bureaucratized evil, Srebrenica was the crime of indifference, the crime of inaction. In Auschwitz, human conscience was murdered through propaganda.

In Srebrenica, through silence and passivity. One was a structured project of death, the other a failure of the modern order to prevent repetition. The similarity between Auschwitz and Srebrenica is not in the method of killing, but in the message they carry. No one is safe when human conscience is turned off. Both places are black holes in the fabric of European civilization. Places where institutions failed, where men became a means, where the value of life was measured by ethnicity, language, and religion.

The difference lies in the world's reaction. The Holocaust became the foundation of the post-1945 international legal order. The Genocide Convention was born, tribunals were established to prosecute crimes against humanity, and the human rights education was launched.

Yet, Srebrenica happened despite all of this. All the declarations, resolutions, conventions, they were present, but ineffective. This reveals the harshest truth. Laws are not enough, there must be the courage to enforce them. The law is not in the books, the law is in the heart. Both phenomena warn that evil is not born out of ignorance, but as a choice. People chose to serve the system in Auschwitz. People chose not to act in Srebrenica. Both were choices, and therefore the responsibility is moral, not merely legal.

Today, as we live in an era of rising populism, genocide, denial, and the relativization of history, we must clearly say Auschwitz and Srebrenica are not merely tragedies, they are tests of humanity. We failed them both, but an even darker future would be one in which we learn nothing from those failures, as we see now in the case of Gaza-Palestine. Auschwitz and Srebrenica stand as two monuments to human shame.

The first taught us that evil can be systematic. The second that evil can be left to indifference. This is the reason international law exists. The others are a reminder that law without courage means nothing. If we owe anything to the murderers, to shahids, it is to be better for living here and now. Now, let me now say how I feel about between the Drina River and the Gaza Strip.

Comparative genocide of our time. Where justice ends, history begins, written in the blood of the innocent. In the long corridors of history, of human history, there exists a silent gallery of suffering, portraits of nations erased under the weight of violence, their bones buried beneath skies too worried to pray. Among these shadows, two tragedies echo with haunting clarity. Srebrenica, the heart of Bosnia, and Gaza, the bleeding wound of Palestine. Two peoples, two geographies, two eras, and yet one shared sorrow, one silence, and one eternal question.

How can man do this to man? Srebrenica, July 1995, a united declared safe zone under the different gaze of the international community, a systematic massacre genocide unfolds. Over 8,000 Bosniak men and boys were executed in a matter of days. It was the most heinous mass killing in Europe since World War II.

The International Criminal Tribunal for the former Yugoslavia legally recognized the events as genocide and perpetrators, including Radovan Karadzic and General Ratko Mladic, were convicted and sentenced in The Hague. Gaza, 21st century, a tragedy not frozen in time. Repeated in cycles of destruction, Israel military campaigns, especially in recent years, have resulted in thousands of civilians dead, children, women, the elderly buried beneath rubble.

While the Israeli government claims self-defense against terrorism, numerous UN bodies, legal scholars, and human rights organizations have raised alarms over what may constitute a genocidal pattern of conduct. Unlike Srebrenica, Gaza awaits its courtroom, its verdict is justice. Genocide, as defined by the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, is the intentional destruction in whole or in part of a national, ethnic, racial, or religious group.

In Srebrenica, this legal standard was met and confirmed. The intent, the planning, and the execution were methodical. It was an act committed by state actors with military precision and bureaucratic support. In Gaza, the legal discourse is still evolving. Some characterize Israel's actions as defensive. Others argue the systematic destruction of civilian infrastructure, repeated mass killing, and explicit rhetoric from state officials point to genocidal intent.

The International Criminal Court has opened preliminary investigation, but no formal recognition of genocide has yet occurred. This tragedy transcends legal terminology. It is epic in scale and deeply human. It mirrors the timeless battle of David and Goliath, of a stateless people facing a militarized machine. In Srebrenica, mothers buried sons in mass graves. In Gaza, mothers carry limbless children through dust and fire.

In both, the silence of the dead cries louder than the noise of bombs. Legal status in Srebrenica. Genocide enforced by ICTY. In Gaza, alleged genocide under legal security. International response. UN inaction followed by trials in Srebrenica.

Mixed responses, ICC investigation ongoing. Time frame. Besiege of Bosnia-Sarajevo. 1,425 days. Result? Genocide. Gaza. Prolonged, recurring cycles of violence. Genocide. Civilian death toll. 8,000 in few days. Palestine-Gaza. Tens of thousands over two decades. Symbolism. Srebrenica. Mass graves. White headstones. Gaza. Ruins. Orphaned children. Starvation. If the genocide in Srebrenica is Europe's scar, then Gaza is humanity's Homer-hedging conscience. What Bosnian Muslims experience as the humiliation of erasure, Palestinians endure as a drawn-out annihilation. Both peoples live with the burden of being reduced to numbers in reports rather than humans with names and dreams.

But justice is not a moment, it is a process. And the process begins here, in speaking the truth, in naming the crime, and in seeking justice, not for virgins but for the dignity of those who remain and those yet to come. In Srebrenica, silence became a tombstone. In Gaza, streaming becomes background noise. It is now up to us, defenders of law, to transform silence into justice, not out of retribution but in the name of the future. Did you notice that two genocides are against Muslims in Srebrenica and in Gaza? Who are we, Muslims? Why did they kill us? Are we really a problem for this civilization? How can we overcome or shall we overcome this attitude towards us that our blood is cheap but our oil is very not cheap, very expensive?

So may God help my brothers in Gaza and if they hear us from here: we will join our voices as many hopeless voices in the world, like crocodile's tears. But please, we ask

you sumud so that you save us too. We are doing this conference here not because of you, but because of us, to clean up a little bit our guilty conscience. Thank you very much.

Closing Remarks

Richard Falk

President of Gaza Tribunal, Former UN Special Rapporteur of the Human Rights Council in Occupied Palestine and Professor Emeritus of International Law

This text represents the culmination of three intense days of meetings here in Sarajevo featuring survivor testimony, analysis by experts, and a series of brilliant reports written by the members of the three chambers.

The Sarajevo Declaration is the most authoritative expression of the perspective of the Gaza Tribunal, a perspective that represents a civil society initiative with its own integrity and identity as an actor. It is not a court in the conventional sense understood in national or international settings. It is less bound by technical rules, no pretense of impartiality, and above all more dedicated to moral judgments and the pursuit of justice than the mere pronouncement of legalities at stake.

What we have in the form of the Sarajevo Declaration is a consensus document produced by a collective process that was overseen by Craig Mokhiber, but drew on comments drawn from the membership not only of the steering committee of the project, but also of its advisory policy council and indeed all those who are members of the Gaza Tribunal as an operational undertaking. In the course of drafting and conceiving of this declaration, many diverse inputs were incorporated, and so it does represent a collective expression of this consensus that underlies our efforts to respond to the horrors of the Gaza genocide. And we must not lose sight of the fact that our overriding purpose is to respond as peoples of conscience and globally oriented to the tragedy that is unfolding in the West Bank and the tragedy unfolding in Gaza that has spilled over to the West Bank and the countries in the region and is an unprecedented example of genocide as a process that has attempted to destroy the identity and even obstruction of justice.

And it is a declaration that represents for the tribunal an interim document. It looks forward to the final session that will be at the end of October in Istanbul and will incorporate the views of a jury of conscience, which underscores our commitment to justice and to the recognition of the resilience and resistance of the Palestinian people to this unspeakable assault that has gone on now for more than 19 months. And we should not conceive of the Palestinian people as merely victimized, although they have been atrociously victimized.

They are also asserting their basic rights, above all, the right to self-determination, which has been denied to them for the past century, not just a matter that has risen to the surface since October 7. We hope that the declaration leads us to a future in which solidarity initiatives with the struggle of the Palestinian people become active expressions of commitment and engagement to a just solution for the endeavors of the Palestinian liberation movement. And it poses for us the question of what should be done and what should be done next in our undertakings. So I invite Penny back to the podium to read a summary of this inspirational document that attempts to give us all a sense of direction and a disclosure of our commitments and engagements and our aspirations.

Press Conference / Q&A Session

Lauren Booth: How will you be disseminating and sharing this report? And with Mr. Link there, how will you be getting through to the United Nations and what do you actually hope to produce as an outcome? Thank you.

Michael Lynk: So the question goes to the impact of the declaration and where it is going to be heard. The Declaration is detailed. It is comprehensive. It expresses, I think, the wish with respect to the Gaza Tribunal about the many facets of what's going on in Palestine and with respect to Gaza.

It's going to be heard, I think, because of you, the media that is here around the world. There certainly has been a lot of interest in many different parts of the world on the proceedings over the last three days. The impact and what makes us different, if you like, from what the work of the International Criminal Court and the International Court of Justice is that we're speaking unfiltered with not only voices of experts but also the voices of the victims of what is going on now in Palestine and in Gaza.

And I think because those words, I think, are being heard coming from people who've gone through the immense suffering in Gaza, going through the genocide in Gaza, I think that's going to be heard primarily by civil society and by populations around the world. We're hoping it's going to move them for further action on their own governments and with respect to what's going to happen at the United Nations. Remember that the vast majority of countries who are represented at the United Nations are on side with the question of Palestine.

They recognize that international law is on the side of the people of Palestine. They recognize that these issues with respect to the illegality of the settlements, of the illegality of annexation, of the right of the Palestinian people for self-determination are among the most settled questions in international law and international politics. We're giving, if you like, an extra boost to that in the work that we're doing.

Penny Green: And in response to the second part of that question, the declaration and all of the evidence and testimony that was produced during the three days of our Sarajevo meeting will be held on the Gaza Tribunal website, so it will be available there in terms of dissemination. It will also be available to the United Nations and we very much hope that they pick it up. We also hope that other media outlets take it up and disseminate, and we will be disseminated widely through our own networks. Thank you.

Press: What is the role of the media in terms of this declaration and promoting it, actually? Because we are seeing that the media is actually the biggest factor in the West, which is completely denying the events in Israel. How will this declaration impact the general public, not just in the Middle East or in the East, but also in the West? Because at the same time, we are seeing more protests, pro-Palestinian protests, in the West than we are seeing in the Middle East itself.

Lara Elborno: We submit that the media has a tremendous role to play in amplifying the Sarajevo Declaration. We're calling on media worldwide to do their jobs, jobs which unfortunately for the corporate Western media, they have not been doing for the last 19 months. In fact, for many decades now. What we've seen in the last 19 months is that the Western corporate media has unfortunately been complicit in the ongoing genocide in Gaza.

They have disseminated atrocity propaganda. They have continuously silenced the voices of Palestinian journalists who are risking their lives every single day to provide us with evidence of what is taking place in Gaza. They have, if they even invite Palestinians onto their programs, not treated them as equals. They have continuously dehumanized Palestinians. They interrogate them. They treat them with suspicion. And they do not recognize that Palestinians are credible narrators of their own lived experiences. And so unfortunately, if we are here today, it's because the media has tremendously failed in their role to tell the truth about what is happening in Palestine. They have contributed to the massive dehumanization of the Palestinian people.

And so today we are calling for a change in course. It is not too late to speak up. There are 2 million people in Gaza today who insist on living, who wake up every single day and insist on the right to live and have their self-determination rights fulfilled. Rights which unfortunately have been denied for far too long. And so it is imperative that they work to change, unfortunately, their role in the complicity of the Gaza genocide. Thank you.

Audience: We have been seeing the United Nations International Criminal Court and the Court of Justice failing forever in many different areas where genocide is happening, when human rights are being denied. And when we are talking about taking the declaration to the United Nations to hold them accountable, what will be done from the civil society, from the media and from your side to hold the United Nations accountable or International Criminal Court and Criminal Court of Justice accountable for keeping the silence forever?

Penny Green: Thank you. Does anybody want to answer that or should I? I think that the purpose, the very purpose of this tribunal is because of what Lara was saying in relation to the media. And relation to the sort of, if you like, the dominant hegemony which operates in relation to Palestine. So the idea of a people's tribunal is to, in effect, run parallel to the procedures that are taking place in the ICC and the ICJ.

We know that the wheels of international justice move incredibly slowly. And that they are selective. We applaud, as we said earlier, the role of South Africa in bringing the case against Israel to the ICJ.

But we have to do much, much more than that. And our tribunal runs parallel to those processes. And what we believe in is the power of civil society to embark on campaigns, already that they are marching in their millions across the world.

What we are encouraging and what we are hoping to animate with a little bit more agility is the commitment to the boycott, divestment and sanctions movement. To an arms embargo on Israel. To sanctions against Israeli officials.

And to support organizations like the Hind Rajab Foundation, which is pursuing Israeli war criminals as they travel the world on their holidays. These are the kind of actions that the Gaza tribunal is hoping to encourage and support. And by recognizing the power of civil society as really the only power which can effect change in relation to the state's crimes against the Palestinian people.

So I hope that answers your question. But for us, civil society is the mechanism, the most powerful mechanism by which we can hope to prevent and stop this appalling genocide in Palestine. Thank you.

Press: As far as we know, we have the information that this Gaza tribunal will have another session probably, I guess, in September or October in Istanbul. So, what are you

guys planning to do for this latest and last session? So that the press and the media's role, maybe at the end of this final version of the Gaza tribunal, will be effecting the outcome of this massacre. And we'll be able to stop this, at least people to understand that this has to be taken into account and acting as to stop this genocide going with this regime in Israel. Thank you.

Penny Green: Thank you very much for that question. Yes, there will be a final hearing of the Gaza tribunal. At this stage, we will certainly have a jury of conscience that will be made up of representatives from civil society, from the law, from academia, public intellectuals who will explore the evidence that we have gathered, for example, in the last three days.

But more than that, it will make judgment on the various elements that we have discussed in these last three days. We began this tribunal not exploring whether or not Israel had committed genocide or whether the United States and the United Kingdom had been party to that genocide. We began this tribunal on the premise that a genocide has taken place.

There is more than enough evidence, more than enough. There is a vast quantity of evidence that has been gathered by civil society organizations, by Palestinian groups, by scholars, by a range of NGOs that demonstrate that genocide is taking place, that Israel is a perpetrator of apartheid, of settler colonialism, of genocide. That does not need to be established.

That has been established. So what we are doing here and what we will do at the final hearing is to explore in greater detail and get a very firm commitment from civil society to end the current genocide and to proceed in a way that attempts to ensure that we will see no more genocides. We cannot guarantee that.

The world we live in suggests to us that that seems an impossibility at this stage. But people of conscience around the world, and I hope that is what the Gaza tribunal represents, the vast majority of people around the world are horrified by the images of burning babies, of burning Palestinian babies, of women hugging their shrouds, the shrouds of their children, of Palestinian men kneeling half naked, humiliated by the Israeli regime. The world knows this to be genocide.

And the world, ordinary people, are totally opposed. The problem is the powers that be. And it's our attempt to give, I suppose, to reinvigorate civil society, to give civil society a greater validation and increased credibility in the struggle against genocide and particularly the struggle against Israel's crimes in Palestine.

Press: We are witnesses that demands from the UN were broken by Israeli forces in March when ceasefire was demanded. How are you planning on dealing with such obstacles if that happens again? Because you are demanding a ceasefire and aid and everything. How are you going to solve problems if they are not respected? Thank you.

Michael Lynk: We've had two ceasefires so far over the almost 20 months of this genocide. The second ceasefire, as you pointed out, was unilaterally broken by Israel in March. What the demand from us, the demand from civil societies around the world, the demand by voices of the United Nations is to restore the ceasefire but make it permanent and durable. Let's keep in mind that last June, almost 12 months ago, the Security Council of the United Nations adopted a resolution, drafted and promoted by the United States, Resolution 2735 on the 10th of June, asking for a complete, immediate and durable ceasefire with respect to this.

The United States' role in this, either under the Biden administration or under the Trump administration, has been one, I mean, the word that comes to my mind is duplicitous. Either the United States issues vetoes with respect to ceasefire resolutions at the United Nations, as it has done five times over the course of the last almost 20 months, or it allows ceasefire resolutions to be adopted by the Security Council and then there's nothing to put them into effect. That was passed on the 10th of June.

The Biden administration was in power for another seven and a half months without putting the ceasefire into effect and didn't come into effect until, as we know, early in 2024 in January. So what are we to do, I guess, as people of conscience, as legal scholars, as scholars of the Middle East, as people concerned about human rights with respect to that, is to demand that what our states and what the United Nations puts on paper, that they wind up honouring that, honouring those words. War is not to be fought without rules and when there is an unjust war, as has occurred over the last 20 months, where there's been war crimes, crimes against humanity, and now increasingly voices saying, yes, it's genocide.

We have Amnesty International saying that. We have Human Rights saying that. We have Médecins Sans Frontières saying that. We have 380 writers and poets in Britain the other day issuing a statement saying, this is genocide. All of these things, we need to mobilize more and more voices so that the governments of these populations cannot wind up ignoring this anymore. The suffering that moves them moves us as well in terms of what we see with respect to Gaza. Can we move it enough that we can finally end this war, we can finally begin the reconstruction of Gaza, and we can finally make sure it's done in the interest of the people of Gaza? Nothing about them without them with respect to this. Thank you.

Press: How do you plan for this declaration and the materials from the tribunal to be disseminated to and used by Palestinian civil society in the West Bank and Gaza who are not represented on the tribunal? And do you anticipate a process for getting input ahead of the October 2nd session? Thank you.

Wesam Ahmad: Thank you for that question. Obviously, the important role of Palestinian civil society in the tribunal needs to be underscored. And Palestinian civil society organizations have been represented in the tribunal with statements from the organization I represent, Al Haqq, but also Damir, Badil. And the process, this entire tribunal is really a complement to the efforts of Palestinian civil society as a whole that has been ongoing throughout this genocide in particular, but for decades.

And the hope is that this tribunal will serve as a repository for all interested parties that want to contribute and provide information, but also serve as a resource for those that want to utilize the information there in order to enhance and empower all of the collective efforts of both Palestinian and global civil society. Thank you. Thank you.

Audience: How can the Gaza tribunal contribute to strengthening the [civil] movement, making it more structured so that basically the voices of the people who are against this genocide are strengthened? And that basically civil society creates this firewall that will incite and ignite the change and shift the tide.

Cemil Aydin: Thank you for this great question. Obviously, we will want the coordination and cooperation among different civil society organizations so that they are empowered and they pressure their own governments.

But one characteristic of this tribunal is this attention to narratives, poisonous narratives that enable genocide or allow people to deny it. So this tribunal is also inviting not only journalists, but also historians, academics, intellectuals, politicians to do their job to refuse all these genocidal language and stories and historical myths and lies about Palestinians that dehumanizes them. And in that context, I want to note that our first meeting in Sarajevo was very symbolic because this country also has witnessed a genocide 30 years ago. And those genocides and the current one in Palestine has some similarity. We failed Bosnian people. We watched it.

And we actually allowed perpetrators, Serbian perpetrators, to present their very wrong myths and poisonous lies about Bosnians not belonging to here and being danger to European civilization. And we see something very similar happening with regard to Gaza genocide. So I think our goal is not to do the same mistakes that global community did with regard to Bosnians.

We couldn't prevent the genocide. We might not only civil society, but everyone to do their job to reject this, to reject this ideology. All genocide starts in the minds and language and perception. So we do want to not only encourage civil society, but public opinion broadly, universities, academics, intellectuals broadly to really do their job to reject falsehood and lies.

Audience: Is the only address we have the United Nations about this? Or should we maybe try to find the alternative or maybe to create a new address for this?

Penny Green: Thank you very much for the question. I'm happy to answer that because as a criminologist, we have worked on alternative definitions of genocide. We don't rely wholly on international law to define state crimes.

The crimes committed by states are the most egregious of all crimes. And if we understand genocide as a process and we use historical benchmarks and have a sense of genocide as a process, we know that genocide begins with dehumanization, that it follows a path towards erasure. And there are quite clear phases involved in that path.

And the point I think is, if we approach genocide in that way, rather than an event, we have the opportunity, particularly as civil society, when we see people being dehumanized, systematically dehumanized, institutionally dehumanized, we have an opportunity to step in. The treatment of asylum seekers in the UK, for example, is one such opportunity. When you see people dehumanized and scapegoated and blamed for the ills of the state, then that's a moment, that's a red flag.

And so we have other alternative definitions. We don't rely wholly on the United Nations or international legal definitions. We are historians. We are sociologists. We are criminologists. We are political scientists. We are international lawyers. We use those disciplines in order to have a much more holistic understanding of genocide and points of intervention. Thank you.

Press: How do you intend to implement the declaration, to promote the declaration within religious figures, especially in the United States, which is using the evangelical corpus, promoting the ideas of genocide itself, within their speeches, within their preachings at churches? How do we intend to promote this particular declaration among religious leaders, both in the East and the West? Because, as we all know, listening to all of you experts here, this is not a matter of a Muslim question. And we are presented in the media, and experts are being discredited in that way, How do you intend to bridge

the declaration and promote it amongst religious figures, considering that now we have the new pope? How do we promote this declaration for religious leaders in the world to understand that this is not just a question of the Muslim world?

Cemil Aydin: Thank you. This is a great question. One of our goals in the tribunal is to focus on the narratives, stories, frameworks, ideologies that enable genocide or make us complicit in genocide. And as you identified, one of these narratives is the so-called clash of civilization narrative, which is now utilized by Israel to justify itself. So instead of presenting this as a question of humanism and universal rights, they present this as a clash between Islam and the Judeo-Christian West. So we hope that we will invite all intellectuals, fair-minded people, academics and journalists and historians to reject the academically discredited, absolute stories of clash of civilizations and religious conflict. Palestinians include all kinds of people, Christians and also Jewish Arabs. And they have been always the kind of champions of universal rights and humanism in history. So we do recognize that this ideology that you described is actually one way to racialize Palestinians and deny their rights. So part of our goal in our tribunal chamber three is to offer clarity to this pollution of terms and concepts and ideas and philosophies. And that also relates to the great question by our colleague on the United Nations. We do know the limitations of the international organizations that the United Nations was built by great powers as an extension of empire.

But we also recognize that eventually the United Nations also included the aspirations of colonized people. And people tried to change the spirit of the United Nations and reform it. So we want to appeal to that positive good side of the United Nations that with all of its limitations can still achieve a lot. So as in our speech Nora Erekat said, is that there are enough laws and international organization institutions that can act to prevent the genocide. So we want everybody to do their job and we can mobilize and we can go beyond that in terms of rejecting these hateful ideologies of clash of civilizations. Thank you.

The Sarajevo Declaration

We, the members of the Gaza Tribunal, having gathered in Sarajevo from 26 to 29 May 2025, declare our collective moral outrage at the continuing genocide in Palestine, our solidarity with the people of Palestine, and our commitment to working with partners across global civil society to end the genocide and to ensure accountability for perpetrators and enablers, redress for victims and survivors, the building of a more just international order, and a free Palestine.

We condemn the Israeli regime, its perpetration of genocide, and its decades-long policies and practices of settler colonialism, ethno-supremacism, apartheid, racial segregation, persecution, unlawful settlements, the denial of the right to return, collective punishment, mass detention, torture and cruel and inhuman treatment and punishment, extrajudicial executions, systematic sexual violence, demolitions, forced displacement and expulsions, ethnic purges and forced demographic change, forced starvation, the systematic denial of all economic and social rights, and extermination.

We are horrified by the Israeli regime's systematic devastation of Palestinian lives, lands, and livelihoods, including its intentional destruction of all sources and systems for food, water, healthcare, education, housing, culture, as well as mosques, churches, aid facilities, and refugee shelters, and its targeting of medical personnel, journalists, aid workers, and United Nations staff, and its direct targeting of civilians, including children and older persons, women and men, girls and boys, persons with disabilities and those with medical conditions.

We demand an immediate withdrawal of Israeli forces and an end to the genocide, to all Israeli military action, to forced displacement and expulsions, to settlement activities, to the siege of Gaza and restrictions on movement in the West Bank. We call for the immediate and unconditional release of all prisoners, including the thousands of Palestinian women, men and children held in abusive Israeli detention facilities. We insist on the immediate resumption of massive humanitarian aid to all of Gaza without restriction or interference, including food, water, shelter, medical supplies and equipment, sanitary equipment, rescue equipment, and construction materials and equipment. We call as well for a complete withdrawal of all Israeli forces from all Lebanese and Syrian territory.

We call for an end of the smearing of UNRWA and other humanitarian workers, for the free and unhindered access of UNRWA and all other United Nations and humanitarian organizations in all areas of Gaza and the West Bank, for full compensation by the Israeli regime for damage caused to UN and humanitarian facilities, alongside full compensation and reparations to the Palestinian people, and for full accountability for the harassment, abduction, torture, and murder of UNRWA and other humanitarian workers and their families.

We call on all governments and on regional and international organizations to end the historic scandal of inaction that has characterized the past nineteen months, to urgently respond with all means at their disposal to end the Israeli assault and siege, to uphold international law, to hold perpetrators to account, and to provide immediate relief and protection to the people of Palestine.

We denounce the continued complicity of governments in the perpetration of Israeli war crimes, crimes against humanity, and genocide in Palestine, and the shameful role

of many media corporations in covering up the genocide, dehumanizing Palestinians, and in the dissemination of propaganda fueling anti-Palestinian racism, war crimes, and genocide.

We equally denounce the wave of persecution and crackdowns on human rights defenders, peace activists, students, academics, workers, professionals, and others, perpetrated by Western governments, police agencies, the private sector, and educational institutions. We honor those who, despite this persecution, have had the courage and moral convictions to stand up and speak out against these historic horrors, and we insist on the full protection of the human rights of free expression, opinion, assembly, and association, as well as the right to defend human rights without harassment, retaliation, or persecution.

We reject the unjust tactic of smearing as "antisemites" or "supporters of terrorism" all those who dare to speak up and act to defend the rights of the Palestinian people and to condemn the injustices and atrocities of the Israeli regime and its perpetration of apartheid and genocide, or those who criticize the ideology of Zionism. We stand in solidarity with all those who have been smeared or punished in this way.

We are convinced that the struggle against all forms of racism, bigotry, and discrimination necessarily includes the equal rejection of Islamophobia, anti-Arab and anti-Palestinian racism, and antisemitism. It also includes an acknowledgment of the horrific effects that Zionism, apartheid, and settler-colonialism have had and continue to have on the Palestinian people. We commit to fighting all such scourges.

We also reject the destructive ideology of Zionism, as the official state ideology of the Israeli regime, of the forces that colonized Palestine and established the Israeli state on its ruins, and of pro-Israel organizations and proxies today. We insist, in the words of the Universal Declaration of Human Rights, that all human beings are born free and equal in dignity and rights, and that there are no exceptions to this rule. We call for decolonization across the land, an end to the ethno-supremacist order, and the replacement of Zionism with a dispensation founded on equal human rights for Christians, Muslims, Jews, and others.

We are inspired by the courageous resistance and resilience of the Palestinian people in the face of over a century of persecution, and by the growing movement of millions standing in solidarity with them around the world, including the principled advocacy and nonviolent action of thousands of Jewish activists who have rejected the Israeli regime and its ethnonationalist ideology, and have declared that the Israeli regime neither represents them nor acts in their name.

We recognize the right of the Palestinian people to resist foreign occupation, colonial domination, apartheid, subjugation by a racist regime, and aggression, including through the use of armed struggle, in accordance with and as recognized in international law and as affirmed by the United Nations General Assembly.

We recall that the Palestinian right to self-determination is *jus cogens* and *erga omnes* (a universal rule not subject to exception and binding on all states) and is non-negotiable and axiomatic. We recognize that this right includes political, economic, social, and cultural self-determination, the right to return and full compensation for all harms suffered in a century of persecution, to permanent sovereignty over natural resources, and to non-aggression and non-intervention. We respect Palestinian aspirations and

full Palestinian agency and leadership over all decisions affecting their lives, and we stand in solidarity with them.

We are gravely concerned at the direction of international relations, international politics, and international institutions, and by attacks on those international institutions that have challenged genocide and apartheid in Palestine. We believe that the normative foundations of the global order, grounded in human rights, the self-determination of peoples, peace, and the international rule of law, are being sacrificed at the altar of ruthless political realism and obsequious deference to power, with the people of Palestine left undefended and vulnerable on the front lines. We insist that another world is possible and intend to fight to bring it about.

We fear that the nascent and flawed international normative order, built up since the Second World War, with human rights at its center, is at risk of collapse as a result of the sustained attack waged on the system by the Israeli regime's Western allies in their quest to buttress Israeli impunity. We pledge to oppose this attack and to work to protect and advance the project of building a world in which human rights are governed by the rule of law, beginning with the struggle for Palestinian freedom. And we believe that the weaknesses and inequities hard-wired into the international system from the start, including the geopolitical right of exception codified in the United Nations Security Council veto, the disempowerment of the General Assembly, and the structural obstacles that mitigate against the enforceability of International Court of Justice (ICJ) decisions, must be reformed and rectified.

We demand immediate action to isolate, contain, and hold accountable the Israeli regime through universal boycott, divestment, sanctions, a military embargo, suspension from international organizations, and the prosecution of its perpetrators, and we commit ourselves to this cause. We equally demand individual criminal accountability for all Israeli political and military leaders, soldiers, and settlers implicated in war crimes, crimes against humanity, genocide, or gross violations of human rights, as well as accountability for all persons and organizational actors guilty of complicity in the regime's crimes, including external proxies of the Israeli regime, government officials, corporations, arms manufacturers, energy companies, technology firms, and financial institutions.

We applaud the International Court of Justice (ICJ) for its ongoing historic genocide case against the Israeli regime and for its landmark advisory opinion findings on the illegality of the Israeli occupation, of the apartheid wall, and of the Israeli practice of apartheid and racial segregation, and its findings that the rights of the Palestinian people are not dependent upon or subject to negotiation with their oppressor and that all states are obliged to abstain from treaty, economic, trade, investment, or diplomatic relations with Israel's occupation regime. We celebrate the principled action of South Africa in bringing to the ICJ the historic genocide case against the Israeli regime.

We call on all states to ensure the implementation of all provisional measures adopted by the ICJ in the genocide case against Israel, to fully respect the findings of the ICJ in its advisory opinion of July 2024, to comply with all elements of the United Nations General Assembly resolution of 13 September 2024 (A/ES-10/L.31/Rev.1), ending all arms trade with and implementing sanctions on the Israeli regime, and to support accountability for all Israeli perpetrators. We urge civil society organizations and social movements around the world to initiate and strengthen campaigns to support the ICJ's decisions and opinions on Palestine, and to press their own governments to abide by them.

We similarly applaud the International Criminal Court for (albeit belatedly) issuing arrest warrants for two senior Israeli regime leaders and call on the ICC to both expedite action on these cases and to issue further warrants for other Israeli perpetrators, both civilian and military. We call on all ICC State Parties to urgently act on their obligations to arrest these perpetrators and hand them over for trial, and we demand that the United States lift all ICC sanctions and cease all obstruction of justice.

We express our gratitude and admiration to the independent special procedures of the United Nations Human Rights Council for their expert contributions and for their strong and principled voices in holding the Israeli regime to account and defending the human rights of the Palestinian people. They have shown themselves to be the conscience of the organization, and we call on the United Nations and all member states to defend and support these mandate holders without fail. We applaud, as well, the principled action of those United Nations agencies that have acted to defend the rights of the Palestinian people and to provide aid and relief to the survivors of genocide in Palestine in the face of unprecedented risks and obstacles, foremost among them, UNRWA.

We believe that the world is approaching a dangerous precipice, the front edge of which is in Palestine. Dangerous forces in both the public and private spheres are pushing us toward the abyss. The events of the past nineteen months, and our own deliberations, have convinced us that both key international organizations and most countries of the world, whether acting individually or collectively, have failed in defending the human rights of the Palestinian people and in responding to the Israeli regime's genocide in Palestine. We are convinced that the challenge of justice now falls to people of conscience everywhere, to civil society and to social movements, to all of us. As such, our work in the coming months will be dedicated to meeting this challenge. Palestinian lives are at stake. The international moral and legal order is at stake. We must not fail. We will not relent.