

Appendix 4  
Expert and Witness  
Testimonies  
(Gaza Tribunal Istanbul  
Final Session)

## 23 October 2025 – Day 1

### OPENING SESSION - Istanbul

#### Welcome Speech

##### *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*

Good morning and welcome. It is a special honor for me to welcome all of you and especially our distinguished jury of conscience to this final session of the Gaza Tribunal. We are also grateful to those who have traveled long distances to participate as witnesses and experts. I also want to pay tribute to all of the dedicated members of the steering committee and our three chambers that have worked tirelessly these past months to make the Gaza Tribunal become a reality. We are grateful to the sponsors who initially came to invite Hilal Elver and myself to take on this responsibility of organizing the Tribunal, a task we have been devoted to for more than a year. Without the support of Taha Ayhan and his associates as well as the Islamic Cooperation Youth Forum, we would not have had the resources to make this Tribunal a reality. We thank him and his associates also for upholding the pledge of political independence from any interference by politicians in this endeavor and in our efforts. Finally, we thank the University of Istanbul for providing us with the hosting hospices.

We convene at a critical moment of paused genocidal assault on the Palestinian civilian population of occupied Gaza, with lethal spillover effects in the West Bank. Although thankful for this pause in bombardment and drone missiles and surveillance and disastrous effects consisting of prior periodic cutoffs in the delivery of humanitarian aid, it is far from enough. We should be on our guard against supposing that the genocide is over or that a just peace is on its way. This is the time for vigilance, not a time to suppose that the urgent challenge posed by the Gaza genocide has become a matter of history. We must remind ourselves that the surviving Gazan population continues to be struggling day by day with homelessness, hunger, disease, injuries, the pain of lost and mutilated loved ones, induced chaos, and a variety of Israeli violent provocations. Gazans continue to be confronted with the instabilities of an ultra-dangerous wasteland, undoubtedly haunted by fears that the high-intensity genocide of preceding months could resume at any moment.

The global media, the Arab and Muslim majority countries have shifted their focus from genocide to the Trump diplomacy, creating this widespread illusion that peacefulness is taking over. The Trump initiative has yielded a fragile ceasefire, to be sure, properly welcomed by most of the world and especially by the desperate survivors of the past two years in Gaza. The Trump diplomacy claims to go further, boasting of having found a solution for the underlying conflict by way of a 20-point plan crafted with the approval of Israel's government, a plan that harkens back to colonial times. It is even overseen by a so-called board of peace headed by Donald Trump, to be administered under the direction of Tony Blair. There are no provisions for accountability in relation to the crimes that have been committed. Quite the contrary, both the perpetrator of genocide and the chief enabler have suddenly assumed the mantle of peacemaker before the stunned eyes and ears of the world.

We should be aware that Israel has not even renounced the genocidal goals of establishing greater Israel by absorbing the Palestinian territories within its sovereign territorial space. It is against this Janusfaced background that the final session of the GPT meets. Janus is the Roman god who faced in two directions. One face looked at what has gone before. The other face looks at what is to come. It is the god of transitions and also of false hopes. So it is with the Gaza Tribunal. In the coming days, the jury will listen to survivor testimony from persons who have lived through this terrible ordeal in Gaza that started days after the Hamas attack of October 7th, 2023. It will also hear expert witnesses addressing the main components of genocide as the devastation of more than 83% of Gaza homes, the destruction of water, electricity, and sanitation infrastructure, the deliberate targeting of hospitals, places of worship, heritage sites, schools and universities, as well as assassinations carried out against journalists, doctors, health and aid delivery personnel and truth-tellers, as well as ENRA staff members.

We wish to make clear that the Gaza Tribunal is not trying to compete with or mimic conventional courts by adjudicating between antagonistic parties from a starting point of neutrality. It is openly partisan and does not proceed from the adage “innocent until proven guilty beyond a reasonable doubt.” At the same time, we take note of the judicial professionalism of the International Court of Justice and the International Criminal Court that provides a firm grounding in international law for the work of the Gaza Tribunal and its pronouncements. The Gaza Tribunal came into being as an act of conscience on the part of unaffiliated persons in civil society around the world and guided by a multinational steering committee and an advisory policy council. From the start, it has benefited immensely from the robust and persuasive participation of its Palestinian members with respect to all Tribunal activities. The Gaza Tribunal should be considered as one of several instruments for providing people with a truthful account of the horrifying events unfolding in Gaza over the past two years and acting as a call to action on behalf of a justice-oriented, durable peace, achieved through Palestinian participation throughout, which has not been allowed to occur at this point to any extent.

Such an undertaking partakes of the same motivations that inform the struggle of fearless journalists to file commentaries on the images of daily atrocities happening in Gaza. In this sense, the GPT is a form of societal resistance to state propaganda and media bias, which selectively filter news imports so as to convey a pro-Israeli slant. A recent attempt is the incredible attention to the relative and joyful reception of 20 living Israeli hostages taken captive during the Hamas-led attack. This attention, confronted with treating the comparable release of 1,900 Palestinians, mostly arbitrarily imprisoned and badly abused, without being worthy of the slightest notice. The contrast, the double standards in reporting this hostage-prisoner release reinforces the central aim of the Israel propaganda machine to present itself as victim rather than as perpetrator.

The Gaza Tribunal also gives credit to the UN efforts to circumvent the geopolitics that paralyze preventive enforcement actions that could have challenged the genocide at its initial stage. As long as the geopolitical muscle of the West, Western liberal democracies, stood shoulder-to-shoulder with Israel’s military campaign, the UN was politically paralyzed. What the UN did do and deserves credit for doing is to join the symbolic politics of the legitimacy war that is won or lost by the side that gains control of the legal and moral public discourse. The UN did this by the special procedures of the Human Rights Council that established a Gaza Commission of Inquiry composed of

international law and human rights experts that released, a month ago, an 82-page report that documented in detail the Gaza genocide. Even more dramatic were the three superbly researched reports on the genocide submitted by Francesca Albanza, the unpaid UN special reporter. Despite facing taunting her harassments and hurtful defamation, Miss Albania bravely was threatened in her heroic efforts to carry the truth to a wider public to counter the official lies and propaganda.

For her efforts, she was subjected to unprecedented sanctions by the US government, barring entry to the US to deliver her report to the General Assembly and having her American assets frozen, all in violation of the US obligation to uphold the host country treaty. In another brazen move, the US denied visas to representatives of the PLO while welcoming the Israeli prime minister. Unsurprisingly, the president of Colombia called for the movement of the UN from the US, which prompted Washington to take punitive action in the form of the cut-off of all economic aid to Colombia. As the proponents of the genocide in Gaza use their hard and soft power to seek to make people swallow lies, the Gaza Tribunal, UN special reporters, and indeed journalists and witnesses struggle with words, resistance, and solidarity to make truth triumph.

The gradual consensus that Israel has become a pariah or rogue state is solid evidence that Palestinians are winning or have won the legitimacy war. The record of colonial wars since 1945 is that the winner of the legitimacy war eventually controls the political outcome, although often at the cost of great human suffering. The US should have learned this lesson in Vietnam, where it dominated all phases of the military combat and yet lost the war. It is against this background that we have invited distinguished moral and legal authority figures to be members of our jury of conscience. The jury will hear in the coming days from witnesses and experts that will provide substantive support for allegations of genocide and crimes against humanity. At the end of the process, the jury will deliver its verdict on the salient questions emergent from the testimonies that they have heard and later deliver a consensus document that sets forth their reasoning in more detail. This will be included in the book that is planned to be published as soon as possible that summarizes the work of the Gaza Tribunal. It is our hope that each juror will also be moved to write a reflective essay for the book that gives their personalized account of their experience in confronting genocide in this manner.

The Gaza Tribunal aims at more than a confirmation of the genocide and making a contribution to the legitimacy war. Present conditions in Gaza and the West Bank require more than words or symbolic politics. It requires action and commitment. Israel is continuing behind the screen of this deceptive diplomacy of supposed peacemaking to pursue the Zionist endgame of Palestinian eraser and creative and greater Israel. The Knesset is on the apparent verge of passing a bill calling upon the government to annex the West Bank, and its repeated violations of the ceasefire in recent days have given evidence that it’s not pursuing the path of peace but rather seems to be seeking the provocation of Hamas to provide a pretext for renewing the full fury of its genocidal assault.

In conclusion, we hope the jury of conscience will share our sense of urgency to expose the realities not only of what has happened, but what is happening. Now is the time for solidarity initiatives with the Palestinian struggle for basic rights. Now is the time to insist on Israeli accountability for the commission of the crime of crimes. Now is the time to expose the moral hypocrisy of the complicit supporter of prolonged and transparent genocide carried out against an essentially helpless and innocent population.

We pledge our support for the jury of conscience and to carry on with the work of this Tribunal and thank all of you who have helped us carry the process this far. The struggle goes on. Justice will prevail. Thank you.

## OVERVIEW OF THE WORK OF THE GAZA TRIBUNAL CHAMBERS

### Chamber 1 International Law

#### *Susan Akram*

*GT Chamber 1 Member, Clinical Professor of Law*

Good morning and welcome all of us to Istanbul. It's always a pleasure to be here in this wonderful historic city. My task is simply to introduce the objectives and the work of the international law chamber of the Gaza Tribunal. In the face of a complete failure of international law to prevent or halt a genocide, we as civil society have only the power of our voices and the ability to name the criminals, create a record of the crimes and provide the evidence for accountability in the future. These were the objectives of Chamber One, the international law chamber of the Gaza Tribunal, some of whom you will hear from today, while the testimonies of others were presented at the SVO session and at another Tribunal-related session in Alicante, Spain earlier this year. Our task has been to assemble and assess the available evidence on the crimes and violations of human rights that Israel has been committing, including war crimes, crimes against humanity, crimes of aggression and genocide. The Chamber One experts have produced legal analyses on each of these crimes under the relevant treaties and humanitarian law which will be combined and compiled in the final the Gaza Tribunal written proceedings. It's important to note that our aim was not, as Richard Falk mentioned, to duplicate what has already been analyzed in the cases pending or decided by the International Criminal Court or the International Court of Justice, but to supplement and fill the gaps in those proceedings. It has also been our aim to identify the weaknesses in the existing legal Tribunals and the frameworks within which they operate. For example, we attempted to frame issues that are not adequately covered in existing law such as ecocide, scholasticide, ethnic cleansing, the use of technology to target and massively kill civilians, and identify weaknesses in occupation law and the right of occupied people to resist. In support of the legal frameworks, we marshaled survivor, witness, and expert testimony from Palestinian, regional, and international civil society organizations and others who could provide credible evidence about these crimes. This evidence was presented at the public sessions in SVO and more will be presented over the next few days. In a full day of testimonies in SVO, experts and eyewitnesses called by Chamber One addressed the root causes of the genocide, covering the Nakba and the colonial project in Palestine. Our experts addressed the elements of genocide, connecting it to apartheid and the denial of Palestinian self-determination. Building on the root causes and the legal frameworks of the foundational crimes, our experts provided testimony on distinct patterns of genocide. For example, the crimes and wrongs of torture, the holding of political prisoners incommunicado and arbitrary detention of thousands of Palestinians without charge or trial, held hostage by Israel but not characterized by the media or public as such. The related crimes of famine and deprivation of the right to food were also detailed by witnesses, including the complete destruction of agriculture, access to water, and the prevention of vital humanitarian aid from entering in the ongoing crippling siege of Gaza. Finally, Chamber One experts have analyzed particular

types of war crimes that have reached a level of intensity and scope in Gaza not seen in recent conflicts around the world: the massive disproportionate targeting of civilians, the almost complete and deliberate destruction of the Gaza health care system, and the targeting of reproductive systems. In SVO, Dr. Mini Said and Dr. Thar Ahmed, who have both served in Gaza, provided detailed evidence of the purposeful shooting of children in the head, the disproportionate numbers of children targeted for death by the Israeli military. According to Dr. Said, over 80% of the children she treated in Gaza were under the age of 10. They testified about the effects of lack of medication, lack of clean water, lack of electricity, lack of anesthesia on women and children in particular, all magnified by the deliberately enforced famine. The doctors discussed their struggles to save lives in surgery, even conducting operations without anesthesia, to learn that their patients had died of famine or were targeted again for death after leaving the hospital. Testimonials from Gaza and Gazans outside the territory highlighted just a fraction of the plethora of evidence available to support the elements of crimes of apartheid, genocide, war crimes, and crimes against humanity. Of course, our overall challenge is to the international legal system itself that has utterly failed in its most critical task, preventing and halting the worst of international crimes, that of genocide. Thank you.

### Chamber 2 International Relations and World Order (online)

#### *Craig Mokhiber*

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

Distinguished members of the jury. Chamber Two is responsible for examining international relations and world order, including the response of international institutions and the broader international order to the genocide in Gaza. Chamber Two is comprised of recognized experts in international relations, international law and in Palestine, the names of whom you will find in your materials. Distinguished jury, the findings of Chamber Two are a story of contrasts: the contrast between the human rights promise of the post-war international order on the one hand and the absolute abject failure of the international system to deliver on that promise on the other hand; the contrast between the courageous and principled action of some in the international system such as the independent human rights rapporteurs of the UN, the humanitarians of UNRWA on the one hand and the inaction, abdication and at times direct complicity of the political corridors of the organization on the other; and the contrast between the rhetoric about human rights and the rule of law of Western states like the US, UK and Germany on the one hand and their outright complicity in the denial of the human rights of the Palestinian people on the other. In sum, despite a mandate to act, ample warning, mountains of evidence, and the live streaming of the Israeli regime's crimes, the open declaration of the regime's genocidal intentions, and a global demand for action, the international system has failed to stop genocide in Palestine, and it is now poised to deny both accountability and redress. Many with the obligation and capacity to act have simply chosen to allow the genocide to continue. Worse, the actions of some have actually contributed to the reinforcing of Israeli impunity, the very impunity that is the key root cause of the regime's serial criminality. As a result, those actors in the international sphere, the institutions they represent, and the broader international system in which they are situated, have suffered a serious, perhaps fatal blow to their legitimacy and ultimately to their sustainability. The work of our chamber reveals that these failures have been

absolute in the genocide in Palestine and in the century of Nakba endured by the Palestinian people. It shows that the Gaza genocide is only the latest and most extreme phase of the ongoing Nakba, which Lara Elborno described as “a centurylong violent settler colonial process aimed at eliminating the indigenous Palestinian population to consolidate Jewish Israeli settler sovereignty over an ever-expanding territory.” Here too, the failures and complicities of the international system are evident, beginning with the original sin of partitioning the land against the will of the indigenous people in 1947 and continuing with the reinforcing of the Israel exception to international law until today. Sami Al-Arian explains in Chamber Two that dismantling structures of domination like Zionism is the only path to genuine peace and the only remedy proportionate to the catastrophe that began with the Nakba and continues through the Gaza genocide. “A system built to dispossess cannot be reformed into justice.” The work of Hilal Elver in our chamber reveals how Gaza exemplifies how political power shields perpetrators from accountability in the international system. By way of proof, she points to the overwhelming scientific evidence of famine that was suppressed for months, how action was obstructed by Israel and the United States and other Western states, attacked UNRWA, allowed the GHF aid ruse to act as a tool of oppression and control, and intentionally avoided the use of the words famine and genocide, even trying to silence UN experts. And Professor Penny Green in Chamber Two writes of a “pandemic of disabilities” in Gaza, with thousands of Gazans subjected by the Israeli forces to the horror of limb amputation, spinal cord injury, life-changing burns, and acquired brain injury together with the intentional and systematic destruction of the health care system, meaning that for many, she says, permanent disability is assured. Day after day, for two years, the international system has allowed this to continue. Gianni Tognoni, for his work in the chamber, notes that while the evidence of genocide has been long widely recognized by experts in international bodies and by the people of the world, what has been lacking has been accountability for the regime’s crimes and redress for the Palestinian people. And members of the jury, Richard Falk and Paulina Chan in their contributions to Chamber Two point to a contradiction at the very core of the United Nations. While the UN Charter sets out a promise of a new approach to global peace and security based on international law, the structures that it creates, in their words, were “designed to give the winners of World War II geopolitical control over global security through permanent membership on the Security Council and the right of the veto.” That veto would be used six times by the US as a co-perpetrator in the genocide in Palestine to prevent a ceasefire and action to stop the bloodshed. Nor are any of these challenges particularly new. My own work in the Tribunal has revealed how 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. Genocide of the past two years in Palestine and the inaction and even complicity of some international institutions has revealed the depth and breadth of that infection. But I would ask the jury to note 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 that 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 in the UN system, the response of the overall international system to the genocide in Palestine has been wholly inadequate. The Security Council has been paralyzed by the US veto and the General Assembly, despite some important action, has continued to allow Israel’s full participation and has failed to mobilize protection for Palestinians or any accountability for Israel, although it is empowered to do so, including under the Uniting for Peace mechanism. And the UN Secretary-General 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 or both sides or humanitarian aid and the amorphous promise of a two-state solution someday. Members of the jury, Ramzy Baroud of Chamber Two shows the long historical continuum of colonial domination that has been met with Palestinian *sumud* or steadfast perseverance, “rendering Palestinian resistance an enduring moral and political assertion of existence, sovereignty, and dignity in the face of relentless colonial erasure and external domination.” And beyond the resistance and steadfastness of the Palestinian people, Chamber Two has also examined the role of global solidarity in advancing accountability where official institutions have failed to do so. Phyllis Bennis in her work for Chamber Two points to the model of the 1980s global anti-apartheid campaigns against South Africa, which compelled governments to respect ostensibly non-binding UN resolutions and brought enough pressure to bear that even the US was forced to give in to domestic demands for sanctions. The opportunity to take similar action was highlighted in the work of Haidar Eid for Chamber Two, demonstrating the similarities between classic apartheid and the exclusive Zionist nature of Israel and its corresponding system of racial domination, with laws and institutions that “encroach deeply on the lives of the indigenous population.” Asmer Safi explored how the university encampments demanded that universities divest from Israel and how they were met with severe repression, stonewalling, suspensions and expulsions, police violence and arrests, in some cases government-initiated deportations. And Phyllis Bennis has also reported on the massive protests beyond universities that erupted in US cities, bringing together Palestinian and Jewish and Arab and Muslim and Black and other communities and spreading rapidly across the globe with actions in virtually every major city. In their testimony to the Tribunal, Alabali, Allah Yaha, and Basuki Nia show how international law has been “an enduring reference point for Palestine as well as an enduring source of frustration.” Citing the myriad failures of international law and international legal institutions such as the ICC and the ICJ, they argue that alternative initiatives like the Gaza Tribunal have the potential to address these shortcomings by embodying alternative jurisgenerative paradigms. To conclude, distinguished members of the jury, Chamber Two has found that the international legal and political system constructed 80 years ago on the ruins of brutal colonization, unfettered capitalism, wars of aggression and serial genocide has failed in its promise of “never again,” sometimes by design and at others through abdication. Key components of that system have taken no effective action to prevent or end the genocide, to provide accountability for the perpetrators or redress for the victims or survivors, or even to name the crime out loud: genocide. Instead, it has deferred to powerful states, including states complicit in the perpetration of these crimes, effectively abandoning the victims and the vulnerable people of Palestine. The exceptions to this general finding evident in the courageous and principled work of the UN’s independent human rights rapporteurs, commissions of inquiry, the ICJ or the heroism

and sacrifice of UNRWA and other humanitarian workers do not excuse the abject failures of the political leadership and the intergovernmental bodies of the UN. But Chamber Two reveals that there is an international body beyond and above the Security Council. It is the collective of global civil society, the movements, the unions, the human rights defenders, the peace activists, the people. They have been active where official institutions have been absent: in the people's encampments on university campuses, the people's demonstrations in capitals across the world, the people's marches through the Sinai, the people's flotillas sailing the Mediterranean to break the siege, the people's movements like BDS, and the people's tribunals like this one. And it is these movements of people that provide a light in what has otherwise been one of the darkest moments in human history. I hope the jury will hold them up as beacons of morality and justice even as you hold accountable the international institutions that in trepidatious deference to power have abandoned their mandates, abandoned the Palestinian people, and abandoned us the peoples of the United Nations. Thank you.

### Chamber 3 History, Ethics, and Philosophy

#### Cemil Aydın

*GT Chamber 3 Member, Professor of History*

Dear distinguished members of the Jury of Conscience, Chamber Three is composed of more than 10 scholars of historians, genocide scholars, philosophers, ethicists, and we focused on the ideological roots of the genocide and tried to understand how this happened despite the slogans of "never again" and how humanity failed Palestinians and how the perpetrators weaponized myths and lies about history, how they distorted ethical and philosophical concepts to justify live-streamed genocide. I want to highlight seven points, one minute each, about their findings. First, our experts made clear that the genocide we are witnessing is not a single event of a short period that started on October 7, but it's a centurylong process which begins with dehumanization and ends with erasure and destruction of Palestinians. In between these two events there are often concurrent a number of recognizable stages that include the test of moment of violence, segregation, systemic weakening of the victim populations of Palestine, mass annihilation, denial and erasure that has been happening for more than 100 years. Thus, our experts note that the genocide is best understood in addition to international law through a state crime paradigm which centers on human rights violations committed in pursuit of state organizational goal and security. Two, our chamber members emphasized that the Israeli state was created as a settler colonial project imposed on the region by European imperial expansion to Arab provinces of the Ottoman Empire after World War I, symbolized by the British Empire's commitment to create an ethno-national state in the Balfour Declaration of 1917. Our historians emphasize that this was an unexpected and undeserved imposition from outside. Cosmopolitan Palestinian populations composed of Muslims, Christians, and Jewish Arabs were equal citizens of the Ottoman state with representatives in the Ottoman Parliament in Istanbul before World War I and British colonial rule. We repeat that there was no clash among different religious communities and Jews and Christians and Muslims before the British colonial rule and its imposition of Zionism to justify what happened afterwards. Our experts also emphasize that the Israeli settler colonialism of the last 100 years relies on an internal logic of genocide towards the indigenous native populations in Palestine, formulated by the biggest lie ever about the process which is called in a sentence "Palestine is a

land without people promised to a people without land." That was never true. According to this logic, native Palestinian populations had to be expelled and erased as the only way to ensure the majority domination of Zionist settlers in the proposed state. This internal logic of genocide has continued and been normalized since the beginning of the British colonial rule over Palestine about a century ago. Three, our experts noted how Israel and its partners Germany, France, England, and United States attributed the cause and blame of genocide to the victims, the Palestinian victims who are described simply, without name, as native people who had no right to self-defense, self-determination, and no right to resist colonial rule over their lands and their lives. The Israeli regime presents its genocidal action as a necessity to create absolute security for the future of their state and justifies mass murder and mass destruction in Gaza as collateral damage. The right to self-defense of the Israeli state became the most repeated legitimization of current genocide. Our genocide scholars in our group noted that almost all genocides were justified with that same logic. Genocides are not a big hate crime. Genocides always happen with the security logic. Our members have shown that the complete destruction of homes in that process, schools, universities, hospitals, infrastructure and culture is important to the genocidal process to destroy the Palestinian identity. In addition to the destructive side of Israeli colonization, our members emphasize Israel's strategy of Judaization of Palestine through the discipline of archaeology to promote the erasure of the history of indigenous Arab natives who inhabited this land for thousands of years. Four, our experts noted the moral hypocrisy of the Israeli claim to build a homeland for victims of European anti-semitism and Zionist settlers from Europe and America in Palestine by destroying the very homes of native Palestinians through the process of domicide. In addition to showing the link between the logics of homemaking for Zionist settlers and home destruction of native Palestinians, chamber members examined the specific targeting of Palestinian universities, educational institutions, libraries, archives in a process that is described as scholasticide. While Israeli universities have been receiving overwhelming support from Western governments, some of the experts describe how the live-streaming overkill of Palestinians in Gaza has relied on a global betrayal of the rules-based international order built after World War II and the immoral backing of Israel's depiction of Palestinians as deserving to be erased as a threat to the security of Israel. Five, our experts critically examined the Israeli strategy of denial in occupied Palestine by juxtaposing or depicting the negative experience of destruction and erasure with the falsified lies and narratives of change, construction, and revival, best seen in the foundational myth that Israel has made an empty desert bloom with no acknowledgment of Palestinian agricultural life and prosperous Palestinian society before the colonial occupation. The slogan of Israel turning desert into bloom has been repeated by European Union chair and other politicians. Chamber members repeated how Israel planted trees and tried to create forests sometimes over the very destroyed villages and towns from the ethnic cleansing war of 1948, Nakba, as acts of Palestinian erasure. Six, our experts critically noted the significance of the weaponization of the theory of uniqueness of the Holocaust by Israel and its backers to defend the genocidal destruction of Palestinian population. We found this to be extremely important: claiming that the genocide of the European Jewish population by Nazi Germany is a singularly unique evil in war history, the Israeli regime and its supporters such as the German government then argued that Israel could never be accused and guilty of similar crimes as the victims of that unique evil. Majority of the

genocide scholars in the world today deny this uniqueness argument and approach genocide comparatively and establish links between Holocaust, the Nakba, Palestinians and many other colonial genocides in Asia, Africa and Latin America, Western Hemisphere. By positing the unique victimhood of European Jews in modern world history, the Israeli regime and sponsors then asked the indigenous Arab populations of Palestine sometimes to give up their lives and homeland for those victims from Europe as an atonement, as a key term for Europe's crimes and compensation, even though Palestinians had nothing to do with European anti-semitism or Nazi empire's crimes during World War II. By abusing this theory of the uniqueness of the Holocaust experience and identifying the Jewish religion with the Israeli state and Zionism, pro-Israeli governments, especially the US government, silence and demonize any critic of Israel's genocide as anti-semitic hate crime and try to ban it. Last point is about the language of civilization utilized to justify the genocide. Israel often calls its battle, its genocide, a battle of civilization against barbarism, a language we noted that was commonly used during the era of European colonialism in Africa and the Latin America, Western Hemispheres. We reject presenting the current genocidal assault in Gaza as a continuation of also a thousand-year clash between members of Jewish and Muslim communities or a clash between two civilizations. In fact, our report showed that the very clash of civilization theory is invented and developed by scholars to deny the justice claim and demands for equal rights by Palestinians in the 60s and 70s. To conclude, our chamber repeats that "never again" should mean never again regardless of who the victims are and who the perpetrators are and we hope that our reports will be of use to the jury. Thank you.

### **Sarajevo Public Assembly Recap**

#### **Penny Green**

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

Now, I'm going to briefly step out of my moderator role and discuss a little bit about what happened at Sarajevo. But before discussing the consequences of Sarajevo and the declaration which arose from the contributions of all the chambers at that session, which is my main purpose, I want to briefly contextualize it. The world has arrived at a dangerous precipice. Palestine has exposed the fissures and the fractures that so glaringly divide our capitalist world. It has revealed in raw brutality the gaping chasm between persecutors and the persecuted, oppressors and the oppressed, colonizers and the colonized, the rich and the poor, the governors and the governed. And in so doing, Palestine has become the vanguard for the global anti-fascist, anti-colonial movement, for an awakening and recognition that change must come from below, must come from a newly animated civil society. The Gaza Tribunal encapsulates a key effort in this enterprise. My initial remarks relate to civil society, law and challenging state crime through initiatives such as the Gaza Tribunal, BDS, the Global Sumud Flotilla, and the Sarajevo Declaration, which I'll discuss in a moment. Deploying law strategically, as the wonderful the Hind Rajab Foundation do in their pursuit of holidaying Israeli genocidaires and South Africa's brilliant case against Israel at the ICJ, can play a powerful role in the civil resistance against genocide, but imagining that the international legal order through the international courts can play anything more than a symbolic and normative role in the struggle is deeply misguided. With respect to Palestine, Israel has breached over 30 UN Security Council resolutions without consequence and

its daily egregious international crimes have led to nothing but impunity. Israel's ongoing genocide reflects the abject failure of the UN system thus far to prevent and punish war crimes, crimes against humanity and genocide. Indeed, only a month ago, the US shamefully vetoed a call for a ceasefire for the sixth time at the UN Security Council.

For me, as a scholar of state crime and genocide, the solutions to state criminality lie well outside the frameworks of criminal law, criminal justice, international conventions, and international courts. Instead, any such solutions are much more likely to be found in the struggles of the state's victims or with those who advocate and organize as allies of those victims. And it's the organization of those victims and allies that not only has the power to challenge state violence, but is central in defining that violence as criminal in the first instance. Civil society has proven itself to be a much more effective force than international law in identifying, gathering, analyzing, naming and challenging the devastating crimes of states, particularly through campaigns of civil disobedience, mass strikes, boycott, divestment and sanctions, and as with the Global Sumud Flotilla, maritime attempts to break Israel's illegal blockade. Civil society enjoys widespread legitimacy as an authoritative check on the power and actions of the state. And because it operates from the ground up, it has far greater agility and capacity to recognize the processes involved in the earlier phases of state criminality. Why do we know about Israel's genocidal crimes? Not because the UN Independent International Commission of Inquiry, which published its findings just a few weeks ago, a whole two years after the annihilation phase of the genocide began, nor because the Association of Genocide Scholars has finally found its conscience. Not because our legacy media reports on Israel's genocide and its decades-long persecution of Palestinians, nor because our governments denounce the genocidal state. To the contrary, our media and our governments have been central in sustaining and perpetuating these crimes. We know about Israel's crimes only because for decades Palestinian NGOs, critical researchers, Palestinian and other independent courageous journalists and civil society groups have been documenting, evidencing, analyzing, and disseminating their findings in whichever ways they can. The Israeli crimes embodied in all the stages of genocide have thus been known for many years and include 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, as well as forced starvation, and the systematic denial of all economic and social rights. And now we're witnessing extermination. Civil society has been at the heart and center of all evidence gathering in relation to all these crimes. And this work by civil society, not by the courts, not by the UN, not by the mass media, not by our governments, has led efforts to successfully name Israel's crimes as settler colonialism, apartheid, and genocide.

Unlike a court of law, the Gaza Tribunal begins from the premise that Israel is committing genocide, as Richard mentioned, that it is a settler colonial apartheid state underpinned by the racist ideology of Zionism. We don't require the hypothetical ruling of an international court, nor the dreadfully belated judgement of a UN independent commission to determine that a genocide is happening and has perhaps been happening incrementally since 1917. The evidence is manifold. Thousands of Palestinian and global civil society organizations, historians, state crime theorists, international

relations scholars, philosophers, and international lawyers all agree. We start from a recognition that governments and the international legal order have not simply failed the Palestinians, but they have actively enabled Israel's impunity and partnered its decades-long colonial persecution of the Palestinian people. For us, the challenge of justice and resistance falls to civil society, to acts of solidarity, to social movements, and to people of conscience everywhere. It understands the need to mobilize the power of the people in their millions to challenge the crimes of the Israeli regime and its co-conspirators, our own governments in the US, Europe, and the Middle East. The Tribunal seeks to counter the forces of evil with the forces of justice by bringing pressure to bear in every sector and making clear that genocide will not be normalized, that apartheid will not be normalized, that colonialism will not be normalized, that Israel and its Zionist underpinnings will not be normalized, and in doing so ensuring that fascism will not be normalized. We know that the Zionist regime is committed to seeing out its genocide and we know that its principal genocidal partner, the United States government, is equally committed to this genocide and to the erasure of Palestine. At the same time, we know that other Western governments like the UK and Germany and complicit Arab states have fully endorsed Israeli impunity and continue to do so. So the question is how in the face of such powerful forces of carnage do we stop a genocide? How do we dismantle the Zionist state and those global powers whose ultimate goal is the erasure of Palestine knowing that law and its international mechanisms are not the answer? The Tribunal is clear. Genocide will only end through the steadfastness of the Palestinian people, coordinated resistance against Israel's genocide, the solidarity of the rest of the world and the isolation, weakening and dismantling of the Zionist regime and the global political and economic structures that support it.

And so to the Sarajevo Declaration, which was the culmination of our work in Sarajevo. We laid out, as we've heard, the context for Israel's genocide in Sarajevo. And over the course of four days, we listened to testimony on the history and ideological foundations of the genocide, on the crimes Israel and its partners have committed, and on the geopolitics fueling the genocide and its impunity. The Sarajevo Declaration was the culmination of the work of the Tribunal to date. And it was both an unequivocal condemnation of Israel's genocide and a clarion cry to global civil society, an urgent call to action and a commitment on the part of the Gaza Tribunal to work with partners across global civil society to bring an end to this genocide. So the declaration embodies a series of demands around which civil society is already organizing, demands which speak directly to the myriad crimes we've heard about. The declaration thus demands amongst other things an immediate withdrawal of Israeli forces from Gaza and an end to the genocide, to all Israeli military action; an end to forced displacement and expulsions; an end to the settlement activities; an end to the siege of Gaza and to restrictions of movement in the West Bank. It calls for the immediate and unconditional release of all prisoners, including the thousands of Palestinian women, men, and children held most often without charge in abusive Israeli detention facilities. It insists on the immediate resumption of 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 that are required for the rebuilding of Gaza. It also calls for a complete withdrawal of Israeli forces from Lebanese and Syrian territory and of course would have included a demand for the immediate cessation of Israel's

bombings and targeted assassinations in Iran, Yemen, Qatar, and Tunisia had they occurred before May 2025.

The Sarajevo Declaration recognizes that dangerous forces in both the state, corporate and super-institutional spheres are pushing us towards the void, towards a future in which humanity itself is threatened. The events of the past 24-25 months and the Tribunal's own deliberations have convinced us both that key international organizations and most countries in the world, whether acting individually or collectively, have not only failed in defending the rights of the Palestinian people and responding to the Israeli regime's genocide in Palestine, but have to varying degrees been complicit or actual partners in these crimes. In the declaration, we extend solidarity to global civil society, which has risen up against the genocide in extraordinarily brave and creative ways, but which has encountered McCarthyite suppression and increasing state violence. We denounce the wave of persecution against human rights defenders, peace activists, students, academics, workers, professionals. And we pay tribute to those who despite this persecution have had the courage and moral conviction to stand up and speak out while rejecting the ridiculous hasbara tactics of smearing as anti-semitic or supporters of terrorism all those who dare publicly to challenge the Israeli regime and its European and US allies. Significantly, the declaration rejects wholesale the destructive ideology of Zionism, the official state ideology of the Israeli regime. It's the forces of Zionism that colonized Palestine in 1948 and continued to colonize the occupied Palestinian territories. And it is Zionism with its inherent racism that created the Israeli apartheid state on the ruins of traditional Palestine, the belief in a Jewish supremacist state that drives pro-genocidal Israeli organizations and their surrogates on the far right today.

The declaration demands 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 all its perpetrators. The final lines of the declaration are worth repeating, and I quote: "The challenge of justice now falls to people of conscience everywhere, to civil society, and to social movements, to all of us. Palestinian lives are at stake. The international moral and legal order is at stake. We must not fail. We must not relent." And to conclude, millions of people continue to march in cities around the world. Civil resistance groups target Israeli-linked armaments factories. Trade unions have blocked weapon shipments to Israel. The BDS movement, particularly through academic and cultural boycotts, has grown in power and a phenomenal 26,000 people signed up for the Global Sumud Flotilla in an attempt to break the siege. The message of the Sarajevo Declaration is that in spite of, because of the forces of darkness we find ourselves surrounded by, we must continue to do everything everywhere and at all times to stop Israel's attempts at Palestinian erasure and at the same time to restore justice and humanity in a world hurtling towards fascism.

In his closing address to the final session of the Vietnam War Crimes Tribunal, Bertrand Russell declared in words that equally impel our resistance today, and I quote, and I'll end on this quote: "The napalm and pellet bombs, the systematic destruction of a heroic people are a barbarous rehearsal. The starving and the suffering will no longer die in silence. We must discredit the arrogant demand that they protect our comfort with their quiet agony."

## GLOBAL STATEMENTS OF CONSCIENCE

### **Angela Davis (video)**

*Distinguished Professor Emerita of Feminist Studies and History of Consciousness*

As a former member of the Russell Tribunal on Palestine, I want to express my resolute support of the Gaza Tribunal. I thank all of you for your work as a people's tribunal in the spirit of the project initiated by philosophers Bertrand Russell and Jean-Paul Sartre in 1966, when war crimes and other violations in Southeast Asia by the United States were investigated by the International War Crimes Tribunal. The purpose then was to help end the war in Vietnam by encouraging people's international solidarity.

Today we are collectively tasked with expressing the solidarity that has taken shape especially over the last two years in response to the genocide in Gaza inflicted by the state of Israel. And so on behalf of all of the many individuals and organizations involved in some way over the last years and decades, and the many efforts to expand global consciousness around the illegal occupation of Palestine and especially around the genocide during the last two years, I would like to express my heartfelt thanks to Richard Falk and to all who helped organize the Gaza Tribunal and who are participating in its proceedings.

This is precisely what we need in this moment. It is especially critical to hear about the testimony given to the Tribunal given the US attacks on Francesca Albanese, the UN rapporteur on the occupied Palestinian territories, who has been denied entrance to the US and has had her assets frozen in this country. The Tribunal gives us the opportunity to hear not from governments but rather from people's voices around the world as we bemoan the indescribable devastation in Gaza produced by Israel and in many instances by weapons provided by the United States.

We stand with the Palestinian people who, having done nothing to deserve these disastrous assaults, provide the world with the best possible examples of what it means to love freedom and self-determination and to stand up to the most destructive forms of settler colonialism in order to affirm their insistence on our collective rights to determine our political, economic and social destinies. In this sense, the Palestinians are standing up for those who are struggling in Congo and Sudan and Haiti, and by extension are standing up for all of us.

And so, thank you, the Gaza Tribunal, for facilitating proceedings that will allow the call for a free Palestine and the voices of freedom-loving and forward-looking people to resonate around the planet.

### **Raji Sourani (online)**

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

Thank you, dear Richard, dear members. It's very special to introduce you and speak to you for people who are conscious about justice and dignity of man, who are looking for these unprecedented grave crimes committed against Palestinian people in the occupied Palestinian territories.

I think what makes this Tribunal unique and special are three issues. First, for the first time in an unprecedented way, the world justice system—ICC and ICJ—is subject to unprecedented attack by a superpower like the United States. For the first time we are

seeing in the Palestine case precisely designation and sanctions being imposed on prosecutors, judges, lawyers, and human rights organizations. This is unique and unprecedented. That's because of Palestine. So the problem is not really with the world justice system; the problem is related to the political will of the world community.

The second issue is that right now there is ongoing genocide. They spoke about peace, they spoke about ceasefire, but actually the genocide, the apartheid, the ethnic cleansing—with the conditions existing—makes definitely the crime ongoing.

And the third point is related to the Convention on the Prevention and Punishment of the Crime of Genocide. The title of the agreement itself shows in a clear-cut way the most important part of it: the prevention, not to have it. And most of the states when they signed it said "never again" for this crime. So these three components make it much more important to have this popular public Tribunal for Palestine, for Gaza, and the fact that the genocide is still going on makes it unique and very special.

We have serious problems related to the world legal system. We are aware and know that the ICJ issued three provisional measures decisions, and these decisions were simple, clear, and precisely talked about allowing since January 2024 the humanitarian aid and food supplies to go into Gaza unconditionally. But actually since then, the famine is still going on and this was not implemented, exactly like the two warrants issued against Netanyahu and Gallant from the ICC. After issuing them, some prime ministers in Europe and the president of the United States said these are irrelevant and that Netanyahu and Gallant can come and visit and should receive no consequences. And he was received as a first-class visitor at the White House. It's unprecedented that someone wanted by ICC and suspected of war crimes is received full-fledged at the White House not once, not twice, but even three times. That shows how the West is dealing with the issues related to Palestine and emphasizes the need for a popular Tribunal.

I want to say for the first time ever, we have a clear-cut consensus among international human rights organizations, among UN bodies, among Palestinian human rights organizations and Israeli human rights organizations about describing the situation and having solid conclusions about what's going on. And they describe in very detailed and precise words that what is going on is a genocide against the Palestinian people.

So the problems are not at all related to how we describe what's going on, what the legal definition is, or what concrete evidence we have. Facts, standards, conclusions are simple, direct and clear. The problem is the political will.

The Israeli conflict didn't begin October 7th. There is a long history before that—58 years since the occupation began and a longer version since 1948. Israeli crimes were evident and declared before October 7th. They are an occupying power and occupation by itself is a crime of aggression as defined in the ICC statute. We have the blockade on Gaza, the settlements in the West Bank, the ethnic cleansing in Jerusalem, the pillage in the West Bank, and five wars launched against Gaza. Before the war, Israel was already at the ICC, and Palestine began to engage with the ICC since January 2015. The Palestinian-Israeli conflict is one of the most well-documented in modern history. The lack is not facts but political will.

Most recently, we had something called the Trump plan. Nobody wants peace, security, ceasefire more than the oppressed. Nobody needs it more than the Gazans and Palestinians—those who are subject to massive destruction, displacement, killing, and

famine. They want it badly. But unfortunately this came as simply a declaration. How can we talk about peace while 90% of Gaza is erased and destroyed? While almost 2 million displaced? While famine is everywhere? While there is a lack of basic, fundamental needs like water, health care, hospitals, medicine, food? The current situation in Gaza makes genocide ongoing, ethnic cleansing ongoing. Without ending the occupation, without the right of self-determination for the Palestinian people and justice, dignity, and accountability for criminals, peace is a mirage. It's not reality on the ground. It's very hard to see a horizon for that. That's why it's vitally important to keep the popular Tribunal on Gaza and to keep such work, because it's obvious that the US and Western European countries are still in clear-cut support for the occupation. They still recognize a right of self-defense and claim Israel is the victim, and they still do not recognize the full political rights of the Palestinian people, self-determination and independence and having justice and dignity.

### **Arundhati Roy (text)**

*Author and Human Rights Activist*

I am sorry that I cannot be present at the final session of the Gaza Tribunal. So I thought I would at least send a brief message.

Today is the 12th of October, and Israel's live-streamed genocide of Palestinians is just over two years old. Despite being armed and supported by the richest countries in the world, it has not succeeded militarily in its stated aim of wiping out Hamas as retribution for its October 7th attack on Israel. Instead, it has killed almost seventy thousand people who were part of the tiny, encircled, occupied and isolated population of Gaza. The final death toll will only be known once the thousands of tons of rubble has been cleared. Days ago, a ceasefire was brokered by the government of the United States, which, according to its own State Department has given 40 billion dollars over the last two years to support Israel as it went about its hard task of murdering tens of thousands of civilians, mostly women and children, bombing 90 percent of Gaza's dwellings to rubble, destroying hospitals, and killing hundreds of journalists. Could Israel have done this without the support of the governments of the United States and Europe? Very unlikely. Certainly, the US could have stopped the killing in an afternoon if it wanted to.

So, the question is: Whose genocide is it? And who should be held accountable?

It is hard to know at this point whether the ceasefire will hold, or whether it is yet another deadly, cunning trick. For the sake of the people of Gaza, I fervently wish that it will hold. Even if it is a ceasefire that is designed to disguise a real estate deal that will profit a group of war criminals. For now, the killing must stop.

If it does, perhaps this Tribunal could hold a special session right amidst the rubble of what Gaza once was, where Palestinians will describe what they have endured and share their dreams for their future. Perhaps only then will we have the full measure of the horror that unfolded while the murderers were applauded and urged on.

But until then, the task of keeping track, naming names, and collating evidence will be a work in progress. The perpetrators are not only those who pulled the triggers and dropped the bombs. Not only those Government officials who have driven Palestinians off their lands and to the brink of starvation en masse, not only those who have used food and aid as a ruse to murder more people, not only those who have tortured and sexually abused Palestinian prisoners, but also those Governments and corporations

who have supported all this. Also, those mainstream newspapers and TV channels that have willfully lied and spread fake news. Also, those editors, columnists and journalists who developed a sophisticated, slanted language that dehumanized Palestinians and prepared the grounds for genocide with impunity. All these people and organizations will, I am sure, one day, be named and indicted.

The task of defining who is a perpetrator and then bringing them to account is an onerous one. We need a Genocide Audit. I am sure the Gaza Tribunal is fully cognizant of all of this. Which is why your work is both urgent and necessary.

### **Marcia Cross (video)**

*Actress*

For the past two years, we've been witnessing a genocide—the deliberate destruction of a people and their land in full view of the world. Every day has brought new evidence. Entire families wiped out. People buried under rubble. Children shot by snipers or blown to bits, their parents forced to pick up the remains of their tiny bodies and put them into plastic bags. Neighborhoods have been flattened. In fact, 85% of all of Gaza has been decimated. Hospitals and their heroic doctors obliterated or taken hostage. And the list goes on and on, with the international community unable or unwilling to stop it.

The legal and political systems designed to protect life have failed. International law, the very architecture meant to safeguard our common humanity, has been paralyzed by politics, by double standards, and by men who lack any conscience, who are in power with stockpiles of bombs at their disposal. Laughter used to describe the use of newer and specialty weapons asked for, given to, and used on the Palestinian people.

In this vacuum of justice, the Gaza Tribunal was born: a moral court created by civil society to document the truth, to preserve evidence, to hold power accountable when official institutions refuse to do so.

My own awareness of the situation in Gaza happened in the summer of 2014. My daughters were seven years old, and we were on a family road trip. I would lie in the backseat to avoid being carsick and scroll through my phone. I came across a post about Gaza. Until then, I knew almost nothing. I thought it was a faraway place I was told was beautiful. But then I started reading, and I couldn't look away. The number of Palestinians being killed was horrifying. And I later realized this was one of many, many battles.

I began listening to Israeli soldiers from Breaking the Silence talk about the occupation, checkpoints, raids. I watched documentaries and saw with horror what was happening in this "conflict" we were told was too complicated. I was horrified. But shamefully, I went back to my life.

Then came October 7th. I reacted with horror, but I wasn't surprised. And soon the retaliation unfolded, and threats to annihilate Gaza were openly declared. I watched with terror because I knew what would happen. And when the civilian death toll in Gaza doubled the Israeli losses, I thought: this must be enough. Surely it will stop. But it didn't. I was riddled with grief and panic. Who am I if I stay silent? Who would I have been in another time, another place, when others were being annihilated and good people said nothing?

I wrote "ceasefire" on my social feeds. For that, I was accused of hate. Friends I'd known for decades suddenly saw me not as a fellow mother, not as a woman begging for the killing to stop, but as someone they believed hated Jews. I was shocked. How could

empathy for one people mean hatred for another? But then I understood: these reactions weren't spontaneous—they were indoctrinated.

This is the soil in which dehumanization grows—the moral ground that allows atrocities to continue unchecked. And that's why I'm here. Because conscience cannot stop at sympathy—it must move toward action. The Gaza Tribunal is that action. It exists because official systems have failed. It exists because silence is not an option. And it exists because truth must be recorded for the victims, for history, and for the future.

I invite you to join this journey of conscience. Please come to the final session of the Gaza Tribunal in Istanbul or follow online and stand with those who refuse to look away. Justice is not inevitable. It must be willed into being through courage, witness, action.

### **Omar Suleiman (video)**

*Muslim Imam and Civil Rights Activist*

In the name of God, the most compassionate, the most merciful. First and foremost, I want to thank you all for the incredible work that's been done with this Tribunal to establish the facts that have been so obvious to anyone paying attention, even with the bare naked eye—that this genocide has been the most horrific of our lifetimes. It must be sufficiently recorded and sufficiently stopped, met with action.

You cannot record enough of the facts on the ground in every dimension—destruction of the health-care system, destruction of the ecology—all of it is critical for us to record. The story of the Palestinian people has been a story of redemption and renewal after the Nakba, after removal. For over seven decades, the people of Palestine have insisted that whether they physically remain on their land or whether they remain only emotionally and spiritually in their historic homeland, they will not allow anything that has been part of them to be forgotten. They intend to renew, restore, and maintain the legacies passed down throughout generations.

I want to share something important: you can never assume that history will be recorded properly in the moment. We think because things are obvious, we don't have to worry about losing them. But if we don't record the story now, our children won't know how to tell it.

It's important to establish the facts now so that we can have immediate and urgent action. The Palestinian people have suffered long enough. The people of Gaza have suffered long enough. But it's important that the story is preserved and told for generations to come, because another generation may need to build upon the restoration.

With inspired action, with experts, academics, activists, people of conscience and faith, we will achieve in our lifetime some of the most remarkable things necessary to reverse the course forced upon the Palestinian people through destruction, genocide, apartheid. Thank you very much for being part of this Tribunal. I pray the facts established are the foundation for a better future for the Palestinian people and people around the world suffering under oppression and colonization. Peace be with you all.

### **Tamim Al-Barghouti (video)**

*Political Scientist and Activist*

Thank you very much. Thank you for giving me this opportunity and thank you for your moral stand that is essential for our collective survival as humans. People who speak truth to power are the engine of our survival. Evil, if left unchecked, can bring down human civilization.

While one should avoid simplistic dichotomies, there are moments in history where such dichotomies present themselves. What has happened in Palestine for the past 77 years is simply an act of armed robbery and apartheid—discriminating among humans based on attributes they did not choose. Palestinians are being punished only for being born, the most common attribute of all humans. They were just born there and were not of the ethnic or religious group favored by settlers and invaders and their backers.

If Palestinian refugees or the people of Gaza or the West Bank were to have a different religion tomorrow, they would theoretically be granted all the rights they are now denied, including Israeli citizenship. Israel is the only state in the world that grants citizenship based on inherited religion. Hence, Israel is constitutionally racist, constitutionally discriminatory, and therefore constitutionally wrong as an idea. It elevates one religious narrative over others in a land holy to all. It engineers a majority by force of arms.

Today, for the past two years, Israel has tried to effect a new Nakba. The very fact that after 77 years it finds itself needing a new Nakba is evidence that the first Nakba failed. And if the first failed, later attempts will fail. It is much more difficult to displace seven million Palestinians today than a tenth of that number 77 years ago.

The displacement, transfer, ethnic cleansing, genocide today has failed and will fail. The Palestinian people have endured extreme pain unprecedented in the history of this conflict, yet they have not been defeated. The people coming back to the ruins of their homes to pitch their tents were more numerous than those forced to leave 77 years ago. That scene alone shows the project of displacing Palestinians and replacing them with foreign settlers has failed and will continue to fail.

The violence is a historical reaction to the realization that the project of occupying Palestine, of creating a foreign entity, has failed and has no future.

I want to end by saying the meaning of Palestine—the millennial meaning—is what you are standing for. Palestine, a narrow strip of land between sea and desert, surrounded by ancient empires whose kings claimed divinity, became the birthplace of monotheism, which politically implies the denial of the divinity of kings. It strips kings of divine power.

Palestine therefore has an anti-imperialistic meaning ingrained in its geography and history. Whoever is faithful to the idea of opposing tyranny belongs to Palestine. That makes you all Palestinians today. Whoever betrays this and becomes a pawn of empire, believing might makes right, is the antithesis of Palestine.

The Jewish, Christian, and Muslim history of Palestine bears witness—like you do—against Israel, Zionism, genocide, and ethnic cleansing. When some people in Palestine attributed divinity to a human, he was not an emperor; he was a rebel against empire. His throne was the cross, his crown thorns. Today the crown of thorns is worn by the people of Palestine. Palestine is their cross but also their throne, and this pain is the sign of their victory.

Thank you very much.

### **Thiago Ávila (online)**

*Humanitarian Activist and Steering Committee Member of the Global Sumud Flotilla*

Good morning to all participants of the Gaza Tribunal. This is a very important initiative. I'm sending kind regards from the Global South. I'm in Brazil right now with my baby daughter, after being part of the Global Sumud Flotilla. I'm a member of the steering

committee. You also have another member of our steering committee who spoke today—Yasmin Araf.

We were part of a mission—nonviolent humanitarian solidarity—to break the illegal siege of Gaza and attempt to create a perennial humanitarian corridor not controlled by the occupying entity. I've been dedicated to the Palestinian cause for 20 years. Back then I watched Ariel Sharon removing colonies from Gaza. I didn't understand it. But then in 2006 the genocide escalated, Gaza was bombed, Lebanon was attacked, and in 2007 the illegal siege was imposed by land, sea, air. Then I understood: they removed settlers because they had an even more cruel plan for Gaza—to turn it into the largest concentration camp and now extermination camp in the world.

Once I understood that, I knew I had to support these people.

To understand Palestine, you must understand Zionism: not a religion, but a racist and supremacist ideology. For 20 years I was frustrated seeing Israel violate every UN resolution without consequence. They stole land, ignored resolutions, and expanded. This apartheid colonial state judges Palestinian children in military courts. I saw this myself in Palestine.

For two years now, the world is experiencing a global uprising. Palestine is the moral compass of the world. Millions of young people are horrified watching hospitals bombed, children starved, UN workers killed.

The Gaza Tribunal is the most important initiative right now. For 20 years we have been listening to the same correct accusations. But now something changed: the world is rising. This is not only about genocide; it is about the system that enables genocide—the system that exploits and destroys nature and people, in Sudan, Congo, the Amazon.

This system is collapsing. When Trump had to give up on total ethnic cleansing and said Netanyahu cannot fight the world alone, it was because he realized the people of the world can never be defeated. The Palestinian people are giving back humanity to the world by exposing the corrupt system.

They give us the map to build a society of justice where children do not know the sound of F-35 jets, drones, starvation. We need to be like the Palestinian people—steadfast.

Thank you to the Gaza Tribunal for being a tool to show us the way. International law has collapsed, but through this uprising we are rebuilding international law based on what is right and just. There is no peace without justice. We must build that now. Thank you.

## HEARINGS: ROOT CAUSES

### Zionist Settler-Colonialism

#### Avi Shlaim

*GT Chamber 3 Member, Historian and Fellow of the British Academy*

The Zionist movement was a settler colonial movement and Israel is a settler colonial state. The logic of settler colonialism is the elimination of the natives as a prelude to taking over the land and its resources. The undeclared but real objective of the Zionist movement from the beginning has been to build a Jewish state on as large a part of historic Palestine as possible with as few Arabs inside its borders as possible. Today, Israel effectively controls 100% of historic Palestine. There is an Arabic saying that something that starts crooked remains crooked.

The Zionist movement could not have achieved this amazing degree of success without the support of Western imperialism. Noam Chomsky noted that settler colonialism is the most extreme and vicious form of imperialism. For the last century, the Palestinians have been at the receiving ends of Zionist settler colonialism on the one hand and Western imperialism on the other, with Britain playing the leading part until 1948 and America playing the leading part since 1967. In 1917, Britain issued the Balfour Declaration pledging support for a Jewish state in Palestine. At that time the Jews were 10% of the population and they owned only 2% of the land. So the Balfour Declaration was a classic colonial document which completely disregarded the rights and aspirations of the local population.

Last month, Britain recognized Palestine. This was welcome, but it was pathetically little and it was 107 years too late. The story of the British Mandate in Palestine is essentially the story of how Britain stole Palestine from the Palestinians and gave it to the Zionists. The cornerstone of mandatory policy was to withhold elections to avoid democracy so long as the Arabs constituted a majority. The Jews only became a majority as a result of the ethnic cleansing of Palestine during the 1948 war. Three quarters of a million Palestinians became refugees and the name Palestine was wiped off the map. This is the Nakba, the catastrophe.

The Nakba, however, is not a one-off event but an ongoing process of displacement and dispossession of the native population by the colonial power. This process reached its cruel and indeed its sadistic climax with the genocide in Gaza and with the ethnic cleansing of the West Bank in the aftermath of the Hamas attack of the 7th of October.

In the Arab world, Israel is widely seen as an illegitimate entity, as an outpost of Western imperialism, as a foreign body planted in the heartland of the Arab world with the intention of dividing and weakening them. This is an oversimplification of history. Nevertheless, it is true that Western support was crucial to the establishment of Israel in 1948 and to the persistence of the colonial empire beyond Israel's original lines since 1967.

America is Israel's closest friend and indispensable ally. America gives Israel military aid and diplomatic protection. The problem with American support for Israel is that it is unconditional. It is unconditional. It is not conditional on respecting Palestinian human rights or international law. This is why Israel gets away literally with murder. This is why Israel can continue to act with complete impunity. This is why the international community is unable to call Israel to account for its multiple crimes and egregious violations of international humanitarian law.

Benjamin Netanyahu's current government embodies all the most negative aspects of Zionist settler colonialism. It is the most far-right, reactionary, crudely populist, messianic, overtly racist, and territorially expansionist government in Israel's history. Settler violence has dramatically escalated on the West Bank since the 7th of October with the encouragement of the government and the protection of the army. The extremists in the government openly declare that their ultimate aim is the formal annexation of the West Bank and Jewish resettlement in Gaza. The government exploited the trauma of the 7th of October to intensify the ethnic cleansing of Palestine.

A leaked report of the Israeli Ministry of Intelligence outlined concrete plans for depopulating Gaza. Egyptian opposition prevented Israel from implementing this plan, but it did not prevent Israel from achieving its principal aim, namely to make Gaza uninhabitable. Under Netanyahu's leadership, Israel has also committed the crime of all

crimes—genocide. Genocide is not just a legal concept but a fundamentally moral issue. It is the denial of the right to exist of a whole group of people.

Israel's national identity is inextricably linked with the Holocaust. But Israel is no longer the victim, if it ever was. Whereas in the Second World War the Jews were the defenseless victims of Nazi Germany, today it's the Palestinians who are the defenseless victims of the Jewish state.

In a sense, the war in Gaza is a direct result of the Balfour Declaration. The combination of Zionist settler colonialism and Western imperialism is the root cause of the Palestinian tragedy in Gaza over the last two years. The injustice, the immorality, the inhumanity and indeed the sadism of Zionist settler colonialism towards the native population have reached a new climax. Given the origins of Israel as a settler colonial state, as Francesca Albanese has pointed out in one of her brilliant reports, this was a tragedy foretold.

Thank you.

### **Jury Questions**

**Sami al-Arian:** Thank you very much, Avi, for your presentation. A very quick question. If we look at the history of settler colonial states, particularly France with Algeria, what future do you see of this conflict? Do you see it along these lines or along the lines of South Africa, where they would be settled and try to integrate? What kind of future do you see in light of what you know about the Zionist ideology?

**Avi Shlaim:** I believe that apartheid is not sustainable into the 21st century. White apartheid in South Africa ended as a result of international pressure, and I believe that eventually Israel will go down the same way. The impulse to change will not come from within. The pressure from outside will push Israel to end the apartheid regime. And I don't believe that partition is a solution to this problem. I don't think that partition was ever a solution from the beginning. It's one unit. And no one suggested in South Africa that you should divide the country into two states, one Black and one white. But people are suggesting now that you have two states, one Jewish, one Arab. It has never worked and it will never work. And therefore I advocate one state from the river to the sea with equal rights for all who live in that space. Equal freedom and equal rights for all the people who live in that space, regardless of religion and ethnicity.

### **Zionist Settler Colonialization and racism in Palestine**

#### **Lana Tatour**

*Scholar of Race and Palestine*

My name is Lana Tatour. I am a Senior Lecturer at the University of New South Wales, and I am here in my capacity as an expert on race and Palestine. In the 10 minutes I have, I will address specifically Zionism, race, and racism.

There is a consensus in the international human rights community that Israel's actions in Gaza amount to genocide. Reports were issued by human rights organizations such as Human Rights Watch, Amnesty International, Al-Haq, B't'selem and others, as well as by UN special rapporteurs and the UN Independent Commission of Inquiry on Palestine. Genocide studies experts have also determined that Israel is committing a genocide. This is, of course, a welcome recognition. However, while these reports and statements acknowledge the genocide and address the dehumanization of Palestinians as core element of it, they do not address Zionism as a form of racism, nor do they name and

recognize Zionism as the racial ideology that drives the colonization of Palestine and Israeli genocide in Gaza. This omission, I believe, is something that the jury should take note of and rectify.

For two years, we have been witnessing the annihilation of Gaza. As Israel announced its genocidal campaign, Israeli officials, including at the highest levels of government have called for a "second Nakba," describing the Palestinians in Gaza as "human animals," "the children of darkness," "monsters," and an "evil" to be "uproot[ed]" so that there will be good for the entire region and the world." Israel's prime minister, Benjamin Netanyahu, declared that the war on Gaza is "a battle of civilization against barbarism." These statements are not aberration nor are they momentary responses to trauma, as often portrayed in the West. They draw on over a century of racialization of Palestinians by the Zionist movement and imperial powers. The Balfour Declaration and its denial of the existence of Palestinians as a people with rights to self-determination; the British Mandate; the Partition Plan, the Nakba (as a series of events and as an ongoing structure), the mass expulsion of Palestinians; the denial of their right to return in the name of demographic considerations; the occupation of additional Palestinian territories in 1967; the siege of Gaza since 2006 and the 2023 genocide; land dispossession; the entrenched system of checkpoints and segregated roads; the mass incarceration of Palestinians; and the discrimination against Palestinians with Israeli citizenship all rely on the treatment of Palestinians as less civilized, as an inferior race, as lesser humans. Racism, racialization, and racial classification and hierarchization are thus core to the Zionist movement, ideology, and practice.

Any reading of the Israeli genocide in Gaza should take into consideration how Zionism emerged as part of an imperial, colonial, and racial history, speaking to imperial order and aspirations, and building on nineteenth-century European conceptions of race. Western imperialism and racism—of which Zionism is part—rendered territories and lands belonging to nonwhite peoples, including Palestinians, available for invasion, exploitation, and settlement. As put by Edward Said. "Imperialism was the theory, colonialism the practice". Moreover, Zionism was not antagonistic to colonialism, nor to the idea of race itself; on the contrary, Zionists built on and benefited from both. Race was central to the Zionist mission of establishing Jews as a nation and a people, not just a religious group. Furthermore, Zionist leaders themselves described the movement as one of colonial settlement, an extension of European imperialism, bringing civilization and modernization to the Orient—or, as put by Theodor Herzl, the Jewish state was to be "an outpost of civilization as opposed to barbarism." The idea was that while Jews are an inferior race in Europe, in Palestine they are racially superior to Palestinians. And if Palestinians are an inferior race, then they are not deserving of self-determination, sovereignty; their national aspirations can be ignored, and they can be expelled, transferred, removed, killed, and their land taken.

Already in 1965, Fayeze Sayegh wrote that racial elimination stands at the heart of the Zionist project since its inception. The Zionist quest for eliminating Palestinians is now taking one of the most brutal forms: the genocide in Gaza (it is beyond the scope of this statement to assess whether previous Israeli-Zionist actions constitute genocide). Israel has destroyed all means that sustain life and has made Gaza unlivable. The annihilation of Gaza has been justified, supported, facilitated, and carried by Western powers, Western media, and corporations. It relies on anti-Arab, anti-Muslim, and

anti-Palestinian racism, and on the attribution of more value to Jewish life while disregarding Palestinian life. It is this deep-seated racism that allows this genocide to continue, despite it being live-streamed.

In Gaza, we see the treatment of Palestinians not just as less-than-humans, but also as nonhumans. Israelis are dancing in parties, social gatherings, and weddings and exercising to songs that call to exterminate Palestinians with genocidal lyrics such as “may your village burn.” Israeli civilians are actively blocking and destroying food and medical supplies intended for people in Gaza. They are picnicking with their families at sites where they can watch the bombing of Gaza as a form of entertainment. They protest for the “right to rape” Palestinians and the Israeli parliament debate the “legitimacy” of rape. Israelis relish on Tik-Tok videos of killed and starved Palestinians, taking pleasure from watching dogs eating bodies of dead Palestinians that were never allowed to be respectfully buried. Soldiers make videos of themselves wearing lingerie of Palestinian women, mocking them, and playing with toys that once belonged to kids now either killed or displaced.

What we are witnessing in Gaza is race at work; it is Zionism at work.

On 10 November 2025, two weeks from now, we will be marking 50 years to Resolution 3379, which determined that “Zionism is a form of racism and racial discrimination.” (Unfortunately, in 1991 the PLO agreed to rescind the resolution as a precondition for entering the negotiations that resulted in the Oslo Accords). 50 years later, the genocide in Gaza and Israel’s ongoing colonization and apartheid in Palestine demonstrate the need to recenter the conversation on the racial and racist nature of the Zionist colonial project. As Noura Erakat powerfully writes: “understanding the racial dimension of the Palestinian struggle for freedom, including that Zionism is a form of racism and racial discrimination, is work that is still ongoing, on the ground and in scholarship; it remains our unfinished business.”

International institutions and the human rights community still insist on reading genocide (and apartheid) as divorced from Zionism. Even when they acknowledge racial domination and Jewish supremacy, they do not recognize Zionism as their source. Zionism remains the unspoken taboo. Justice and accountability for Palestinians demand that we address this. Settler colonialism, apartheid, and genocide do not exist outside the grammar of race, which in Palestine is the grammar of Zionism. I urge the Jury: don’t read the genocide in Gaza without tracing its roots to Zionism as a colonial project and a form of racism.

### **Crimes against Palestinian People: Indicting Zionist Settler Colonialism**

#### **Jeff Halper**

*GT Chamber 3 Member, Anthropologist and Director of Israeli Committee against House Demolitions*

My name is Jeff Halper. I am the Director of ICAHD, an Israeli-based anti-colonial organization dedicated to resisting the Zionist colonization of Palestine and establishing a shared democracy between the River and the Sea. I am here in my capacity as an expert on the crimes of house demolitions and settler colonialism. In the 10 minutes I have, I will address specifically the need for the Tribunal to “look up” from a specific area of crime being committed by Israel in Gaza and to hold accountable the very system – Zionist settler colonialism – that spawns those crimes.

The crimes of which Israel is accused – from plausible genocide, war crimes and crimes against humanity to specific and myriad violations of the Fourth Geneva Conventions and the International Convention on the Suppression and Punishment of the Crime of Apartheid, among others – cannot be addressed only as crimes in and of themselves. For justice to be advanced and to ensure these crimes never happen again, the political and ideological system from which they emerge must also be dismantled. I would therefore ask the jury in its deliberations to take into account the political and ideological logic, structure and actions of Zionism as a settler colonial project when reaching its conclusions over Israel’s policies and operations in Gaza.

The verdict regarding Israel’s operations in Gaza, the cautionary reasoning behind the verdict and the reasoning behind the sanctions imposed must all relate not only to specific criminal policies and actions taken by Israel but also to the criminal system that spawned them. By its very self-definition, policies and actions over the past 130 years, the settler colonial project that is Zionism systematically and deliberately violates the right of the Palestinian people to self-determination as guaranteed in the UN Charter, reaffirmed in General Assembly Resolution 1514, the Declaration on the Granting of Independence to Colonial Countries and Peoples. The principle that all peoples have an inalienable right to complete freedom, sovereignty, and territorial integrity has risen to a point of customary law. Settler colonization, however, is not a concept with as clear and adjudicable a definition as “occupation” and “apartheid,” weakening the ability to apply legal measures international law can be invoked. So much more so the concept and policy of Judaization, the form genocide takes in Zionism – indeed, it’s very purpose.

This Tribunal has heard expert testimony regarding the criminal acts of Israel, particularly in Gaza, including my own area of expertise, domicile, which the Israeli-based organization I head, ICAHD, has been fighting for the past 30 years. I would therefore like to shift the focus of the accusations to the illegal colonial system of Zionism which gives rise to the criminal acts we have described in these proceedings by providing their compelling logic to Israeli decision-makers, the military and the Israeli Jewish public.

Settler colonialism in both its ancient and modern forms is a form of colonialism in which settlers arrive in another country with the intent of taking it over. It can arise out of a nationalist ideology as in the case of Zionism, or as a policy of grabbing and integrating territory, as in the Sinification of Tibet, the Turkification of Western Kurdistan or the Russification of Eastern Europe. Whatever, the steps taken by the settlers are the same: displace or eliminate the indigenous population; take control of its lands; replace the native population with the settler one (a process known in Zionism as Judaization); and, ultimately, normalize the new country – in this case “Israel” – in the image of the settlers themselves, thus “disappearing” Palestine and the Palestinian people he settlers originally encountered. Genocide, cultural and physical, is built into the settler project. “We have not come to an empty land to inherit it,” in the words of the Zionist leader and future Israeli Prime Minister Moshe Sharett as far back as 1914, “we have come to conquer a country from a people inhabiting it, that governs it by virtue of its language and savage culture.”

The flip side of Judaization is, of course, de-Arabization. Already in 1937, David Ben-Gurion, a vocal proponent of compulsory and total transfer, established a Committee on Population Transfer within the Jewish Agency. Yosef Weitz, a member of that Committee and later, as the Director of the Jewish National Fund’s Land Settlement Department, the driving force behind the 1948 expulsions, declared:

It must be clear that there is no room in the country for both peoples... The only solution is a Land of Israel without Arabs.... There is no way but to transfer the Arabs from here to the neighbouring countries, to transfer all of them, perhaps with the exception of Bethlehem, Nazareth and the old Jerusalem. Not one village must be left, not one tribe.

The initial transfer took place in the course of the Nakba, when Israel expelled 750,000 Palestinians, more than half the Palestinian population, 85 percent of those inhabiting what became the state of Israel. Transfer repeated itself in 1967 when between 280,000 to 325,000 Palestinians fled the country, although that flight might better be seen as a form of expulsion given the violence directed at the civilian population of the West Bank, Gaza and the Golan Heights, including the demolition of population centers and the “emptying” of refugee camps by the Israeli army. And today, in the wake of its genocidal operations in Gaza (genocide, again, being part of the process of Judaization), Israel is openly negotiating with a number of countries, among them South Sudan, Ethiopia, Libya and Indonesia, to accept all or most of the 2.5 million people of Gaza. In collaboration with the Trump Administration, it has presented detailed plans for the “redevelopment” of Gaza virtually devoid of its current inhabitants.

The seizure of Palestinian lands is easily documented in maps. Since 1948, Israel has been awarded 56% of Palestine by the UN Partition Plan of 1947, has annexed another 22% it conquered in 1948, now recognized by the international community as the Green Line, has established full military control over the entire Occupied Territory and has annexed *de facto* Area C, the 62% of the West Bank that houses around 800,000 settlers in more than 300 illegal settlements. Ninety percent of the 6.7 million Palestinian residents of historic Palestine are today confined by Israeli military and planning policies to 12% of their homeland, comprised of some 170 disconnected enclaves.

The loss of their country, the lands, their patrimony, their culture compels indigenous peoples like the Palestinians to resist. And since resistance is therefore built into settler colonialism, Zionism cannot achieve its goals – normalizing its violent Judaization of Palestine – without pacification, the breaking of all native resistance. That is the political background and purpose behind the assault on Gaza. Eliminating all resistance among an entire population must by necessity shade into genocide. The principle of distinction between combatants and non-combatants, fundamental to the rules of warfare, cannot be obeyed if the entire colonized population is engaged in some form of resistance, even non-violent resistance like building a home on one’s own land, which is met by brutal military response. But because the native population *must be* dispossessed and pacified for the settler project to succeed, Israel cannot refrain from committing war crimes and crimes against humanity.

All this compels the Tribunal to hold the very system of Zionist settler colonialism accountable, in the understanding that is illegal by its very nature and purpose and is the very source of the crimes the Tribunal is investigating. I appeal to the members of the jury to do so.

### **Apartheid as a Denial of Self-Determination (online)**

#### **Rania Muhareb**

*Human Rights Scholar and Policy Member of al-Shabaka*

My name is Rania Muhareb. I am a human rights scholar, and I am here in my capacity as an expert on apartheid in Palestine. I will address Israel’s crime of apartheid against

the Palestinian people as a denial of the right to self-determination.

Distinguished members of the Jury of Conscience,

Apartheid is a colonial system of domination. It is fundamentally a denial of the right to self-determination. In South Africa, apartheid involved not only institutionalised racial discrimination and segregation, but also the grand apartheid scheme of territorial fragmentation and political repression. It was understood as a denial of self-determination against which the United Nations General Assembly affirmed<sup>1</sup> the legitimacy of peoples’ struggles for ‘independence, territorial integrity, national unity and liberation.’ Through efforts of the anti-apartheid movement in southern Africa, apartheid was enshrined as a crime against humanity in the 1973 Apartheid Convention and the 1998 Rome Statute of the International Criminal Court. It is an institutionalised regime of systematic racial oppression and domination, prohibited as a peremptory norm of international law, and constitutes a threat to international peace and security.

Members of the Jury,

Israel’s apartheid regime has been widely recognised. In July 2024, the International Court of Justice determined<sup>2</sup> that Israel is in breach of the prohibition on racial segregation and apartheid. For decades prior to this, grassroots movements, civil society, scholars, practitioners, UN experts, and increasingly states have recognised Israel’s apartheid regime. This has now become a consensus position within the human rights movement.

Israel’s brutal apartheid regime has oppressed and dominated the Palestinian people since the start of the Nakba (catastrophe) in 1948. Palestinians have endured mass displacement and dispossession from their lands across historic Palestine, and been subjected to inhuman acts of apartheid, including population transfer, persecution, murder, torture, rape and other sexual violence, enforced disappearance, and other inhuman acts intentionally causing great suffering and serious injury to body and physical and mental health. These, in addition to fragmentation, territorial expansion, illegal occupation, annexation, and the ongoing genocide are embedded in the ideology of Zionism as a racially exclusive settler colonial project in Palestine. Israel’s ongoing human rights violations and international crimes have been well-documented for decades, including by numerous UN Commissions of Inquiry, fact-finding missions, and investigatory bodies, none of whose recommendations have to date been implemented.

The jury will want to consider that to recognise Israeli apartheid is to root it within Zionist settler colonialism’s eliminatory project to erase and replace the Palestinian people. Zionism constitutes Israel’s *raison d’état*. Racial supremacy is embedded in Israeli laws, policies, practices, and the institutions of the Zionist movement. The latter, including the Jewish National Fund, the World Zionist Organization, and the Jewish Agency have operated for the past century to privilege ‘Jewish nationals’ while depriving the Indigenous Palestinian people of their inalienable rights to self-determination, including permanent sovereignty over natural resources across historic Palestine.

The jury should be aware that Zionist parastatal institutions enjoy quasigovernmental

1 <https://www.refworld.org/legal/resolution/unga/1990/en/38433>

2 <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>

status under the 1952 World Zionist Organisation-Jewish Agency (Status) Law<sup>3</sup> and have played a central role in the colonisation of Palestine and displacement and dispossession of Palestinians on both sides of the Green Line. Already in 1998<sup>4</sup>, the UN Committee on Economic, Social and Cultural Rights (CESCR) recognised that these policies amount to ‘an institutionalized form of discrimination’ whereby Zionist institutions ‘by definition would deny the use of these properties [land, water, and other natural resources] to non-Jews.’

Two decades later, the Israeli parliament adopted the 2018 Jewish Nation State Basic Law enshrining<sup>5</sup> Jewish settlement as a ‘national value.’ The UN Committee on the Elimination of Racial Discrimination (CERD) thereafter called on the Israeli regime to ‘eradicate all forms of segregation between Jewish and non-Jewish communities... that severely and disproportionately affect the Palestinian population in Israel proper and in the Occupied Palestinian Territory.’ The Palestinian human rights organisation Adalah called the Nation-State Basic Law a colonial law with ‘distinct apartheid characteristics’ and highlighted has Israel’s ban on Palestinian family unification<sup>6</sup> as worse than Apartheid South Africa. Similarly, South African jurist and former UN Special Rapporteur on Palestine, John Dugard, considered<sup>7</sup> already a decade ago that Israel’s crimes are ‘infinitely worse’ than apartheid in South Africa.

Members of the Jury of Conscience,

The Palestinian movement for freedom, justice, and equality has for over two decades advocated for a comprehensive understanding of the root causes in Palestine: these are over a century of racist Zionist settler colonialism that has sought the elimination of the Palestinian people on the land, 77 years of ongoing Nakba and apartheid, and 58 years of illegal occupation, all of which must be radically dismantled through a process of decolonisation. I wish to draw the Jury’s attention here to three critical points:

1. First, the Gaza genocide is taking place in a broader context, as emphasized by South Africa in its application against Israel under the 1948 Genocide Convention at the ICJ. It is a culmination of Israel’s settler colonial apartheid regime over the Palestinian people. In 2021, the Gaza-based Al Mezan Center for Human Rights found that the Israeli regime deliberately imposes on Palestinians in the Gaza Strip ‘living conditions that are calculated to cause the[ir] physical destruction... in whole or in part,’ constituting an inhuman act of both the Apartheid Convention and the Genocide Convention.
2. Second, a comprehensive articulation of the root causes in Palestine is essential to ending impunity, dismantling this system of oppression and domination, and realising the Palestinian people’s inalienable rights to self-determination and return. In this regard it is worth recalling that Israel’s apartheid regime targets the Palestinian people as a whole: it operates through perpetuating the ongoing Nakba of displacement, dispossession, and denial of return, and through the fragmentation of Palestinians: in

3 <https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/18-World-Zionist-Organization-Jewish-Agency-Status-Law-1952.pdf>

4 <https://www.refworld.org/policy/polrec/cescr/1998/en/32518>

5 <https://main.knesset.gov.il/EN/activity/documents/BasicLawsPDF/BasicLawNationState.pdf>

6 <https://www.adalah.org/en/content/view/10799>

7 [https://www.democracynow.org/2015/5/6/ex\\_un\\_official\\_john\\_dugard\\_israel](https://www.democracynow.org/2015/5/6/ex_un_official_john_dugard_israel)

the Gaza Strip under illegal siege, blockade, and enduring the ongoing genocide, in the occupied West Bank, including Jerusalem, in 1948 Palestine, and in forced exile.

3. The Jury may recall that in 2011, the Russell Tribunal on Palestine concluded that: “Israel’s rule over the Palestinian people, wherever they reside, collectively amounts to a single integrated regime of apartheid.”
4. Despite this, Israel’s apartheid has often been addressed in a piecemeal manner, addressing only some areas of Israeli control rather than the nature of the Israeli regime as it targets the Palestinian people, as a people, *as a whole*. Even the International Court of Justice, in July 2024, considered Israel’s breach of the prohibition of racial segregation and apartheid only with reference to Israel’s illegal practices in the West Bank, including East Jerusalem, without addressing the totality of the Palestinian experience as part of the ongoing Nakba.
5. Third, and finally, recognition of Israel’s illegal apartheid regime necessitates the activation of international justice and accountability mechanisms. Indeed, Palestinian human rights organisations first advanced the apartheid framework in order to trigger international responsibility and to end the ongoing Nakba.

Third states have a legal duty not to aid or assist in the maintenance of this illegal situation and to cooperate to end it through lawful means, including through sanctions, arms embargoes, and other effective measures. Perpetrators must be held accountable, while institutions, including companies, universities, sporting and cultural associations, must fully and immediately divest from and cut ties with Israeli apartheid and genocide. These measures are long overdue and have been advanced by the Palestinian movement for freedom, justice, and equality as the most meaningful forms of solidarity with the Palestinian people.

Global civil society has also demanded for over two decades the reactivation of the General Assembly’s anti-apartheid mechanisms, comprising the UN Special Committee against Apartheid and the UN Centre against Apartheid, to direct global efforts toward the dismantlement of Israel’s apartheid regime.

To conclude, Israeli apartheid operates as a tool of Zionist settler colonialism both of which must be radically dismantled if the inalienable rights of the Palestinian people are to be realised. At the forefront of these are the right to self-determination and the right of return of Palestinian refugees and displaced persons to their homes, lands, and properties, of which they have been illegally displaced and dispossessed since the start of the Nakba in 1948.

### **Towards Nakba as a Legal Concept (online)**

#### ***Rabea Eghbariah***

*GT Chamber 1 Member, Lawyer and Legal Scholar*

Members of the Jury of Conscience, my name is Rabea Eghbariah, and I am a lawyer and legal scholar. I speak to you today at a time when many rushed to declare the Gaza genocide over, yet Gaza remains in ruins, and its devastation is unlike anything we have witnessed before. It is too early to tell whether the ceasefire will last, and whether the acts of extermination have, in fact, ceased. What we know is this: a genocide does not simply vanish; it does not miraculously evaporate. It is embedded in deeper and darker systems of injustice and oppression.

The genocide in Gaza over the past two years is not an isolated aberration. It is a culmination of a century-long process rooted in a political ideology: Zionism.

Destructive ideologies mirror the calamities they produce and often become defined from the perspective of their victims. The Nazi ideology produced the Holocaust and Afrikaner nationalism generated apartheid. Both ideologies are inseparable from the atrocities they wrought. This jury may want to ask: what has Zionism birthed?

We live in a world where Zionism is often publicly celebrated, bragging about the creation of a Jewish state in Palestine, while the victims of this project are ignored and their suffering rendered invisible. Yet, Palestinians have named this violence of Zionism for decades: the *Nakba*.

Meaning Catastrophe in Arabic, the term *Nakba* is often used to refer to the mass expulsion of over 750,000 Palestinians in 1948, when Zionist militias looted and destroyed over 500 towns and villages in their brutal campaign of ethnically cleansing Palestine.

But the 1948 *Nakba* has undergone a metamorphosis; it has evolved from an event of mass expulsion and land theft into a brutally sophisticated structure of oppression. On one hand, the *Nakba* dispersed most Palestinians outside Palestine while denying them return, on the other hand, it concentrated the remaining Palestinians in ever shrinking and militarily controlled territories, subjecting them to differential kinds of violence.

Gaza is home to two million Palestinians, the majority refugees or descendants of refugees expelled in 1948. Their confinement in this small strip of land is not accidental; it is the direct result of their exclusion from their homes, villages, and lands within the territories of '48 Palestine. Their siege for 17 years before the current genocide is a continuation of *Nakba's* logic premised on the denial of their return.

Members of the Jury, what you must consider is this: *even if* the genocide in Gaza ends, the *Nakba* continues. It is precisely in this moment of suffocating absence of words, it is when language fails to capture that this end is *not really* an end, that a ceasefire is not a synonym for freedom, it is now that we must turn to name the *Nakba* in all its continuity. Simply put, the *Nakba* never ceased, and the genocide in Gaza is inextricable from this ongoing *Nakba*.

Members of the Jury, the *Nakba* was born in 1948, the same year the genocide convention went into effect, and the same year that apartheid was institutionalized in South Africa. Yet, the *Nakba* remained the forgotten sister of both genocide and apartheid—two crimes against humanity that, in contrast, gained global recognition.

I am here to remind the jury that this absence of *Nakba* in law is not neutral. It is complicit. What I ask you to consider today is that *Nakba* itself must be understood as a legal concept, autonomous and distinct, if we are to reckon truthfully with the reality in Palestine we are witnessing today.

The ongoing stream of *Nakba* has long ago intersected with the spectacular violence of occupation, apartheid, and genocide. From the acts of ethnic cleansing carried out in 1948, to the military rule of Palestinians inside the territories that Israel claimed between '49 to '66, to the extension of this very military rule to the West Bank, Jerusalem, Gaza, and the Jawlan in 1967, to the Sabra and Shatila massacres of 1982 – massacres that the global majority in the United Nations recognized then as “acts of genocide” – the *Nakba* has contained many unspeakable crimes that meet the legal definition of both apartheid and genocide.

In fact, the Gaza genocide is the third genocide that Israel has committed, if we account for the intentional destruction of Palestinians as such during the 1948 *Nakba* and the 1982 Sabra and Shatila massacres.

Still, the totality of these crimes has never been recognized and the overall settler-colonial project they advanced has often remained obfuscated. The legal language we possess has treated Palestinians, at best, as victims of different episodes of violence or conflict, rather than victims of an overarching and organized project of dispersal, domination, and denial of self-determination.

That's why we must insist to name this violence in law. To render the *Nakba* invisible is to make its continuation possible. *Nakba* is the grammar that ties Gaza's destruction to the permanent exile of refugees, the fragmentation of the West Bank to the subjugation of Palestinians inside Israel, and the Palestinians in forced exile around the world to Palestine itself. The crime of *Nakba*, understood as not as an event but an ongoing structure, captures what the other legal categories, even when correct, leave fragmented.

Members of the Jury, the crime of *Nakba* is the paradigmatic crime of settler colonialism in the twentieth and the twenty-first centuries.

The disastrous qualities of the *Nakba* rest on the dual violence of both expulsion and concentration—fragmentation and domination—both designed to deny a group its inalienable right to self-determination in its homeland, while granting that very power to a settler society.

Members of the Jury, the genocide in Gaza today cannot be understood without the longer view of the *Nakba*. And while law has often failed Palestinians, it is still a terrain where truth must be fought for.

To recognize *Nakba* as an autonomous legal concept is not to imagine that law will save us. It is to demand that law tell the truth—that what we see in Gaza today is not simply a horrendous episode, but the continuation of a century-long project designed to deny the Palestinian people their right of self-determination in Palestine.

By affirming *Nakba* as a legal concept and a continuous crime, you as a Jury of Conscience are not creating something new—you are recognizing what Palestinians have testified to for generations. You are saying: there is no “past war” and “present conflict.” There is one continuous *Nakba*, and the genocide in Gaza is its most devastating manifestation.

Thank you, and may we all live to see the day when the *Nakba* is finally overcome.

### **Capitalism and Related Structural Dynamics Behind the Genocide (online)**

#### **Yanis Varoufakis**

*GT Advisory Policy Council Member, Secretary General of Democracy in Europe Movement and Former Minister of Finance of Greece*

My name is Yanis Varoufakis. I'm an economist, a politician, and an activist representing Greece's MeRA25 Party as well as the pan-European radical movement DiEM25. And I'm here in my capacity as an expert on the manner in which capitalist dynamics are fueling and reinforcing the genocide of the Palestinian people. Today, with a view to assisting the jury to reach an informed verdict, I shall address the economic forces underpinning the complicity of global capital in initially the ethnic cleansing of Palestinians and more recently their genocide. The jury should want to keep in mind that genocide

pays. And I shall be arguing later, it pays a great deal more now that a new form of capital has evolved and is involved in the execution of genocide.

To begin, the jury should want to acknowledge that capitalism thrives on human misery and sheer destruction. There is therefore no great paradox in the fact that at a time when demand for goods and services, production and consumer confidence are falling precipitously in Israel, nevertheless at this very same time, the Israeli story of change not only did not fall since the Gaza genocide began, but in fact it rose by more than 160%. This reflects the underlying political economy of occupation and in particular the manner in which thousands of Israeli companies are intertwined with American, European, Korean mega-corporations as well as one large Brazilian company, shamefully including the world's wealthiest financial conglomerates. All that comprising an international network that kicked into overdrive after October 2023. The moment the Israeli defense budget doubled, it crowded into Israel's financial circuits large investments and therefore enablers of its killing machine. For more detailed information on this, the jury should take into account the excellent report to the United Nations published by Francesca Albanese, the United Nations Special Rapporteur on the occupied Palestinian territories. The report, Francesca's report, is entitled From Economy of Occupation to Economy of Genocide.

Of course, none of this is new per se. History teaches us that economic interests have been key drivers and enablers of colonial enterprises and often of the genocides they perpetrated. The corporate sector has been intrinsic to colonialism since its inception, with corporations beginning with the Dutch and the British East India Companies historically contributing to the violence against, the exploitation of, and ultimately the dispossession of indigenous people and lands, a mode of domination known as racial colonial capitalism. Israel's colonization of the occupied Palestinian lands could not have been an exception. The jury should be aware of the manner in which Palestine today demonstrates all three phases of colonial expropriation.

First came the phase of unsophisticated brutalist expropriation, the brutal plunder of land and the conversion of indigenous people into either refugees or more likely cheap and even slave labor. That phase, which led to the rise of capitalism in the 18th century, has been evidenced in Palestine at least since the Balfour Declaration and much, much more so during and in the aftermath of the Nakba. Palestinian land was brutally expropriated and the Palestinians either turned into refugees or encased in bustans which ended up, until at least the Second Intifada, providing cheap labor to the colonizers. Now turning to the second phase of modern colonialism, also known as neoimperialism, that did not so much concern the plunder of land as it was intended to secure markets for the surplus commodities produced in the capitalist metropolis, commodities that the capitalist metropolis could not absorb domestically due to insufficient domestic demand. The neoimperialist dimension also made its appearance in Palestine in connection to the plight of the Palestinian people as Israel began to absorb massive quantities of weaponry imported from the United States, from Germany, from the United Kingdom and elsewhere, imports into Israel that contributed significantly to the aggregate demand of the exporting countries. More recently still, the Israeli arms manufacturers have managed to enter this game as exporters by exporting high-tech weaponry tried and tested on the Palestinian population, exporting those technologies to foreign countries, including shamefully to my own country Greece, but also to Arab countries too. Let's not forget that.

And that brings me to the third phase of contemporary capital accumulation feeding expropriation at home and colonialism abroad, the phase which I like to refer to as the techno-feudal phase, a phase underpinned by the accumulation of a new radical form of capital which I have entitled, I've called, cloud capital. War, ladies and gentlemen, was always lucrative. Arms dealers made fortunes from supplying weapons to the highest bidder. Indirectly, all sources of capital, including capital that produced consumer goods, accumulated faster at times of war and destruction. But in this techno-feudal age phase that I'm referring to, cloud capital, this new radical form of capital, accumulates new powers in the battlefields. How? Directly, by improving its algorithms' capacity to understand and to manipulate humans. Nothing helps cloud capital improve its efficiency than the realtime experience of monitoring and manipulating the behavior of combatants, of target selectors, those people in the military who select targets, of the politicians that enable these target selectors, and yes, tragically, of the population targeted for annihilation.

The jury will want to note that cloud capital is a network of machines comprising smartphones, tablets, servers, algorithms, a network of machines which does something remarkable. We train it, this network of machines, to train us to train it, that network of machines, to know us well enough and eventually to manipulate our behavior, therefore imparting, giving the owners of this cloud capital exorbitant powers to do things to us against our will in their interest. In this context, the jury should want to take into account the fact that no country in the world has given as much access to a population's biometric data as Israel has given, let's say, to a company like IBM. And since the Gaza genocide begun, Microsoft, Amazon, Alphabet (that is Google), and Palantir, let's not forget Palantir, have been expanding their cloud capital penetration at a breathtaking pace. Face recognition software, target selection algorithms, and automated execution systems are being tested in real time, at will, and with fewer ethical constraints than in the case of experiments on laboratory rats. America's Big Tech, Silicon Valley, could not be happier with the genocide.

The jury should therefore be aware of the fact that today's AI targeting devices that maximize death and destruction in Gaza will tomorrow morning power up the Amazon or Google or Microsoft algorithms which make us buy stuff we neither need nor want, algorithms which poison our conversations in our social media here in the West, that drive increasingly dispossessed proletarians, drivers, nurses and warehouse workers. In other words, I call upon the jury to note that what is happening in Palestine, the unfolding ethnic cleansing in the West Bank, East Jerusalem, the genocide in Gaza, is totally intertwined with the forms of exploitation and the toxification of our social media in the rest of the world. In this sense, yes, our freedom in the rest of the world is utterly connected with the liberation of Palestinians from colonialism, expropriation, fear, and manipulation.

To conclude, I would like to thank the jury for its important work and to implore its members to pay attention to the manner in which capitalist dynamics, especially the capitalist dynamics underpinning the reproduction of cloud capital, the way that these dynamics are fueling and reinforcing the genocide of the Palestinian people, should be a significant part of your deliberations. Thank you.

## Root Causes Drawing on Historical Perspective (online)

**Ussama Makdisi**

*GT Chamber 3 Member, Professor of History*

Distinguished members of the jury of conscience, my name is Ussama Makdisi, a professor here at UC Berkeley in history. For two years, we have witnessed genocide. And for two years, the question that has haunted me and still haunts me is why across so many parts of the liberal West that so solemnly proclaims the universality of law and human rights is the professed concern with Jewish life consistently predicated on an obvious devaluation of Muslim and Christian Palestinian life. The question that concerns me and us is why and how Palestinians have been systematically dehistoricized. That is to say, how and why Palestinians have been rendered a people without history, without ethical or political importance, a people whose past and therefore present and future has been overwritten by a deeply pro-Israel Eurocentric narrative. This overriding of Palestinian history is a key prelude to the dehumanization and the genocide that we have witnessed. This devaluation of Palestinian and of course Arab and Muslim life more broadly in fact has a long history. After the Crusades and beginning with the Reformation, Protestant enthusiasts and theologians in Europe and North America fantasized about the idea of a return of the Jews to biblical Palestine. But they had no interest in the actually existing diverse population of actual Palestine or for that matter of the Jews of Europe. In the 19th century, the Zionist Jewish nationalist movement emerged among European Ashkenazi Jews such as Theodor Herzl. But the Zionist movement too at first also ignored the native Palestinian population. Part of this, of course, was geography.

Zionism was not born among the ancient Jewish communities of the East, but in Europe. Its leaders were not Arab or Eastern or Sephardic Jews, but European Ashkenazi Jews. Its ethno-religious nationalist ideology was forged not by the pluralism of the Middle East but by the competing racial and ethnic and linguistic nationalism of Europe. The racial antisemitism of the West that was one of the main catalysts for European Jewish nationalism was alien of course to the rhythms of religious difference and coexistence so familiar to the diverse inhabitants of the Ottoman Islamic East. As Avi Shlaim and Lana Tatour have just explained to you, the Zionist project developed as an openly colonialist project in an era in the 19th century when European empires routinely segregated humanity into a hierarchy of superior and inferior races. So while leading Zionists such as Herzl grappled with the racial antisemitism of Europe, they were also desperate to belong to this Europe. They expressed, shared, contributed to, and circulated many of the foundational tropes of racism of 19th century Western culture. That the non-West was manifestly inferior. That the land of indigenous peoples was largely “empty,” and thus open to colonization. And that the removal of native peoples was justifiable, inevitable, and necessary. Recall, of course, one of the most notorious slogans of the Zionist movement was “a land without a people for a people without a land.” The underlying point here is that both Christian and Jewish versions of colonial Zionism were predicated on solving Europe’s so-called Jewish question, these are European terms, by removing or restoring Jews en masse to Palestine as if Palestinians did not exist and more fundamentally did not matter. What is astonishing is just how many significant proponents of colonial Zionism in Palestine from Theodor Herzl to Arthur Balfour to Web Deo all made variations of the same argument that the Jewish people could not be assimilated into the Christian West, that they needed a national home of their own, that Palestine was

a logical place to send them out of Europe. Thus, the transformation of multi-religious Palestine into a Jewish state was necessary to resolve Europe’s so-called Jewish problem. The antisemitism in the Zionist proposition was either acknowledged obliquely or proclaimed or admitted openly that Jews could not belong in Europe and thus for their sake they had to be encouraged out of Europe to build a European state outside of Europe. The racist orientalism that regarded the native Palestinian population as dispensable was simply taken for granted.

From the outset of the Zionist colonial project in the 19th century, Palestinians were consistently deemed inferior, lacking history, and thus utterly irrelevant to a changing Western understanding of itself. Whether we’re talking about the 19th century that explicitly was racist and colonial, or in the post-World War II era that claimed to repudiate antisemitism, that is to say, the West. So note that after World War II, members of the jury, US politicians rejected allowing the survivors of the Holocaust into the United States, just as Arthur Balfour himself had at the turn of the 20th century rejected Eastern European Jewish immigration to England. But at the same time, US politicians, journalists, and intellectuals across the United States and in Europe supported sending hundreds of thousands of Jewish displaced persons to Palestine in the name of decency and humanitarianism. Native Palestinians were entirely shut out of this decision-making process that most directly affected them. In November 1947, despite the fact that the overwhelming majority of the population of Palestine was Palestinian, and despite centuries of Palestinian belonging on what had always been their land, their villages, their towns, and their homes, there was no consideration given to the fact that the idea of resolving Europe’s Jewish question and then the question of displaced persons, in other words, Jewish survivors of the Holocaust, at their expense should be seriously challenged. Virtually every Western state that voted for partition in 1947 recognized that Palestinians existed. And this is what’s different from the 19th century version. After World War II, the European powers and the United States recognized that Palestinians existed. And they also recognized that they would be harmed by any partition plan of Palestine. But they justified their vote for partition in 1947 by insisting that what happened to the Jews of Europe was a horror that needed urgent redress. In other words, they valued what happened in Europe far more than they valued what was going to happen in Palestine. And this redress, they said, embracing Zionist logic, could only occur in Palestine, even if it came at the expense of the Palestinians. The Nakba, which we heard about just now, or the calamity of 1948, followed. Note that the co-author of the Universal Declaration of Human Rights, Eleanor Roosevelt, rationalized and justified the uprooting of Palestinians. Roosevelt blamed the Palestinians for opposing their own displacement. She justified her support for colonial Zionism by dehistoricizing what she regarded as primitive, irrational, and aggressive Arabs.

World War II and the creation of Israel in 1948 reflected, in short, more than just Western settler colonialism as a practice of native elimination. The support of Israel, the identification with Israel after 1948 reflected a reconstitution or at least a claim to reconstitute post-war Western humanism at the expense of the Palestinians. The creation of Israel as a Jewish state therefore represented an implied Western atonement for its own terrible past or at least it claimed to atone for this past. Israel, remember, received reparations from Germany in 1953. Israel was celebrated, recall, in the liberal and leftist Western world before it was celebrated in the conservative and anti-immigrant West that we see today. But it is crucial to point out that the war against Nazi racism and specifically

the Western repudiation of the virulent anti-Jewish ideology of the Nazi state was not predicated on a Western rejection of colonialism more broadly. France fought bitterly to remain in Algeria. Britain fought bitterly to remain in Kenya. The US supported Jim Crow segregation in the US South and all supported apartheid South Africa. My point is that support for the new state of Israel after 1948 established outside of Europe in the name of the Jewish people after the Holocaust was key to a reconstitution of post-war Western humanism, a sense of belonging in the world, a sense of leading the world. Palestinians, however, did not figure in this moral calculus, nor did most of the rest of the colonized world. This Western denial of an ancient, sustained, and meaningful Palestinian relationship to Palestine has had profoundly corrosive moral, political, and ethical effects. I appeal to members of the jury to see that these effects in Gaza in the Gaza genocide are playing out today in the 21st century. Thank you.

## HEARINGS: THE CRIMES

### Testimony of Genocide Survivor (online)

#### *Haider Eid*

*GT Chamber 2 Member, Associate Professor of Postcolonial and Postmodern Literature and Policy Member of al-Shabaka*

Dear esteemed members of the jury, my name is Haider Eid and I am an associate professor of literature and cultural studies at what used to be Al-Aqsa University in Gaza and I'm speaking to you right now from Johannesburg, South Africa. I spent the first two months of the genocide in Gaza itself where I was displaced three times and after being evacuated by the South African embassy in Ramallah in December 2023, I went from Gaza to South Africa via Egypt and South Africa has become my fourth displacement.

I want to begin by stating that it is extremely difficult to find an appropriate word that can describe and encompass the horror of what is happening in Gaza other than evil. An absolute evil devoid of even the most minimal restrictions, controls, and deterrence, which however superficial, sometimes succeed in curbing the savage evil that lurks beneath the surface and limiting its manifestations. This is an evil devoid of all frameworks and explanations that justify and rationalize its consequences and find excuses for it after the fact itself. Israeli political and military leaders have deliberately unleashed a genocidal war to wreak havoc on Gaza, my hometown, Gaza City. And I myself was born in the Nuseirat refugee camp, making Gaza literally unlivable. Israel has severely punished Gaza's population, especially women, children, and the elderly, for daring to challenge its colonial invincibility.

I was in Gaza when the deadly hermetic siege of 2006 was imposed and was meant to punish us Palestinians for voting against the Oslo Accords, for voting against the two-state solution, for voting for resistance in all its forms, or rather, as I say, for voting against the Oslo Accords and the so-called solution, even as the Israeli onslaught continued unabated over the years. It was 17 years later that October 7th presented Israel with the perfect opportunity to take its historically punitive approach towards Gaza to horrific, unprecedented new levels.

The personal loss, and I'm supposed to be telling you about my personal experience and I'm saying it very, very clearly and I'm not in the habit of doing that, the personal loss has been too tremendous even to grasp. Personally, I have lost 54 relatives, cousins from the clan. And I have lost 39 colleagues from Al-Aqsa University. And I have lost

more than 280 students from our university including some of my best students, literature students. I also have lost all my belongings. My flat, my neighborhood, my family home, my children's school, and my university.

Two days before the implementation of the so-called ceasefire, Trump's Gaza plan, I had received a message from a friend who is still in southern Rimal, or rather what used to be Tal al-Hawa. He wrote it while the Israeli genocidal forces were decimating Gaza City. And I want to quote what my friend sent to me. He said, "The world feels exceptionally dark tonight and I am struggling to breathe, to stand, to think. I feel like I'm floating through space, like I have lost my footing." Ask any other Gazan and they likely feel the same, utterly hopeless and bereft of words to describe this hell. This hell we are witnessing and that my family is experiencing right now. Our city, our beloved Gaza, our defiant Gaza that refuses to play by anyone's rules.

Now compare that to the percentage of children dead in the Ukraine conflict which is 0.3%. And I want to quote also another South African, Navi Pillay, chair of the United Nations Commission of Inquiry on the occupied Palestinian territories including East Jerusalem. Last month, she had this to say: the goal of the Israeli government is abundantly clear, the destruction of life in Gaza. There's an escalating collective hysteria in Israel against everything Palestinian, everything Palestinian, which is a reflection of the ongoing racist implementation of Zionist ideology. As previous speakers have said, the implementation of Zionism on the ground since 1948.

This ongoing genocide can be traced back to 1948. I am a son of refugees from the Zarnuqa village which was ethnically cleansed back in 1948. Both my parents died in 2005 dreaming of the day when the United Nations Resolution 194 would be implemented, when they would be allowed to return to Zarnuqa. That unfortunately did not happen. The fact that Israel is a settler colonial state essentially means that, like any other settler colonial state, it is based on either the total extermination of the indigenous population and/or ethnic cleansing. Thank you so much.

### We Charge Nakba: Colonial Genocide of the Palestinian People (online)

#### *Noura Erakat*

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

Okay, I just want to acknowledge my comrade, Mr. Haider, Professor Eid. That was quite moving. That's incalculable loss. And may we, in these collective efforts, vindicate those losses with our liberation.

My name is Noura Erakat. I'm a legal scholar and a professor at Rutgers University, and I am here in my capacity as an expert in international law. In the time I have, I will address specifically how the genocide of the Palestinian people in Gaza is quintessentially colonial in nature and constitutes the cruelest phase of our Nakba. I will conclude on the implications this has for the rest of the world.

The jury should consider that Israel, together with its allies, has sought to confound peace. Israel's precedence for such Nakba peace took place between 1947 and 1949, when Zionist militias and later Israel's conventional army conducted military operations that collectively targeted Palestinians in the name of a defensive operation in Plan Dalet. That plan included the destruction of villages by siege, "and conducting a search inside of it, and in the event of resistance, the armed forces must be wiped out and the population expelled outside of the borders of the state." End quote.

Framed as defensive, this program of collective punishment aimed at Palestinian civilians and civilian villages resulted in the expulsion of 80% of Palestine's native people and the destruction of 500 villages. No one was punished or has been punished since then. The brazenness of Israel's current campaign is predicated on the normalization of the Nakba. The international community accepted Israel's claim for legal exception in 1948. The UN membership on the return of Palestinian refugees but failed to do so. As Professor Makdisi has written, the international community treated "the new state of Israel as a *fait accompli* despite emerging through clear violations of the terms of Resolution 181 as well as international humanitarian and human rights law, and transformed Palestinian refugees into a humanitarian issue whose fate would be determined through political negotiations."

The past is the present. More, the Nakba committed in the shadows of the drafting of the Genocide Convention to the newly ratified, newly drafted Convention and Israel viewed as genocide's canonical victims and reparations could not be conceived as its first accused genocidaire. The international community further normalized the Nakba in the following decades, particularly UN Security Council Resolution 242 and the crystallized diplomatic consensus for a two-state solution predicated on the removal and forced exile of native Palestinians.

Today, Israel is continuing that tradition of exception, insisting that its military campaign is justifiably pursued for the purpose of ethnic cleansing. And though it may seem genocidal, they tell us it is necessary for its sustainable and long-term security. This logic says that the proximity of Gaza, inhabited by 2.3 million Palestinians, two-thirds of whom are refugees seeking to return to their original homes, makes the entirety of Gaza and its population, civilian and otherwise, a threat that needs to be removed or permanently subdued regardless of whether or not they actually pose a military threat.

Accordingly, Israel has insisted that to achieve its military purpose of sustainable self-defense, it should not be subject to red lines of combat and is within its sovereign right to remove the Palestinian population and prevent their return. They are not the first colonial power to make such claims. Unfortunately, however, the Genocide Convention, together with ICJ jurisprudence, do not adequately address this colonial violence. Genocide was legislated as its own unique crime that aimed to exterminate a people based on their immutable character precisely because of that character. The final treaty defined genocide in law as comprising two overarching elements: the intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such, and the commission of specific acts to achieve that goal.

What the final text of the treaty did not include in its definition of genocide, however, is also significant. Destruction of a group of people was limited to their physical destruction on purpose. It excluded the destruction of a group's political, economic, cultural, and linguistic existence. As such, the final treaty effectively excised colonialism and its constitutive violence from the scope of the international crime of genocide. The Genocide Convention failed to connect a group's biological life to the land upon which they live, thus obscuring how forced removal from land can be tantamount to a group's destruction even if its members survive.

Perhaps most significantly, the Convention explicitly does not apply to the destruction of a political group, neglecting the ways groups with shared political affiliation can overlap with those who share immutable characteristics, particularly during wars of

national liberation and struggles against racist regimes. The treaty condemned the destruction of a people but not the kind perpetrated by the most powerful states. The way the Convention has been interpreted by the ICJ also implies that the specific intent to destroy a group should be understood so narrowly as to exclude the more protracted and systematic destruction of a group across time that has been common throughout settler-colonial history.

In *Bosnia and Herzegovina v. Serbia and Montenegro*, for example, the Court was not convinced that the mass killings of Bosnians happened with such specific intent. The ICJ discounted the systematic destruction of archives, libraries, monuments, and mosques because the Convention only punished physical destruction. On nearly every count, the ICJ drew a very thin line between ethnic cleansing committed for the purpose of forced removal and genocide committed for the purpose of destruction. Ultimately, the ICJ established a high threshold to demonstrate intent, thus reinforcing Western prerogatives to absolve themselves of their crimes.

The long-standing normalization of the Nakba together with the Genocide Convention's colonial blind spots and ICJ jurisprudence that further limits its application makes it questionable whether the ICJ in its current form can ever really vindicate Palestinians. But failure to properly evolve jurisprudential standards and to adequately contend with genocidal violence in a settler-colonial context will say more about the ICJ's relevance than it will about whether Israel has committed genocide. At this point, it is not what the ICJ says about Palestine, but what Palestine has to say about the ICJ and international law more generally. And it is already saying so much.

In the past two years, the United States and its global role as superpower has had to systematically attack the post-World War II legal order to allow Israel to continue its carnage. Together, the Biden and Trump administrations have made a mockery of the UN Security Council by using its veto six times to undermine a multilateral resolution to genocide. They admonished and disregarded the ICJ's provisional measures to prevent genocide, criticized the ICJ ruling on Israel's unlawful presence in the West Bank and Gaza, and imposed sanctions on anyone aiding the ICC case. Rather than resist the United States, France questioned the ICC's jurisdiction and allowed Netanyahu to fly over its airspace, while Hungary and Poland openly defied the Court's arrest warrants.

Meanwhile, the US has withdrawn from the Paris Climate Accords, the World Health Organization, and now UNESCO in its bid to continue undermining an international system. It waged a genocide and simultaneously disemboweled international law and the institutions meant to prevent and punish it. As President Gustavo Petro put it aptly, Gaza is a rehearsal for the future – a future where capital sovereignty supplants national sovereignty, where states are led by corporate boards rather than elected governments, where political democracy is attenuated to allow markets to grow unencumbered by the demands for healthcare, labor rights, education, and dignity. We are being primed and desensitized to the violence necessary to forge this dismal future.

Palestine is the epicenter of this struggle, where world powers are turning Gaza into a graveyard of international law as well as basic norms of humanity, including empathy and solidarity. Esteemed jurors, we must defeat these forces in Palestine and save a future for everyone worthy of our children. I urge you to recognize the colonial nature of Israel's campaign as well as the legal and political limitations that have made calling one of the worst colonial genocides of our time by its name so difficult. Thank you.

## Jury Questions

**Sami al-Arian:** My question pertains to not just what the ICJ could declare. When we identify this, what would be, internationally, talking about international law sanctions? I wanted to understand more about states that can go after systems and after countries such as the Zionist regime, like what the Houthis or others do. Do they have the right to intervene militarily into countries that have already been identified as genocidal states? What are the limits by which other people could also, other than countries, what would be the international law point of view?

**Noura Erakat:** Thank you for that question. I want to start by saying absolutely, third parties have a right to intervene. Let me give you the basis on which that can be done and then the impediments.

So the primary basis on which that can be done is the duty to prevent genocide, by which these states, by observing that they have this duty, have then the right to intervene in order to prevent genocide. That's one. The second basis that they could be done is based on collective self-defense, which is, you know, one of the only two exceptions to the prohibition on the use of force in the UN Charter – that they can, in order to defend themselves against what's happening in the region, also mobilize that right. The third basis upon which they can intervene is based on the recognition of the Palestinians and their leadership as nascent sovereigns who are asking for third-party intervention. So there is not a lack of legal bases upon which states can mobilize in order to intervene in many ways, including militarily, to protect the Palestinians from this ongoing genocide.

The impediments to this are a few. The first is the fact that we have been told over and over by Western powers that we don't know if there's a genocide unless there's a legal ruling. Hence this emphasis on both how the US has been trying to disembowel the International Court of Justice together with the fact of how the Court of Justice and the Genocide Convention itself have colonial blind spots as well as an erasure of Nakba. So this compounds that challenge.

That said, I think it's very clear that this legal argument about what the ICJ says or is going to say is a deflection. It's a political deflection. No other cases have been contingent on an ICJ finding in order to find genocide, especially because the Convention is meant to prevent, not merely to punish, this crime. In the US's case in particular, before the Biden administration stepped down, Secretary of State Antony Blinken declared that there was a genocide of the Masalit ethnic tribe in the Darfur region of Sudan without a judicial finding. And when pressed on this topic, the Ambassador on International Criminal Justice for the United States deflected and basically said that they could find that there was genocide in Sudan, but that in Palestine they wanted to wait for the Court – making very explicit this double standard.

Which then finally is the greatest challenge: whether states have the right to mobilize and to intervene and have the legal basis to do so, this is a matter of political will and the pressure placed upon them, probably outright threats as well, as we've seen threats being imposed by the United States and actual punishment in the form of sanctions, for example, on the ICC, including the prosecutor Karim Khan, Special Rapporteur Francesca Albanese, and three Palestinian human rights organizations who were the first three to submit to the Court in November 2023 charges of apartheid and genocide – PCHR, Al-Haq, Al Mezan. These are the political barriers which we, as an international community, are gathered in order to overcome.

## 24 October 2025 – Day 2

### HEARINGS: THE CRIMES - STARVATION, ECOCIDE, DOMICIDE

#### STARVATION

##### Starvation by Design: Blocked Aid and the Fight to Feed Gaza (online)

*Hani Almadhoun*

*Co-Founder of Gaza Soup Kitchen*

Honorable Jury of Conscience, esteemed colleagues, and all listening in from around the world,

Thank you for inviting me today. Thank you for the critical work you are doing to document and report the truth of the cruelties Palestinians in Gaza and the West Bank are enduring. My testimony can help in this effort.

I serve as the Senior Director of Philanthropy for UNRWA USA. In early 2024, I co-founded the Gaza Soup Kitchen with my late brother, Chef Mahmoud.

I am here to speak about the occupation's deliberate starvation of Gaza—a crime the world has witnessed and must never forget.

Along with my family and colleagues at the Gaza Soup Kitchen, I have seen firsthand how impossible it has been to get even minimal aid into Gaza over the past two years, because the occupation has intentionally and consistently blocked it.

The Kitchen's work has not been easy—nor has it been easy for any individuals or organizations in Gaza trying to save people from starvation. I hear the difficulty in my family's voices and in the messages they send me every night. They are being starved. They are watching neighbors starve. And they still try, every day, to find ways to feed them.

Ever since Israel announced its first “total blockade” of Gaza on 9 October 2023—it has largely blocked food, medicine, and other essentials from entering the Strip. Some minimal aid has trickled in over the past two years, but never enough for Palestinians to survive.

And the occupation knows this. As The Guardian reported, Israeli government data confirms that Gaza has been systematically starved. From March through June this year, they allowed less than 25 percent of the food Gaza needed. Less than 25 percent of what 2.3 million people needed to survive.

Thanks to Palestinian journalists, the world has finally seen the consequences: famine set in. Emaciated children took their last breaths, even as hundreds of trucks full of humanitarian aid sat waiting at Gaza's borders—denied entry. With funds raised by people around the world, my family and colleagues at the Gaza Soup Kitchen have continued to serve people as best we can. Sometimes, all we could offer was bland pasta or soup made from foraged plants—but it has helped people survive. In total, we've served about 19 million meals to roughly half a million people since early 2024.

I am constantly in touch with colleagues, coordinating the Kitchen. They tell me stories of families walking miles for a meal. Children with arms so thin you could see every bone. Mothers and grandmothers are collapsing in the streets. One elderly woman fainted in front of our Kitchen, and my team, thankfully, had access to an IV that saved her life.

Through all this, I have watched our staff endure the pain of hunger themselves—losing

weight, losing hair—and yet they return every single day to feed others. Because if they stopped, who else could feed the people?

Through grief, labor, and love, we Palestinians continue to find ways to feed each other—even after burying brothers, sisters, children, and neighbors killed by bombings, starvation, or preventable disease.

And what makes it all worse is the occupation's effort to deny its crimes. They have used old photos from our Kitchen to claim there is no famine in Gaza—four months old, taken before hunger peaked. It is hard to describe the horror I felt. Even knowing that propaganda campaigns have shielded the occupation for nearly 80 years. They showed our modest food as if it were in abundance, while children cried in silence, neighbors scavenged for leaves and weeds, and mothers went without so their babies might survive another night.

They also endangered my family again. After losing my beloved brother to a targeted bombing, they manipulated images of our efforts to care for each other to pretend nothing was wrong.

This is the audacity of the occupation: to starve an entire population, then twist our resilience into a claim that we are the liars. They show a pot of stew or meager bread to distract from the fact that they have decimated Gaza, destroying homes, livelihoods, and land.

On Gaza Humanitarian Foundation aid sites, Palestinians seeking help were systematically targeted. My 18-year-old cousin, Samhee, was killed at an aid site near Khan Younes in August. His body was delivered to us unclothed—a violation of deeply held cultural and religious traditions. Countless other aid-seekers have vanished under similar circumstances.

I raise this because the campaign of lies will continue. There are those who will act as if Gaza's suffering wasn't severe. We must not let that narrative take hold.

The occupation starved Gaza, and it continues to do so. Even during the current cease-fire, aid has not flowed into the Strip as promised. Instead of 600 aid trucks, Gaza sees an average of only eight. The United Nations confirms that what does get in is insufficient.

We must do three things:

1. Keep pressure on the occupation until Gaza is fully fed.
2. Never allow anyone to question that Israel starved Gaza. Share the proof, show the calculated design behind it.
3. Push to end the siege and occupation.

Because forcing famine is not new. Even before the complete blockade in 2007, the occupation limited the types and amounts of nutrients and resources allowed into Gaza.

At the Gaza Soup Kitchen, we cannot pretend things aren't dire. We witness hunger daily. We taste it in every dry mouth, see it in every thinning arm, in every gaunt face of a father who once sang his children to sleep after dinner.

We fight with what little we have. We barter. We cook. We distribute. We bury our loved ones and return to ladle soup the same afternoon. This is reality for Palestinians. This is Gaza right now.

And yet, despite the bombs, drones, rockets, and destroyed homes, we continue. Every meal, every cup of water, every tray of bread is an act of defiance. A refusal to allow

our children, neighbors, and people to quietly disappear, as the occupation wishes.

So I tell you now: the Gaza Soup Kitchen is not a photo op. Gaza is not a photo op. It is a crucible of grief and defiance, a testament to what it truly means to provide aid in times of need.

The message we send to the world this week is vital:

Gaza will continue. Palestinians will continue. We will always continue. And the world must join us in doing more to name and stop these crimes against humanity.

*Mostamreen* [Trans.: We will continue]. Thank you.

## **Declaration of Famine and Weaponization of Humanitarian Aid**

*Hilal Elver*

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

Dear Members of the Jury of Conscience, my name is Hilal Elver. I served as the United Nations Special Rapporteur on the Right to Food from 2014 to 2020 and, since 2021, as a member of the Scientific Committee of the UN Committee on World Food Security. Over the past decade, I have investigated, monitored, and reported violations of the right to food and related human rights across the world.

Among the many conflicts, Palestine has always been a central place—as marked by systematic violations of human rights over a long period of occupation. Especially, the right to food, the right to water, and food sovereignty have all been persistently denied to the Palestinian people.

Today, I will share with you a chronology of starvation in Gaza, demonstrating how Israel has used hunger as a weapon for years—first as a tool of control during the long blockade years, and later as a genocidal instrument after October 2023. What I present is not conjecture, but documented fact, drawn from UN agencies, international humanitarian organizations, and scientific assessments.

Like many of you, I have watched how Western powers, especially the United States, have been complicit—silently or actively—in the continuation of Israel's assault. I have also observed from within the UN system how some reports on Gaza were sanitized, stripped of words like “Israel,” “starvation,” “famine,” and “genocide.”

Because my time is limited, I will focus on the essential facts that reveal how Israel has orchestrated the most deliberate and efficient starvation campaign in 21st Century—a process that will continue to devastate Palestinian society long even after Gaza violence finally stops.

### **The Beginning of Starvation: October 2023**

On October 9, 2023, Israeli Defense Minister Yoav Gallant declared a “complete siege” on Gaza—his words: “No electricity, no food, no fuel.” This was not an act of war against combatants, but an assault on civilians. The immediate halt of essential supplies—food, water, fuel, electricity—marked the start of a systematic starvation policy.

Two weeks later, under international pressure, Israel slightly eased restrictions, allowing in about one-fifth of the pre-war aid flow. Yet the siege continued; the intention was never relief but control.

By mid-November, Israel had destroyed Gaza's last operating flour mill and closed all bakeries in the North. This eliminated the population's ability to produce bread—the most basic element of survival—and forced complete reliance on insufficient, unpredictable humanitarian deliveries.

In December 2023, the UN's food insecurity Integrated Food Security Phase Classification (IPC) issued its first warning: 91 percent of Gaza's population faced high levels of acute food insecurity (emergency level 3), and 133,000 were in risk of Famine (Phase 5). The FAO recorded average calorie intake at only 1,510 per day—barely two-thirds of survival needs. Even at this early stage, UN agencies, including several Special rapporteurs of the Human Rights Council documented clear violations of international humanitarian and human rights law, including the prohibition of starvation as a method of warfare.

That same month, South Africa brought Israel before the International Court of Justice (ICJ), accusing it of genocide under the 1948 Genocide Convention.

### Escalation: January to June 2024

In January 2024, Israeli extremist groups, known as Tsav 9, began physically blocking humanitarian convoys at Israeli crossings with full impunity.

On January 26, the ICJ issued its first provisional order, demanding that Israel should allow humanitarian aid and take measures to prevent genocide. Israel ignored it.

By February, malnutrition in northern Gaza had skyrocketed. On February 29, the tragedy known as the Flour Massacre took place: Israeli forces opened fire on hundreds of civilians waiting for food near the Netzarim Corridor, killing at least 118 and injuring more than 760.

Days later, the first children died from starvation and dehydration, confirming that famine had begun. UN Special Rapporteurs warned that the risk of genocide was "apparent." Israel ignored and complained about UN Special Rapporteurs has no mandate to declare famine.

On March 28, the ICJ issued a second provisional order, acknowledging that conditions had worsened to "catastrophic" levels. It demanded that Israel enable full humanitarian access. Again, there was no compliance.

In April, an Israeli strike killed seven World Central Kitchen aid workers, including international staff, marking the first major attack on humanitarian organizations.

By May, civilians were being killed routinely at food distribution points. The ICJ issued a third order, describing Gaza's situation as "disastrous." Still, no change occurred.

In June, an Israeli missile destroyed one of Gaza's last flour mills in Deir al-Balah and damaged a World Food Programme warehouse—further erasing Gaza's capacity to process and store food.

### Collapse and Criminal Responsibility: Late 2024

By October 2024, Gaza's water and sanitation systems had collapsed. The World Health Organization warned of widespread diarrheal outbreaks and dehydration, particularly among malnourished children.

In October, the International Criminal Court's Pre-Trial Chamber I found reasonable grounds to believe that Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant bore criminal responsibility for the war crime of starvation as a method of warfare.

By the end of the year, OCHA confirmed that aid entering Gaza had fallen to its lowest levels since the war began—only 2,205 trucks in December, compared with 15,000 per month before the conflict.

On December 24 Amnesty International released its own genocide report.

### Famine Confirmed: 2025

A fragile ceasefire began in January 2025, but it collapsed by March, when Israel reinstated the total blockade and banned all international humanitarian agencies.

On March 27, Israel's Supreme Court ruled the blockade legal, normalizing collective punishment.

By April, the UN Secretary-General described Gaza as "*a killing field where civilians are trapped in an endless death loop.*"

In May, the IPC warned again that famine was imminent. FAO data showed the average Gazan consuming 1,400 calories per day, only 67 percent of the human survival requirement.

Around the same time, the U.S. and Israel established the Gaza Humanitarian Foundation, ostensibly to distribute aid. In practice, it was a privatized, militarized operation with only four distribution centers instead of 400. Civilians gathering for food were repeatedly attacked; over 2,000 people were killed while waiting for aid.

By July, one in three Gazans had gone days without food.

On August 15, 2025, the UN's IPC officially declared famine in parts of Central Gaza—confirming widespread starvation, destitution, and preventable deaths. Conditions in North Gaza, though impossible to fully assess, were described as "*as severe or worse.*"

By September, 640,000 people were in famine conditions and 1.14 million in emergency—meaning every one of Gaza's 2.1 million residents was in crisis or worse.

Food prices had risen by 9,900% compared to pre-war levels. Over 132,000 children under five suffered acute malnutrition, with 41,000 at imminent risk of death. By early October, 455 people—including 151 children—had died from starvation or malnutrition, 86 percent of them in the two months after famine was officially declared.

A fragile ceasefire began again on October 10, 2025, after nearly two years of attack and siege.

Members of the jury, from this chronology, several key findings emerge:

**First**, the total blockade was not a temporary military measure but a deliberate strategy designed to produce what I call "intermittent famine"—a controlled starvation that avoids immediate mass death but ensures long-term suffering and population destruction.

**Second**, Israel systematically destroyed Gaza's food systems: its mills, bakeries, farms, greenhouses, fisheries, and water sources. The purpose was not only to deny food during war, but to guarantee that Palestinians would remain dependent and destitute long afterward.

**Third**, humanitarian aid was weaponized. Israel and non-state actors obstructed convoys, attacked distribution centers, and killed unprecedented numbers of humanitarian workers. Aid delivery sites became death zones—what Gaza's health authorities called "*human slaughterhouses.*"

**Fourth**, the long-term damage was intentional. By October 2025, nearly 90 percent of Gaza's cropland had been destroyed, along with fishing ports and irrigation networks. This created "economic starvation," ensuring Gaza's unlivability even after the guns stop.

**Fifth**, the international legal system failed. The ICJ issued three binding orders between January and May 2024, yet Israel openly defied them. The ICC issued arrest warrants for Israel's top leaders, but the United States, sanctioned ICC officials and shielded the perpetrators.

This revealed the most alarming truth: even with overwhelming evidence, international law proved powerless against political impunity.

### Conclusion

Members of the Jury, the Gaza famine is not a natural disaster; it is a man-made atrocity, the result of deliberate policy decisions. It represents a flagrant violation of international humanitarian law, the right to food, and the Rome Statute's prohibition on starvation as a method of warfare.

Despite three ICJ orders and countless UN reports, the world watched as famine unfolded in full view. After more than seven hundred days of siege, Gaza became the first officially declared famine of the 21st century caused entirely by human intent.

The consequences will endure for generations: the collapse of Gaza's food, water, and health systems; the trauma of starvation; and the intergenerational effects of malnutrition and disease.

To reverse this catastrophe, Gaza requires immediate, large-scale humanitarian access, massive food and medical support, and urgent restoration of its agricultural and water infrastructure. Most importantly, the international community must enforce the ICJ's orders and support the ICC's investigation into the war crime of starvation.

Without accountability, there can be no justice—and without justice, there can be no recovery.

The deliberate starvation of Gaza's population stands as one of the gravest crimes since the Second World War. It must never be normalized, forgotten, or forgiven.

Thank you for listening.

## ECOCIDE

### Ecocide: The Extent of the Ecocide Accompanying the Last Two Years of Genocide in the Gaza Strip

#### Mazin Qumsiyeh

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

I am Mazin B. Qumsiyeh, professor, founder, and director of the Palestine Institute for Biodiversity and Sustainability at Bethlehem University. I have over 40 years of experience in working on environmental issues globally and have published over 250 scientific papers, over 30 book chapters, and several books. I also led national environmental efforts and served as a consulting scientist in global and regional environmental work. I provide this testimony to the jurors so that they can reach judgements based on facts regarding an aspect usually ignored in times of conflict: the ecocide. The facts

listed below in this brief are very well documented and I provide references from peer reviewed scientific work at the end that validate the statements made herein.

Let me begin by stating that the environmental costs of the colonial occupation and conflict on the land and people Palestine started nearly a hundred years ago with projects like draining the wetland of the Hula, diversion of waters of the Jordan River basin (the river used to flow at 1350 million cubic meters/year and now barely a stream at 20 mcm/y), and uprooting of millions of local trees. The previous damage also included bringing in dozens of invasive plant and animal species and planting a monoculture of pine trees to replace more resilient mixed wooded areas destroyed. This catastrophic environmental damage (which I dubbed an "environmental nakba") has accelerated since 7 October 2023. Brief key areas of damage

- Climate change impact due to incessant bombing campaigns that produced more greenhouse gases than most average countries produce from all other sources of greenhouse gas emissions
- Israeli occupation forces (IOF) intentionally destroyed most trees and most greenhouses in the Gaza strip
- IOF destroyed habitats for most of the species in Gaza that are listed in the red list of the International Union for Conservation of Nature (IUCN)
- IOF extensively used environmentally destructive weapons such as white phosphorous and munitions containing radioactive material.
- IOF destroyed essentially all institutions of higher education and research in the Gaza strip destroying possibilities of work on remedies/remediation or conservation
- IOF destroyed most of the hospitals and rendered others poorly operational. This combined with a blockade on food, medicine, fuel and water entering the Gaza Strip resulted in a huge environmental health catastrophe (famine, diseases spreading etc)
- The denial of fuel and the relentless bombing decimated infrastructure like desalination plants and sewage treatment facilities resulting in cataclysmic conditions not just for humans but for fauna and flora of the Gaza strip.

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## Ecocide and Its Links to the Genocide

### David Whyte

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

Hello, I'm David Whyte, Director of the Centre for Climate Crime and Climate Justice at Queen Mary University of London. Members of the Jury of Conscience, this presentation sets out the indivisible links between the genocide and the ecocide in Gaza. A fully referenced and sourced extended version of this evidence is with the Jury.

Ecocidal attacks on environmental infrastructure are, as we've just heard, undoubtedly a conscious part of the Israeli military strategy. By environmental infrastructure, I mean infrastructure that ensures the integrity and cleanliness of land, water, air, and biodiversity, including agriculture and drinking water. Of course, again, as we've just heard,

removing the capacity of the people of Gaza to produce drinkable and usable water has been a central part of Israel's war effort. Clearly, the release of huge amounts of raw sewage every day contaminates land and watercourses, including the aquifer and the Mediterranean coast, ensuring disease proliferation.

The destruction of agricultural land, including the deliberate destruction of almost all of Gaza's orchards and most of its arable land, as well as the targeting of fishing grounds and the capacity to fish, has also been part of a sustained and deliberate attempt to render Gaza unlivable.

The ecocide in Gaza cannot in any sense be thought of as distinct from the genocide. Ecocide is a central part of the military strategy. In this ecocide-genocide, the annihilation of the Palestinian people is indivisible from the destruction of Palestinian land fertility, air quality, food sources, and water supplies that people rely on to live. Israel fires on and bombs food queues, water infrastructure, and sanitation plants for this reason, just as it destroys agricultural production and fishing boats and nets. For this reason, Israel has repeatedly justified such attacks by claiming that Hamas uses civilian resources for military purposes. According to Israeli officials, Hamas hides weapons in or launches attacks from civilian locations, even aid convoys. In this way, all of the infrastructure that sustains life is transformed by the Israeli state into a legitimate military target.

It's here that we see the articulation of a principle that has been central to this genocide-ecocide: that there's a symbiosis between civilian and military targets, to the point that the Israeli state argues it's pointless—and at times counterproductive—to separate them.

So, if the analysis of ecocide in previous military conflicts revealed a blurring of the distinction between civilians and combatants, the Israeli state has wholly eradicated this distinction for its own political and military operational purposes.

The open declaration that all life be treated as a legitimate target can only be understood as a supreme declaration of racism. Palestinians must be categorized and treated as a homogeneous and expendable "terrorist" population. Palestinians must be racialized to the point that Palestinian lives are seen as nothing more than an inconvenient but expendable obstacle to achieve a military goal.

While this is by no means unique in warfare, in our historical experience, Israel's genocidal attack on Gaza has perhaps seen the highest point at which this is openly boasted about and justified by its perpetrators.

Israel's explicit justifications for a scorched-earth military strategy raise these profound questions about why this strategy has been tolerated or sustained by the most powerful international states. It also raises crucial questions about the supine nature of the structures of international law to prevent this genocide-ecocide, and about the realpolitik of Israel's brutality.

Historically, Israel has been an important channel for both European and US geopolitical interests in the Middle East. The attack on Gaza cannot be described as a war for oil per se. Yet, the Israeli war machine is only sustained because oil is in the Middle East. The attack on Gaza is therefore inextricably bound up with geopolitical—and specifically oil and gas—interests. This is a crucial entry point for understanding the attacks on Gaza as part of a longer ecocidal military campaign.

I now want to set out some of the measures of the deliberate destruction of environmental infrastructure.

In terms of the debris that's been created, the large-scale destruction of Gaza's urban infrastructure has produced an estimated 61.4 million tons of debris. That's more than 20 times that generated by all other military attacks on Gaza since 2008. The debris is heavily contaminated with asbestos, industrial and medical waste, heavy metals, and of course human remains, and is a major source of disease. The debris also contains huge amounts of unexploded military ordnance, estimated at 5 to 10 percent of the total dropped on Gaza, still in the rubble, unexploded.

2.91 million tons of debris in industrial areas are contaminated with chemicals and other hazardous materials, with over a quarter of a million tons potentially containing heavy metals from destroyed photovoltaic cells—that's solar panels.

It's estimated that safe disposal of the rubble will require over 700 hectares of landfill, a completely unviable option in Gaza's densely populated and land-constrained context. And I want to stress this: under the Oslo II Accords, all of the waste I've just mentioned must be transferred to Israel pending establishment of Palestinian disposal facilities. This is a mandate that applies to all waste—the waste created by Israeli attacks since October 2023 included. But of course this does not feature in the so-called Gaza peace plan.

In terms of air quality, the destruction of energy infrastructure and the blockade has led to an exponential rise in the burning of wood, plastic, and other waste materials. That has released high concentrations of particulate matter, dioxins, and other highly toxic compounds. Emissions from munition explosions and fires in bombed structures, including industrial facilities, have released significant quantities of highly toxic chemicals. Deaths caused by acute respiratory infections have been rising rapidly throughout these attacks.

Water quality: the UN Environment Programme in June 2024 had already reported that water, sanitation, and hygiene systems are almost entirely defunct. Earlier this year, the Palestinian Water Authority reported that over 85 percent of Gaza's water and sanitation infrastructure is inoperable. Gaza now primarily relies on groundwater sources, 97 percent of which is considered unsuitable for human use.

The major public health emergency that we've heard about includes the risk of a cholera epidemic, and more recently the emergence of cases of polio in children.

I want to stress the deliberate nature of this. There is evidence, for example, from the FXB Center for Health and Human Rights at Harvard University that analyzed satellite data of damage to water facilities in Gaza and found that the damage did not follow a random pattern, as it would if it was consistent with so-called collateral damage as a consequence of a general bombing campaign. Rather, over time, bombing mapping reveals a pattern of damage that is tightly clustered around water facilities. This analysis estimated a less than 1 percent likelihood that this damage was random. It therefore concluded that Israel's military actions intentionally decimated civilian water infrastructure in its attack on Gaza.

In terms of agriculture and land quality, Israeli military operations have used bulldozers to destroy Palestinian agricultural land for many years. Since at least 2014, this tactic has been complemented by the aerial spraying of herbicides which have destroyed large areas of fertile farming land in Gaza, often without any warning. And as Mazin has just documented, there's a much longer history of this. During the current onslaught, this tactic has been systemized in significantly new ways. The creation of a perimeter zone

in Gaza in which everything was destroyed, living or not, exemplifies the systematization. As one report based on the testimonies of Israeli soldiers reported: soldiers were given orders to deliberately, methodically, and systematically annihilate whatever was within the designated perimeter, including entire residential neighborhoods, public buildings, educational institutions, mosques, cemeteries, with very few exceptions. Industrial zones and agricultural areas which served the entire population were laid to waste regardless of whether those areas had any connection whatsoever to the fighting. In fact, there were shoot-to-kill orders given in those perimeter zones—shoot-to-kill orders for anyone who entered that perimeter zone at all, or who was spotted in the vicinity. This is not only the logic at the perimeter. The same scorched-earth orders have been generally applied across Gaza.

By 2025, the damage to crops in Gaza by bombing and military operations was assessed by the UN Environment Programme as 97 percent of tree crops, 82 percent of annual crops including greenhouses, 95 percent of shrubland, and 89 percent of grass/fallow land. This is absolutely part of the deliberate starvation of Gaza that we heard from Hani Almadoun and Hilal Elver earlier in this session. There will certainly be some permanent loss of fertile soil in Gaza, with irreversible ecological consequences.

So, in summary, the destruction of agriculture, water purification, and energy infrastructure is central to the sustained and systematic military goal: a strategy to eradicate the capacity for Palestinian life in Gaza now, and severely limiting the capacity to survive at any point into the future. The targeting of environmental infrastructure has been a particular feature of wars in the Middle East for a long time. There's a pattern that runs through Iraq, Lebanon, and Gaza: that environmental infrastructure is particularly targeted as a mode of warfare. And crucially, this has unfolded in Gaza as a shift from targeting environmental infrastructure in order to gain military advantage, to targeting environmental infrastructure as an end in itself.

At key moments in this war in Gaza, the main protagonists have themselves publicly declared their culpability in taking decisions that are calculated to attack the conditions of life of the entire population of those that remain in Gaza, making survival close to impossible.

They must be held accountable for the unimaginable hell they have brought to Gaza. We will never forget, and we can never stop fighting for accountability for those who are responsible for this hell.

Thank you.

## DOMICIDE

### When Home Becomes a Target (online)

*Mohamed Al Helou*

*Gazan Journalist and Photographer*

Thank you to the Gaza Tribunal. First of all, I'm sorry if my English is not the best. I will try my best to describe. It's an honor to testify before you today. My name is Mohamed Al Helou. I'm a journalist from Gaza. I'm 24 years old. I'm a genocide survivor. Before the genocide, I was a student of journalism. I dreamed of telling stories, not surviving them. For eight months I reported live from Gaza, mostly from Al-Nasr Hospital, then I evacuated in order to receive surgery for my thyroid cancer.

My closest friends during the genocide were a few journalists – Mohamed Salah and Salah Al-Farra. As you know, both have been killed in this genocide. I'm one of the lucky journalists who managed to survive Israel's extermination...

Today I speak to you from a refugee camp in Europe. My family is still in Gaza trying to survive. I was asked to speak about domicide, the destruction of homes. So I want to tell you about my home and my neighborhood. I grew up my entire life in the neighborhood of Shuja'iyya – 22 years in the same house. Shuja'iyya is on the eastern side of Gaza City. Before the genocide, 100,000 people lived there. Some of the biggest families from Shuja'iyya are the Al-Helou family – my family – and many others.

In the past two years, Israel has destroyed almost everything. Only a few houses remain. You can share the picture I sent you now, please. But I don't want to speak only of destruction. I want to tell you what was.

Before the genocide I used to drink coffee from a stand owned by my cousin. It was part of our street and part of our life. My favorite restaurant was Al-Muluk on Al-Baz Street. I ate the best falafel, fowl, and hummus there every day. The owner and his entire family were killed by Israel. The restaurant is gone. The people are gone.

When I was growing up, my friends would come to my house every morning. We never locked the door. That was normal in Gaza. Now in Europe, I see people locking their doors; it feels strange to me. In Gaza, our doors were open. Our lives were shared. My friends would shout my name for school. My mom made tea while they waited. Then we would go to Al-Muluk restaurant to have breakfast. We would buy juice from Al-Nasr Supermarket and go to school. That was my daily routine. That was my life. It was a simple life but a life of dignity, full of love.

I grew up in a big family. My father is a building engineer and my grandfather and great-grandfather were builders too. They helped build half of Gaza. Burj Al-Saraj, Sheikh Zayed Towers – this was their legacy. That legacy has been reduced to rubble. Most of the buildings my father designed have been destroyed by Israel.

My mother was a journalist too. She taught me to ask questions and to seek truth. If you can show the picture of my mom and father during the genocide and before the genocide, I would be honored. The difference between these photos is only a couple of years. You can see the genocide on their bodies.

Fourteen people lived in our house – all my brothers and sisters, my uncle's family, my brother's family, my grandmother who is 85 years old. A house full of love, full of life. In Palestine, a home is never just four walls. It is where generations live together, where neighbors are family, and where every corner holds a story. For Palestinians, domicide is not just physical destruction. It is a form of cultural erasure.

We used to spend summer evenings on the roof, eating oranges and staying up all night. Palestine has always been famous for its oranges. We loved our roof. I had 12 beloved cats in my house too. Our house was on Al-Baz Street in Shuja'iyya. It's important for you to know this because Israel has erased the map. The streets are no longer recognizable.

My dream was to get married and live next door to my family. That is how Palestinians live – close and connected to our families. That dream was buried 37 days into the genocide. Our house was destroyed in a single airstrike. That strike damaged or destroyed 70 other homes. Luckily, my family had fled to the south of Gaza, so they were safe for the moment. But every single Palestinian in Gaza lost so much during the genocide. So even if someone is safe today, they are not safe tomorrow.

After our home was destroyed, I lost a nephew. He was killed by starvation. He survived two months before his body just gave up. In the cold Gaza nights, he returned to God without a chance at life.

About a year later, my younger brother Yahya and my cousin were killed by Israeli snipers while looking for food. Then my best friend Mohamed Salama Jafarawi was assassinated.

But I am here to speak about the domicide. So let me go back to that.

When Israel destroyed Shuja'iyya, it destroyed at once a past, a present, and a future. It destroyed the memories of our entire lives and our history on this land as its owners. Let my testimony remind the world: we are the owners of Gaza.

Shuja'iyya was a very special place, like every city or neighborhood in Palestine. It had its own unique culture. It had its own unique accent. The people of Shuja'iyya were known across all of Palestine. We had a saying in our neighborhood: *"Seek knowledge from China, and straight from Shuja'iyya."* That street has been tested by blood and murder.

Before I end my testimony, I want to bring the jury's attention to something very important about the next generation – about today's Palestinian young. My nephew Akram was born during the genocide. He is almost one and a half years old. He has never lived in a house. His entire life has been spent in a tent.

Tent life is very hard. There are bugs everywhere. No comfort. No safety. It is too hot in the summer and too cold in the winter. It's dirty, but we try to keep it clean. Still, it is not our home. What does home mean to a child who has never had one?

If Palestinians are not allowed to rebuild their homes and communities, then I fear for the future of this generation who grow up without homes. When you lose your home, you lose your safety, your sense of self. You begin to question if you will ever belong anywhere. For children like my nephew Akram, the trauma of growing up without a home will shape their entire lives.

Domicide is not just about buildings. It is about breaking the human spirit.

The destruction of homes has changed how Palestinians live. But giving up is not an option. I am here today not just to testify to what was lost, but to insist that the Palestinian people will live free one day in our homes. Gaza was full of life, full of love, full of dreams. Shuja'iyya was my home. It was my past and it was my future. And though it has been destroyed, I will do everything I can to rebuild it until I die.

Israel hopes we will abandon our case so that it can do what it did to Yafa in 1948, so that it can do to Beit Hanoun what it did to Acre, and so on. But as long as one Palestinian remains on this earth, it will never succeed.

I didn't choose this life, but I refuse to surrender. Thank you. And I'm really sorry for my language and my accent. I tried my best.

### **BUNSR on Housing - Recognition of Domicide as a Pathway to Accountability and Responsibility for the Destruction of Gaza**

#### ***Balakrishnan Rajagopal***

*UN Special Rapporteur on the Right to Adequate Housing and Legal Scholar*

Distinguished members of the Jury, my name is Balakrishnan Rajagopal. I am the current UN Special Rapporteur on the Right to Adequate Housing and a professor of law

and development at the Massachusetts Institute of Technology, and I am here in my academic capacity. I will address specifically the mass destruction of homes and displacement in Gaza in particular.

As the so-called cease fire in Gaza remains in tatters, hundreds of thousands of displaced people of Gaza are also returning to search for their homes, and in almost all cases, finding only rubble. Northern Gaza in particular, is decimated and resembles a moonscape that defies belief.

Indeed, domicide, or the mass destruction of housing – residential buildings, homes, property, and civilian infrastructure needed for homes such as electricity and water – is in fact the most visible, recorded and unique element of the war on Gaza since 2023. When such domicide is systematic and widespread, and accompanied by genocidal intent, it constitutes war crimes, crimes against humanity and genocide, most visibly seen in Gaza.

The level of destruction in Gaza is more acute than even the worst examples in terms of scale and ferocity – Hiroshima and Nagasaki, Dresden, or Tokyo all during World War II or the bombing of Aleppo or Mariupol in recent times.

The jury should be aware that more than 90% of all housing has been destroyed in Gaza and Israel has dropped more than 200,000 tons of bombs on Gaza, which is more than the equivalent of 13 nuclear bombs dropped on Hiroshima. Almost all civilian infrastructure, such as water, electricity and sanitation, or services including schools, universities and hospitals, have been obliterated or damaged. Under international law, such infrastructure and services form part of the definition of ‘adequate housing’<sup>8</sup>. Almost 94% of all hospitals<sup>9</sup>, 95% of school buildings<sup>10</sup>, and almost 89% of all WASH<sup>11</sup> (water, sanitation and hygiene) infrastructure have been destroyed or damaged. The attacks have targeted tents, IDP and refugee camps, and religious and cultural sites. Almost all of the population of Gaza of 2.3 million, have been displaced, half of them children, often multiple times from one place to another. More than 2 million people are homeless – more have been rendered homeless in a shorter time in Gaza than in any other conflict in recent memory.

Despite this catastrophe in Gaza, massive destruction of housing is not condemned or criminalized on its own terms under international law. Homes are supposed to be qualified protected objects under international humanitarian law but they can lose that status too easily if there is some link with a military objective, however far-fetched. Norms such as proportionality and necessity in IHL have not proved capable of preventing mass destruction of housing. Indeed, the normative, moral and political black-hole in which mass destruction of housing exists, is one major reason why I proposed

the term “domicide” to the UN General Assembly<sup>12</sup>, to name it, understand it, condemn it and prevent it.

The jury should take into account that the humanitarian, psychological and cultural impacts of domicide are profound. A home is not just four walls and a roof but a repository of memories, hopes and aspirations. Destruction of a home leads to profound psychological loss and trauma. People mourn when they lose their homes and lives of dead ones, but not necessarily the loss of other items – even those essential for human survival. The mass destruction of housing and a neighborhood leads to the disintegration of community life and intangible heritage which leads to profound cultural loss. Then there is the humanitarian impact of loss of a secure and safe place against wind, cold and heat, especially for infants, small children, older persons and disabled individuals, as well as the gendered impact of lack of privacy on women.

Indeed, destruction of a home destroys the possibility of enjoying so many other rights which depend on it – the ability to cook, access water and sanitation or attend school. Housing is a ‘gateway’ right to other rights including the right to self-determination because self-determination depends on having control over land. Destruction of homes which results in displacement leads to the inability to enjoy self-determination over the land on which homes stand, which is why housing and land rights can never be separated. Domicide is, when seen through the prisms of housing and land, an attack on a people and their self-determination. The Israeli occupation and annexation of Palestine, along with policies of apartheid, focus so much on control of land and housing for this reason – ultimately domicide, whether slow and incremental or rapid and genocidal, is the main tool of converting occupation to annexation.

Yet, the law and politics of domicide remain non-existent or underdeveloped, hidden in the blind spots of international law. Homes are allegedly protected objects under international humanitarian law but are regularly bombed without limits – in fact as the world urbanizes more, war has become more urban, targeting the built environment, as we have seen in Gaza, which was more than 77% urban before the outbreak of war in October 2023. Israel’s use of Artificial intelligence (through systems such as Lavender, Gospel and Where is daddy<sup>13</sup>), the IDF’s systematic demolition of residential buildings using explosives, robots, and D-9 Caterpillar bulldozers and the overall pattern of mass bombardment of buildings judging by its scale and ferocity<sup>14</sup>, show that the destruction of residential buildings and civilian infrastructure has been disproportionate and unnecessary for any plausible military objectives. Indeed, the pattern of this destruction goes beyond Gaza and can be seen in the West Bank as well, for e.g., in the use of Caterpillar bulldozers.

Despite these facts, there is little promise thus far that anyone would be prosecuted for such war crimes, although many countries do have laws to prosecute violations of war crimes on the basis of universal jurisdiction. Unfortunately, the record is bleak: there have been no convictions of anyone for mass destruction of housing in war crimes trials of the past.

8 General Comment No.4, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CESCR/GEC/4759&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CESCR/GEC/4759&Lang=en)

9 <https://www.who.int/news/item/22-05-2025-health-system-at-breaking-point-as-hostilities-further-intensify--who-warns>

10 <https://reliefweb.int/report/occupied-palestinian-territory/verification-damages-schools-based-proximity-damaged-sites-gaza-occupied-palestinian-territory-update-9-may-2025>

11 [https://www.unocha.org/attachments/Of144893-aca8-40e8-b1e6-96d19a91ae89/Gaza\\_Reported\\_Impact\\_Snapshot\\_20\\_August\\_2025.pdf](https://www.unocha.org/attachments/Of144893-aca8-40e8-b1e6-96d19a91ae89/Gaza_Reported_Impact_Snapshot_20_August_2025.pdf)

12 <https://docs.un.org/A/77/190>

13 <https://www.ohchr.org/en/press-releases/2024/04/gaza-un-experts-deplore-use-purported-ai-commit-domicide-gaza-call>

14 a-hrc-56-crp-4.pdf, p.16

The definitions of crimes against humanity and genocide in the Rome Statute of the ICC do not include mass destruction of homes. South Africa has alleged before the ICJ, in its case against Israel, that rendering the territory 'uninhabitable' through massive destruction of homes and related civilian infrastructure actually constitutes genocide under the Genocide Convention. If that argument is upheld by the ICJ, it might offer a glimmer of hope that law is still relevant to control the inhumanity of domicile. I urge this Tribunal to respectfully issue a finding that bolsters this line of argument.

Under international law, Israel, the other States and private entities that committed or became complicit in domicile in Gaza through their supply of weapons, machinery, products, and expertise, remain both accountable and responsible. Accountability is a language of legal and moral liability that usually attaches to individuals or private entities, while (state) responsibility is a well-established doctrine of international law. It is indeed a fundamental rule of established international law that states are responsible for their wrongful acts and must provide reparation to restore all rights<sup>15</sup>. This will be a long struggle and this Tribunal is an important milestone in that quest. Indeed, the Tribunal may want to consider how its ruling can influence the strengthening of the politics of solidarity, which must trump the politics of domination and subjugation which remains the operating system of world order. As law strives to be a language of not just domination and power, but of legitimacy to establish its hegemony, alternative narratives of legitimacy are emerging and are possible, which can shape a law and politics of counter-hegemony. I urge the Tribunal to approach its analysis and findings in that spirit.

Finally, I urge the Tribunal to consider the impact of domicile, on immediate survival needs and longer-term rebuilding of Gaza. Despite the current cease fire, immediate shelter needs of almost 2 million people loom large. This is complicated by two factors: first, winter is coming and many vulnerable individuals, including infants, may perish as in the past two years unless there are enough tents and caravans to house them. However, as long as Israel controls the borders of Gaza, only a trickle of aid can come in, judging from past experience. After the (failed) cease fire in early 2025, hardly any tents and caravans were allowed inside Gaza by Israel although it had agreed to do so. Second, the sheer volume of rubble created by the obliteration of all built structures in Gaza has created an extraordinary challenge of debris removal and disposal. The debris remains contaminated and is mixed with unexploded munitions thus rendering whole areas unsafe. But large equipment and personnel needed for this task cannot come in unless the occupation and border control are removed.

Longer term rebuilding is even more complicated and is estimated to cost billions, the largest portion of which is for restoring and rebuilding adequate housing, according to available estimates. But the real challenge of rebuilding after such catastrophes, is the level of trauma and social disarticulation, and not just how rapidly the physical structures can be rebuilt. That will remain an enormous challenge. It is thus manifestly clear that the commission of domicile, which has been the main tool of genocide in Gaza and the occupation of Palestine as a whole, must be confronted in all its enormity as the consequences of domicile are in fact among the biggest challenges to the recovery of

<sup>15</sup> Factory At Chorzów, Germany v Poland, Judgement, Claim for Indemnity, Merits, Judgement No 13, (1928) PCIJ Series A No 17, ICGJ 255 (PCIJ 1928), 13th September 1928, <https://www.icj-cij.org/pcij-series-a>

the Palestinian people. The jury will want to consider this in its deliberations.

Thank you.

## HEARINGS: TARGETING OF CIVILIANS AND CIVILIAN INFRASTRUCTURE

### MEDICAL SYSTEMS

#### **Deliberate Mass Harm to Civilians, Destruction of the Healthcare System, Food as a Weapon of War: Bearing Witness to Genocide in Gaza**

*Dr Javid Abdelmoneim*

*Emergency Medicine Doctor and International President of Doctors without Borders (MSF)*

My name is Dr. Javid Abdelmoneim. I am an emergency medicine physician and the Médecins Sans Frontières / Doctors Without Borders (MSF) International President. I was in Gaza from 6th June to 31 July 2024 as a medical team leader. My account today relies on that experience, as well as MSF's work throughout the last two years.

Jury, please note that MSF is an independent medical humanitarian organisation. We deliver care to people affected by conflict, epidemics, and disasters—and we speak out about what we witness.

We have worked in Palestine since 1988. In Gaza today, over 1,000 of my Palestinian colleagues and around 40 international staff support hospitals, clinics, and water provision.

Jury, please consider that we bear witness to Israel's deliberate mass harm to civilians, use of food as a weapon of war, and destruction of the healthcare system as three key elements in its genocide in Gaza, which takes place in the historical context of the Israeli occupation, colonisation, blockade, and forced displacement of Palestinians across the Occupied Palestinian Territories.

#### **We witnessed mass deliberate harm of civilians through killing and injury.**

During my time in Gaza, in the so-called safe humanitarian zone, gunships fired on the coastline while drones, helicopters, and jets were constantly overhead; explosions shook our windows, and smoke plumes rose across the north, middle, and south simultaneously.

Over a span of just nine days in July 2024, I worked through four mass casualty events in the emergency room of Nasser hospital in Khan Younis. Four Israeli attacks resulted in 162 people killed and 568 injured, the figures recorded in Nasser's ER alone. Two of those attacks were within the so-called humanitarian zone. One of those attacks employed a double tap, whereby the first-responder medical teams who arrived on the scene were also struck. I treated those patients that day, many of them still in their ambulance and first-responder uniforms.

In the middle of one of those mass casualties, I saw our MSF anaesthetist in the emergency room instead of the operating theatre. He explained his house had been destroyed, and his daughters and nephews were in the ER somewhere. Later, we learned one of his nephews had been killed and another suffered a spinal injury and paralysis.

Within the next 5 days my nurse colleague's son was killed living in the middle area, and another nurse colleague living in Gaza City had 2 children killed and his third severely injured, his wife survived with minor injuries.

Jury, please consider how the Israeli attacks were so indiscriminate, through disregard for civilians, that death became routine. Nearly every day, our wards echoed with the cries of my healthcare colleagues who were told that their family members had just been killed in their homes or while playing outside.

The Jury is invited to note one scene I experienced in Nasser ER during a mass casualty which captures a glimpse of the daily horrific reality in Gaza. A three-year-old girl injured, looking straight at me; she was breathing and alert. But when I removed the dressing, her entire left thigh was peeled down to the bone. Next to her, a woman covered in dust appeared stable—breathing, eyes open, no obvious bleeding—until I took down the dressing and a large piece of bowel emerged. A boy in his early teens, no facial hair yet, not breathing, dead on the floor. A man with most of his lower leg mangled. A boy with his face almost entirely burnt. A woman whose entire back is burnt with shrapnel and melted clothing. A girl taking her last breaths, alone. At least she was on a bed. These are just 7 people of the 730 in nine days at Nasser alone, more than a year ago, and the same violence has continued every week there hasn't been a ceasefire.

Members of the Jury, I would also like you to consider that during my time in Gaza in June 2024, the Nuseirat hostage rescue produced catastrophic civilian casualties – something I witnessed with my own eyes. The disproportion between the four Israelis rescued and the nearly 980 Palestinians killed and wounded that day is an affront to humanity. The entire trauma system was overwhelmed from middle area to south. In our trauma unit in Nasser alone, we took in 19 patients transferred from Al-Aqsa hospital. The last child admitted from that attack was discharged 42 days later from our ward. He suffered an amputated forearm, a brain injury with memory loss and seizures, and still had a metal external fixator attached to his femur.

Less than a week after that rescue, as we waited to cross the Netzarim corridor, I witnessed the murder of two fishermen on the beach, roughly two kilometres from the buffer zone, each killed by a single shot from behind as they ran away, one to the neck and one to the heart. Israeli authorities denied us permission to render first aid or retrieve the bodies; their friends carried them away, one still clutching his fishing net.

### **How Israeli Authorities Used Food as a Weapon of War**

The deliberate use of food as a weapon in Gaza saw hunger reach unprecedented levels, with famine confirmed by the IPC on 22 August 2025. This is not hunger – it is deliberate starvation.

At the MSF clinic in Gaza City, in the north of the Strip, the number of people enrolled for malnutrition treatment by the second week of July 2025, had quadrupled since mid-May, while rates of severe malnutrition in children under five tripled in two weeks of July 2025 alone. In Gaza City, as of August 9, MSF had 1,599 people enrolled as outpatients for malnutrition, 42% (672) of these patients are children under 5 years old. Over half are pregnant and breastfeeding women.

A week-long survey at our clinics in Gaza this July showed a quarter of pregnant or breastfeeding women and children were malnourished. Our four outpatient feeding centres were overwhelmed, facing demand driven by deliberate starvation.

Members of the Jury, during this time, people were forced to seek food at the Israeli- and US-led militarised food distribution sites run by the so-called Gaza Humanitarian Foundation (GHF). Distributions at GHF sites were accompanied by extreme violence;

Palestinian men, women, and children seeking food came under fire from Israeli soldiers and from American security contractors.

Our teams on the ground treated people with gunshot wounds, barbed-wire lacerations, and crush injuries from stampedes, all sustained while trying to receive aid at GHF sites. Between 7 June and 24 July 2025, in just two of our facilities we received 1,380 injured individuals and 28 dead from two GHF distribution sites. The anatomical precision of many injuries suggests intentional targeting rather than indiscriminate fire. This is only a fraction of the total injured and killed seeking food aid at GHF sites— just the patients we saw in our own clinics.

Esteemed Jury, our colleague Abdullah Hammad was killed on 3 July 2025. Israeli forces deliberately targeted a group of people, including Abdullah, without warning, as they waited for aid trucks to collect flour in Khan Younis.

Jury, we highlight that famine and deaths at food aid sites were not accidental; they were deliberately orchestrated by Israel.

### **On the Deliberate Destruction of the Healthcare System**

In the space of 8 days in July while I was in Gaza, Israel's evacuation orders resulted in the closure of 13 medical points, 4 primary healthcare centres and 3 hospitals. This included our MSF Gaza City Clinic medical point, one of the only functioning clinics for wound care in the north, and the Ministry of Health European Gaza hospital in the south. This last closure resulted in an influx of patients to Nasser hospital, where I worked. Families wheeled their injured loved ones still on their hospital beds from hospital to hospital to try to get them care.

From October 2023, until September 2025, MSF evacuated staff and patients from 24 health facilities. We have endured over 50 violent incidents, including airstrikes on hospitals, tank fire on deconflicted shelters, and attacks on convoys.

On 25th August this year, Nasser was targeted once again in a double tap airstrike. It is the only functioning public hospital in southern Gaza. The attack killed 21 people, including healthcare workers and journalists. One MSF colleague sustained injuries to his chest. The Jury should consider that Nasser is just one of many hospitals repeatedly hit.

Since 9 August, there is not a single fully functioning hospital in Gaza; currently only 14 of 36 are partially operational.

### **Systematic Obstruction of Medical Supplies & Equipment**

Immediately following the Rafah invasion in early May 2024, medical supplies arriving from outside became minimal to non-existent. As MSF in Nasser, we ran out of ibuprofen, even wheelchairs and crutches; we had to borrow surgical gowns and lacked enough mattresses for beds in the MSF burns & orthopaedic trauma wards. The Jury should consider that in the first seven days of July 2024, health services received less than 9% of fuel needs. This triggered electricity rationing that at times meant no water on the wards until 2pm, no electricity in inpatient areas, no sterilisation services, and repeated power limits in operating theatres. At a time of influx of wounded from mass casualties, for example, six surgeries had to be cancelled in a single day because surgical staff could not work without electricity.

Dear Jury note that, Israeli procedures for authorising and managing the entry of essential supplies into Gaza were and continue to be inefficient, arbitrary and marred by

blockages and delays. Only two-thirds of our requests have been accepted since October 2023. Average response times in two years are 83 days for medical items and 64 for logistical. Some items took over 300 days. These obstructions prevented life-saving surgery and care; last year we recorded 18% wound-infection rates in six of our clinics.

### Healthcare Workers Systematically Targeted

Over 1,700 healthcare workers have been killed since October 2023. At MSF, 15 Palestinian colleagues have been killed by Israeli forces in Gaza. Moreover, our colleagues were displaced multiple times, starved and maimed.

Dear Jury, take note that Drs Mohamed Abu Nujaila and Ahmad Al Sahar, MSF doctors working in Al-Awda hospital were killed when the facility was struck in November 2023. We had repeatedly informed Israeli authorities that Al-Awda was a working hospital with patients and medical staff and therefore protected under international humanitarian law. A few days earlier, our colleague Alaa Al Shawa, a nurse, was killed when a clearly marked MSF convoy came under attack in Gaza City despite having authorisation to evacuate. He was shot in the head.

Two years of Israeli raids on hospitals has resulted in arbitrary detention, torture, and forced disappearances of health workers, including MSF staff. On 26 October 2024, during a raid on Kamal Adwan hospital, MSF surgeon Dr Mohammed Obeid was arrested with 57 others. To this day he remains in an Israeli prison without charge, cut off from his family, and has lost significant weight.

### Destruction of the Water & Sanitation System

Beyond the healthcare system itself, Jury please be mindful that the water and sanitation system, integral for the public health of the population, has been destroyed by Israel. In July 2024, a UN assessment of the water and sanitation system revealed over 100 kilometres of the sewage network and 60% of the sanitation system destroyed, including the totality of all heavy machinery needed to manage solid waste. Less than a third of the fuel needs for desalination pumps and water trucks were allowed by Israel that month.

This all, coupled with the serial displacement of the population and breakdown of vaccination programmes meant that polio was declared in Gaza when I was there. It had been eradicated years previously. In our primary-care clinics, top diagnoses were water- and sanitation-related—diarrhoeal, skin and eye infections—because people lacked clean water, toilets, soap, and disinfectants.

Members of the Jury, a health system does not collapse by chance; it is destroyed when hospitals are deliberately attacked, supplies are choked off, healthcare workers are killed or detained, and the water & sanitation system is ruined. As Gaza's health infrastructure collapsed, civilians are left without life-saving care. Patients with trauma injuries, chronic diseases, cancer, communicable illnesses, malnourished children, and pregnant women are dying from preventable causes. I ask you to recognise this for what it is—the deliberate dismantling of the means to survive.

### Conclusion

Deliberate mass harm to civilians; food as a weapon of war; destruction of the healthcare system; under these headings, I have described Israeli actions that, in our witnessing and experience, reflect a systematic and deliberate pattern of destruction targeting

the population in Gaza. These actions, taken together, suggest intent to destroy, in whole or in part, the Palestinian people—what we believe, as others do, constitutes genocide.

I welcome the ceasefire and hope it will last. For now, it has paused the violence, but the genocide is far from over: aid is still not flowing at scale. A humanitarian catastrophe continues to unfold, and there remains an urgent need for credible accountability mechanisms to deliver justice for the thousands killed and injured by Israeli actions over the past two years.

Thank you.

### Traces of Genocide in Gaza's Health System

*Taner Kamacı*

*Pediatric Surgery Specialist*

Esteemed Jury of Conscience, my name is Taner Kamacı. I am a specialist in pediatric surgery. In March 2024, I worked in Gaza as a doctor for a period of 15 days. I treated the wounded there, and I stand before you to bear witness to the crimes—genocidal crimes—committed by Israel in Gaza.

Israel has committed many crimes in Gaza. However, since I am a healthcare worker, I would like to speak specifically about the crimes Israel has committed in the field of health. We physicians define health as follows: health is a state of complete physical, mental, and social well-being of an individual. Now consider this: how can a people, human beings whose homes and streets are bombed every day for two years, who are deprived of electricity, water, and bread, who are left in need of medicine, hospitals, and ambulances, be physically, socially, or psychologically well? For this reason, over these two years Israel has deprived the entire population of Gaza of their health needs.

I would like to present Israel's health-related crimes in Gaza under several headings. The first is the obstruction of the most basic necessities required for health. For a healthy life, first and foremost one needs shelter, electricity, clean water, and sufficient food. Sewage must be removed, and children must be vaccinated. At the very beginning of the war, Israel cut off electricity to all of Gaza and, by specifically targeting water distribution networks, deprived the entire population of Gaza of these most fundamental rights.

Moreover, by blocking or severely restricting humanitarian aid sent from other countries to the people of Gaza—who have already been under blockade for 18 years and are dependent on the outside world for many basic needs—Israel has effectively starved the population and used hunger as a weapon. Within two years, it has been reported that 460 people, at least 154 of them children, died solely due to starvation.

During my time in Gaza, I witnessed people lying on hospital corridors on the floor on a blanket, or staying outside hospitals in tents made of nothing more than a sheet, a blanket, or plastic—tents that protected neither from cold nor heat. I saw people struggling even to find bread to eat; people waiting for hours behind water tankers to obtain clean drinking water; people waiting in line behind dozens of others just to use a toilet. I personally witnessed all of this.

Another of Israel's health-related crimes in Gaza is the bombing of healthcare facilities. According to data from the Gaza Ministry of Health, before the war of October 7 there were 38 hospitals and hundreds of smaller health units operating in the Gaza Strip. Over the course of these two years, 34 of these 38 hospitals have been partially or completely

bombed and rendered unusable. Of 157 health centers, 103 were completely destroyed. A total of 197 ambulances were directly targeted and destroyed.

When I was in Gaza, I worked in southern Gaza. There were only two hospitals where patients could actively be treated and surgeries could be performed. I worked at the Gaza European Hospital. The other was Al-Aqsa Martyrs Hospital. At least all emergencies and wounded people from southern Gaza were brought to these two hospitals. Because only two hospitals were responsible for such a large population and so many emergencies, the emergency departments—as you have also seen in videos—were extremely crowded 24/7. Operating rooms were constantly full with wounded patients. Sometimes even patients requiring emergency surgery had to wait for hours.

While in Gaza, I also witnessed the following: because many ambulances had been targeted by Israel, patients were sometimes brought to the emergency department on horse-drawn carts or even donkey carts. People with perforated intestines or severed arms and legs were brought to the emergency room on carts. In this video, which I personally recorded, you again see dozens of children simultaneously in the emergency department at the European Hospital. What kind of war is this, where all the wounded in the emergency department are children?

The third attack and crime Israel has committed against the healthcare system in Gaza is the killing and detention of healthcare workers. According to the Gaza Ministry of Health, since October 7, 1,722 healthcare workers have been killed by Israel. 362 healthcare workers have been detained, and there has been no news of many of them.

Another crime committed by Israel is preventing the entry of medical supplies and medicines into Gaza. On the one hand, Israel blocks the entry of medical supplies and medicines into Gaza; on the other hand, it bombs or burns existing medicine warehouses inside Gaza. One example of this is Gaza's main medical supply depot, which was located beneath Nasser Hospital in Khan Younis. When the Israeli army besieged that hospital, one of the first things it did was burn the medical supply depot.

Over the course of these two years, nearly 15,000 people—at least 4,000 of them children—have lost at least one limb. Among them, including hundreds of children, limbs had to be amputated while patients were fully conscious, without anesthesia, because anesthetic drugs were unavailable. Many women were forced to undergo cesarean sections without anesthesia. Due to the lack of adequate painkillers and antibiotics, many injured and operated patients suffered severe pain after surgery and developed infections in their wounds.

In many illnesses that could in fact be treated with simple antibiotics, many children—especially children, since I am a pediatric physician—developed severe and complicated lung infections because they could not reach a doctor, or even if they did, basic antibiotics were unavailable. When I walked through the pediatric ward of the European Hospital, I was shocked to see dozens of children with chest tubes inserted. I asked, "What is this? Why do so many children have chest tubes?" They told me, "These are actually illnesses that could be resolved with simple antibiotics. But because antibiotics are unavailable, the infection spreads to the lungs, causes infection there, and after pus accumulates in the lungs, chest tubes are inserted to drain it." I even had to operate on two of those children because their lungs were completely compressed. Look—just because basic antibiotics were unavailable, these children had to endure such suffering and undergo these surgeries.

During my time in Gaza, I examined hundreds of children, operated on dozens of them, and unfortunately lost one patient. The patient you see on the screen is the first patient I operated on on my first day in Gaza: a 15-year-old child who was shot in the abdomen and hip by an Israeli sniper while playing in the street. The patient I lost was an 8-year-old child. His intestines were perforated by shrapnel. We repaired his intestines with a not-difficult surgery. However, we lost the child in intensive care three days later.

I would like to tell a bit of this child's story. This child's story is, in fact, like a summary of the genocidal war Israel is waging in Gaza. Israel is not fighting Hamas in Gaza; it is fighting children. And it is not killing them only with bombs. Through what other stages does it kill them? This child's story is a summary of that. While the child was sitting at home in Khan Younis, a bomb demolished the house. The child was trapped under the rubble. His intestines were perforated in five or six places by shrapnel. Only five hours later were they able to pull the child out from under the rubble.

They went to the nearest hospital, but there was no capacity to operate on the child there. "He must come to the hospital where we are," they said. But the intensive care units and operating rooms were all full. The wards and all the beds were full. Sometimes several patients were lying in a single bed. Therefore, the patient could not be admitted. After some time, space was made and our hospital agreed to accept the patient, saying, "Send him to us." But this time, they could not find an ambulance, because Israel had targeted them all.

Another 15 hours passed, and the patient was brought to our hospital in the back of a minibus, wrapped in a blanket. When we saw the patient in the emergency department, he was in complete shock from blood loss and from a severe infection we call sepsis. We had to operate on the child urgently. But all the operating rooms were occupied with other wounded patients. Because the child could not wait, I did something I had never done before in my life: we took the child to the endoscopy unit and operated on him on the table there after anesthetizing him. The intestinal surgery itself was not difficult; we performed it. But after the surgery, we could provide neither sufficient IV fluids and antibiotics nor adequate blood support. This child died three days after the operation. Now look at the stages. It does not just drop bombs. It turns a house into rubble, but it also does not allow the entry of equipment needed to rescue a child from that rubble. It targets ambulances. It blocks the entry of medicines into hospitals. In many ways, this is a multi-layered attack. That is why we do not call this a war; we call it genocide.

Now, in your presence, I ask everyone listening to us: where in the world does a child deserve to die in this way? Can you look at this image? With a single Israeli bomb, a child is torn in half; the head falls to one side, the body to another. A journalist captures this and presents it to the world—Enes Al-Refai. And a few months later, Israel bombs that journalist as well.

Now we go out and try to tell the world about these injustices and this genocide committed by Israel. But the Israeli Prime Minister comes out and says, "We will hold everyone who speaks against Israel accountable when the time comes." That is, he threatens us as well. So what is this called in the language of law?

Surviving during the war in Gaza is almost like a miracle. While playing in the street or sitting at home, you are either shot by a sniper or a bomb comes and shatters your home. Israel does not allow the entry of the equipment needed to rescue you from the rubble.

You are pulled out from under the rubble; you are supposed to be taken to the hospital—but you cannot be, because Israel has also targeted the ambulances. Let us say you reach the hospital—are you saved? No. Why? Because all the operating rooms are full. A patient who needs emergency surgery has to wait for hours. Let us say the surgery is done—has this child survived? No. Why? Because after surgery there is no clean, hygienic hospital bed to lie in, no appropriate antibiotics, and no painkillers to relieve the pain. Why? Because Israel also blocks the entry of medical supplies and medicines into Gaza. Let us say the surgery is done and everything went well, and the child is discharged. With a cast on the leg or a bandage on the head, the child is sent home. Is everything over? Has this child been saved? No. Why? Because there is no home left to go to. Perhaps the child has even lost their entire family and is left alone in the world. Where will this child go now? With a cast on the leg, with an external fixator, or with a bandage on the head... If the child has any relatives left, they will put together a tent from scraps of cloth and plastic they find. A tent on mud. This child, in their injured state, has to live in that tent. But in that tent there is no bread, no electricity, no water. To survive, this child will have to stand for hours behind an aid truck with that injured leg just to get a bite of food. They will have to wait for hours behind a water tanker for a sip of water. They will have to wait in line behind dozens of people to use the toilet. Taking a shower will not even cross their mind. On the one hand, the child will have to endure the pain of losing loved ones; on the other, the pain of fractures and wounds in their body. You tell me: if this is not genocide, then what is it?

According to the Universal Declaration of Human Rights, every human being has the right to adequate housing, clean water, sufficient food, vaccination, education, and healthcare. For two years, the entire world has witnessed Israel's violation of human rights in Gaza as defined by international human rights declarations. Under international law, even in times of war, healthcare workers, hospitals, schools, places of worship, journalists, and press offices are sacred and inviolable. Even in war, they must never be targeted. Yet since October 7, 2023, the whole world has seen and witnessed Israel attacking these institutions and individuals protected under international law; killing hundreds of healthcare workers and journalists; and bombing hundreds of healthcare facilities and schools.

Wars occur between two armies. But in Gaza, over these two years, Israel has killed at least 45 times more civilian people than those it claims to be Hamas fighters—at least 20,000 of them children. To summarize my entire statement: since October 7, 2023, Israel has waged what is effectively a genocidal war in Gaza by blocking the entry of the most basic necessities required for a healthy life, by bombing or burning many hospitals, by killing and detaining hundreds of healthcare workers, and by preventing the entry of necessary medical supplies and medicines into Gaza. I, Doctor Taner Kamacı, testify to all that I have said, and I demand that these accounts be placed on record and that Israel be judged—both in official courts and in the conscience of all humanity—for these genocidal crimes it has committed.

Thank you.

## Evidence for the Systematic Israeli Attacks on Palestinian Healthcare, Personnel and the Destruction of Preconditions for Public Health

**Mads Gilbert**

*Medical Doctor, Professor Emeritus, and Human Rights Activist*

*As-salāmu alaykum.* Good morning, everyone. Respected jury, thank you so much for the invitation and the honor to be a witness here. My only justification to stand here in front of you today is to amplify the Palestinian voices and to support and extend on their experiences.

I start by paying tribute to three of my dear colleagues in Gaza, because within all these numbers we have, Palestinians are of course not numbers but humans with families, just like us. The late Dr. Heitham and Dr. Samira, who were brutally murdered with their five children on 16 December 2023, and my dear medical student and later a very clever medical doctor, Dr. Mysara Alarayas, who was killed on 5 November together with his complete family in Gaza City. We should remember all of the 1,700+ healthcare workers who have been killed brutally by the Israelis, and all the other more than 80,000 killed. And the killing goes on as we are speaking.

I also want to pay tribute to the brave colleagues – the Palestinian medical students, the paramedics, the nurses, the doctors, and all the others needed for a healthcare system – who are, as we are speaking, doing their heroic work to serve their people under the most difficult circumstances, like Dr. Atif Al-Hout here, the medical director of Nasser Hospital, confronting the Israeli invading armed forces in his hospital.

I want to try to give you testimony on the systematics of the Israeli attacks on healthcare – not just for the last two years – and the systematics in the Israeli destruction of the preconditions for public health, because this has been going on as a *modus operandi* from the Israeli settler-colonial politicians and their army for more than 40 years.

I would like to quote one of my good colleagues, the previous Deputy Minister of Health, who said that “the most important health issue in Palestine is the occupation.” As medical professionals, we always need to seek the root cause of ill health. And I totally subscribe to the fact that in Palestine, the root cause of ill health is the Israeli occupation. And unless that is dealt with, there will continue to be ill health. And we, as doctors going there only to soak the blood from the floor, will become part of the problem if we don't stop the bleeding.

The Palestinian healthcare workers are experts in improvising and finding solutions – in fact, the world experts. They should teach us. They carry the weight of healthcare in occupied Palestine, both Gaza and the West Bank. And they are the key witnesses. That's my position. I will share with you some of my own experiences through the 42 years that I have been working as a medical doctor – anesthesiologist and emergency doctor – with the Palestinians.

As a scientist, I want to share my sources with you, and what is the basis for what I call evidence-based solidarity:

1. My local contacts – the families and the patients in Gaza and in the West Bank that I have been dealing with, and of course my own clinical experiences.
2. The Ministry of Health in Gaza.
3. The UN bodies that are providing regular reports.

4. The critical media.
5. Peer-reviewed, evidence-based research and science.

Throughout the last two years, we have had *weekly updated reports* on any number that could be gathered in Gaza, in particular through UN OCHA's reports – the weekly reports – and all the validated reports on the attacks on the healthcare system. In addition, there is the science: there has been a large body of peer-reviewed science published through the last two years.

The most important source of knowledge, I think, is this unfortunate fact: there have been nothing less than 328 such [UN OCHA] reports since 7 October. If you look at the graph, you can see two lines indicating the number of killed and injured. This is from 15 October, so it is a very updated one.

Then there was a study published in January this year in *The Lancet* showing that when you critically review the numbers produced in the first 12 months after 7 October, there is actually a 41% under-reporting of the numbers. So if you take the number in this last report and multiply by 1.41, the actual number of killed is not 67,000+, but 95,000+. And if you add to that the 10,000–20,000 lost or buried or missing in the rubble of the bombed buildings, we have surpassed 100,000 killed in Gaza. Don't forget that three out of four are women and children, and between 80% and 90% are civilians. Those are the crude numbers.

Also important documentation sources are the experiences you have yourself. My experiences with the Palestinian families, and in particular the patients that I have met. Let me just take one brief story.

This is Amal. I will not give her family name for security reasons. Here we receive her in Shifa Hospital in January 2009 during Operation Cast Lead. She had been buried in a bombed house after a massacre in Zeitoun. She stayed there for three days and then she was recovered by her brother. She was nearly dead when she came. She was resuscitated by her Palestinian team, and she survived, although with two Israeli shrapnel fragments in her brain – too difficult to remove. I followed her and her family. This is her twin brother Abdullah.

Excuse me for the wrong year in the slide – it should be 2012. She is wearing this hat because of the pain, the nose bleeds, and the ear bleeds from the two shrapnels, but they both did well in school. I met them every time I went to Gaza, two to three times a year. This is in 2022. When I asked about the difficulties after she married and had two kids, she said, "Life must go on." That's the attitude of the Palestinian people.

I have of course been in constant contact with her during the last two years. This is from a few days ago: they have been displaced three times to the south. She now has three kids; all three of them have been starving. She says, "We cannot go back to Zeitoun because of the Israeli presence there." She has not been able to find a tent, which costs 900 dollars, and she is basically having her whole household in the truck behind her. These are the faces of the victims of the Israeli genocidal attacks on people in Gaza. Do not forget that there are victims from the previous attacks like Amal and her family. Abdullah, her twin brother, was captured by the Israelis for no good reason and remains in captivity, probably heavily tortured. We wait for him to come back.

So Amal and her family are our responsibility. And it is horrible to see that, after two years of these horrendous crimes perpetrated in Gaza, it goes on, and we have not been able to stop it.

After each bombing, there is hectic activity in the operating rooms. This is in Shifa after one of the bombings that was not noticed in the media at all, in September 2019: a young boy who was hit on his motorbike while delivering pizza. I can assure you, you never forget the feeling of lifting carefully an amputated leg of an 18-year-old boy, still warm, down to the floor to wrap it up and give it to the family for burial.

We have done scientific studies on the amputations caused by the Israeli attacks in Gaza. We found that the systematic targeting of extremities – arms, legs, knees, ankles, hands – is the same pattern as during the Intifada: the Israelis do not want to kill, but they want to invalidate and to hurt and harm as much as possible. Every amputation will need on average 10 surgeries to be able to fit a prosthesis. Now there are between 1,000 and 2,000 child amputees in Gaza, which will need between 10,000 and 20,000 surgeries just to rehabilitate these kids. So it is imminent to build up again the capacity in Gaza for surgery.

My first point is that the attacks on Palestinian healthcare are very systematic; it is part of their strategy.

Let me take you back to 1982, when the Israelis invaded Lebanon, besieged Beirut, cut the food supply, the water supply, the medical supplies, and bombed it night and day. This was my first mission to Lebanon, working together with Palestinian medics. Two points about this picture:

1. The majority of the people doing medical work in Gaza, in Lebanon, and in the West Bank are the Palestinians themselves.
2. We could see clearly the pattern of attacks on ambulances, hospitals, and healthcare personnel – in 1982.

There was a commission, the McBride Commission, and I was a witness for that commission in 1982. If you look at the second page of the complete report, you can see that the vice-chairman was Professor Richard Falk. I suggest we give him a big hand for having been standing out for so long – 41 years.

My second point is that, despite all these reports – this is the Goldstone Report from 2009, this is the inquiry report from 2014 when the attack was just as bad on healthcare, and the UN report, and also the Tribunal in Brussels – all of them documented the pattern. That is important, but it did *not* change the impunity of the Israeli war machine. They continued, despite all this documentation that we have had through all these years, of the same pattern of attacking healthcare, civilians, schools – all these different types of brutal war crimes.

So the evidence of the longstanding Israeli attacks on Palestinian healthcare and healthcare workers is overwhelming. I will just give you, as a scientist, some numbers.

This is from the Health Cluster reporting weekly also from Gaza after October 2023. The yellow bars on this graph are the hospitals that are functioning; the grey bars non-functional. This is the first six weeks after 7 October. On 8 October, there were 34 partially functioning hospitals. On 14 November, only eight. This is the result of the systematic attacks on healthcare in Gaza: to rob the people of the cornerstone of safety in a society, which is a hospital and healthcare. When you rob the people of that safety, the intention is of course to have more people killed, more people dying from complications, and to kill the will to resist. That is the objective of the attack on healthcare.

The invasion of the hospitals, as you know, has been followed by rampage, by vandalism of MRI machines, ICU machinery, the cancer hospital for children, the cancer hospital for adults – everything is systematically destroyed. In 2024, the UN reported nearly 600 attacks on healthcare in Gaza.

You know one of the well-known ones: the attack on Al-Ahli Arab Hospital. And here, Dr. Abu Safia, the head of Kamal Adwan Hospital, is still imprisoned along with 301 other healthcare workers, still in prison, being tortured. So the pattern is systematic attacks on hospitals and on healthcare workers.

The WHO has a dashboard – you can search for “attacks on healthcare” all over the world. When you search “occupied Palestinian territory, West Bank and Gaza”, you can see the numbers of attacks, killed, and injured during the last two years, from 10 October 2023 to 2025. The numbers sum up to 2,853 killed or wounded patients and healthcare workers in Gaza for the last two years – four per day, or one every six hours. Extremely systematic. This is a clear pattern for the last 20 years: systematic attacks.

If you do the same search on the same dashboard but go 20 years back, you can see the numbers of attacks, killed, and wounded. Summed up: 4,243 Palestinian patients and healthcare workers killed or injured over the last 20 years, in more than 6,500 Israeli attacks on healthcare in Gaza and the West Bank. Staggering numbers, with full impunity.

They can continue to stop the water supply, the power supply, the supply of medicine, napkins, food for the patients, food for the staff – everything to strangulate and to kill the healthcare system. Completely systematic.

I took this picture in March 2008: one of the Red Crescent (Hilal) ambulances. The second video is from February 2024. Same, same. They attack the ambulances. They kill the ambulance paramedics without any mercy, despite the fact that they are marked and uniformed according to international law. They are allowed to continue these attacks on the core of the life-saving system in society.

We should all remember the numbers: at least 2,415 life-saving personnel – ambulance personnel, civil defense, medical staff – have been killed over the last two years. And you remember this massacre which happened in March this year, when they executed 15 paramedics – and then it all went silent. Nobody has been accused, nobody has been taken to prison, nobody has been arrested. No names are attached to this heinous crime against humanity.

Second point before I conclude: the Israeli destruction of the *preconditions* – the fundamentals – for public health in Gaza.

This is a habitat; this is a refugee camp. These are the seven key determinants for good public health and longevity:

1. Water
2. Food
3. Security
4. Housing
5. Work
6. Education
7. Healthcare

If you don't have the first six provisions in place, you cannot obtain longevity and public health. So what are the Israelis doing? They are attacking the water supply, the food

supply. They are destroying the shelter and hygiene of the people – no soap, no water, no toilets, no showers. They are completely destroying human security and healthcare. But attacks on healthcare are only part of this dynamic circle of undermining the foundations of public health.

You see some of the consequences: the net effect is an incredible increase in mortality and morbidity, all of it avoidable. We don't know the number of war-injured who have been dying from avoidable complications – due to infections, bleeding, and all other sorts of complications that we know well as medical doctors. All systematic.

What is the effect of this? A massive negative effect on public health. Let me give you a very brief overview of all the elements of society that they have destroyed in Gaza. This whole list is, of course, all elements that provide good or bad public health.

Dr. Yousef Abu al-Rish, Minister of Health in Gaza – a good friend, pediatrician, brilliant leader – has been the staunch leader of healthcare in Gaza for the last two years. He told me in November 2023: “Look, Dr. Mads, it's not the bombing which is the most important. It is the triangle of death: starvation; dehydration and lack of water; and diseases – untreated diseases like cancer, diabetes, psychiatric disorders, neonatal problems, problems connected to delivery – not having a system that can treat them.”

If we then add to that that half of the population is very young, below 18, very vulnerable, you have a system of genocide that is using these scientific elements of knowledge – what creates health – to destroy health. And it shows in the numbers.

Let's look at life expectancy in Gaza. These are data from 2022, the year before the attack. Life expectancy in Palestine was 9 years shorter than in Israel – a mathematical expression of medical apartheid. If you look at infant mortality, under-5 mortality, and, more devastatingly, maternal mortality, you see the ratio: four times, three-and-a-half times, and nine times higher in Palestine than in Israel.

So: 74.5 years. What is life expectancy now after the attack? There was another study published in January this year, very sophisticated, peer-reviewed in *The Lancet*. They showed that through the first 12 months after 7 October, life expectancy in Gaza has dropped by 35 years – it has been cut in half. It has never been documented in medical science that there has been such a dramatic effect on life expectancy.

That means, my friends, that the kids in Gaza can expect to live 44 years shorter than a Jewish child in Israel. Can you have a more dramatic mathematical expression of injustice and apartheid than this number? And it is all deliberate. It is all systematic.

So, to sum up: the key medical problem is the longstanding occupation and Israeli impunity. And as Desmond Tutu said, “If you are neutral in situations of injustice, you have chosen the side of the oppressor.” I would like to add this front page from *The Lancet* a few weeks ago, which says that most of the medical and surgical societies have kept shut through the last two years – and *staying silent while pretending to be neutral is in fact a form of complicity*. I am ashamed of the medical societies in the Western world that have kept shut through these two years and not, for a single time, condemned, protested, or asked their governments to take action against Israel in Gaza.

We will never forget, and we will never forgive – but we will continue our work. The Gaza Tribunal has produced very important new insight, but the fundamental problem, the root cause, remains: the Israeli occupation; the Israeli settler-colonial apartheid project; and Israeli impunity.

So what do we do now, my friends? I know for sure what I will do: I will continue advocacy, support our Palestinian brothers and sisters. I will support the resistance – and also the Palestinian armed resistance, which is just as legal as the Ukrainian armed resistance against Russia. And I will say to all of you: to resist is to exist. Let us pay tribute to our brothers and sisters in Palestine.

### **Gaza's Mental Health Crisis amid Genocide**

#### **Gwyn Daniel**

*Systemic Psychotherapist, Writer, and Member of the UK Palestine Mental Health Network*

Thank you, distinguished jury panel, for allowing me to speak about this really important topic.

My name is Gwyn Daniel and I'm a systemic family psychotherapist who lives in the UK and who has worked for many years with colleagues in Gaza.

How do we understand mental health in the context of a genocide – an ongoing genocide?

One of the criteria for genocide is *causing serious bodily and mental harm to members of the group*. The mental harm is one that we all know about. It radiates out of the epicenter of murder and destruction, but it sometimes receives less attention, even though every single witness here bears testimony to the suffering and the extremes that people are subjected to.

In this presentation, I want to:

- share some principles for understanding and responding to the mental health crisis in Gaza;
- speak about some of the components of the genocide and their psychological impacts;
- and then discuss what are the minimum requirements for any recovery.

I want to say that my talk is profoundly informed by my colleagues at the Palestine Trauma Center and the Gaza Community Mental Health Programme, whom I've met with regularly and from whom I've learned about the extremes of suffering that they and their families have been subjected to.

#### **An ethical approach to mental health**

The effect of two years of genocide on the mental health of the population of Gaza is incalculable. We have to be very modest in even trying to assess the impact of it. Humility is a really important part of how we think about the extremes of suffering.

As my Palestinian colleagues always comment: there is no post-trauma. Trauma is continuous and ongoing, and has been for generations.

So, while many individually focused interventions for trauma may be helpful, the only ethical responses to collective trauma on this scale are those which address:

- decades of political violence, and
- the need for self-determination and liberation.

That means supporting interventions which embrace activism and modes of resistance. It means speaking about impacts, but it also means speaking about responses.

It means supporting those mental health practitioners already operating in Gaza, who have been working throughout the course of the genocide. Mental health workers have continued to work with children and families, in the same way that the doctors of Gaza have never given up on their duties.

It means foregrounding the cultural norms, collective values, and aspirations of Palestinians themselves, and being extremely wary of Western models of therapeutic intervention developed in those very countries that are complicit in the genocide.

As mental health practitioners, we endorse the principles of the Gaza Solidarity Health Declaration, which many physicians here have signed, and which apply to mental as well as physical illness.

#### **Components of the genocide and psychological impacts**

A couple of things about the traumatic impact of two years of virtually continuous bombardment, killing, mutilation – “overkilling”, as many of my colleagues have described it – of living in a death zone:

People describe feelings of numbness, shock, feeling they are already dead, or *longing* to be among the dead. There is no time to grieve, because survival and protection of the living is paramount. So grief can remain frozen.

“Unfreezing”, expressing all the grief and pain of loss, is something that can only be determined by the people affected. It cannot be decided by outside professionals.

The destruction of the infrastructure – the laying waste to homes, hospitals, schools, and mosques – does not only constitute physical destruction. It aims at the heart and soul of the community: its collective consciousness and its systems of mutual support. This has profound impacts on mental health, as indeed it is intended to.

Just as religious institutions nourish collective spiritual consciousness, schools and universities nourish hopes and dreams for the future. Their destruction deliberately acts to crush such hopes. But recovery from trauma crucially requires the recovery of a sense of the future.

#### **Mass displacement**

Mass displacement is much, much more than being forced to move multiple times. It is a reactivation of the trauma of the Nakba. It means living in a traumatic past, a traumatic present, and the anticipation of a traumatic future.

It means the shattering of profound attachments to homes, belongings, and neighborhood. It involves the separation of families, either through displacement within Gaza, or families who have left and had to leave beloved family members behind.

The constant forced displacement does another thing: it depletes any sense of acting with agency. It leads to a profound sense of powerlessness. People cannot even take control, as in many other war zones, by leaving – because they are not allowed to leave. Gaza is unique in being one of the very few areas where people are imprisoned within the war zone.

#### **Mass starvation**

We've heard about mass starvation. I'll just highlight a couple of aspects of its psychological impacts.

These include the profound impact – as our colleagues have spoken of – of parents feeling guilt, shame and helplessness at not being able to feed their starving children and witnessing them crying with hunger. This has the potential to profoundly disrupt the relationship between parent and child.

Likewise, for mothers who are too malnourished to breastfeed: they are deprived of that precious bonding with their children that breastfeeding produces.

## Impacts on children

This has been described by UNICEF and others as a war on children.

We have to remember that in a settler-colonial society, children are not intended to have a future. Children are seen as a demographic threat rather than a resource to be celebrated.

Nearly 40,000 children have lost one or both parents in this genocide. Within Gaza, children who are bereaved of a parent or both parents would normally be cared for by the extended family. But of course, extended families too have been wiped out or are too debilitated to fulfill this task.

We know from studies of trauma on children that exposure to constant states of fear and hyperarousal will have *permanent* impacts on children's brains, because there are no contexts where children can calm and recover from those states.

We also know that the way to help children in such situations is the provision of:

- a calm environment,
- structure, and
- routine – such as schools, which are so enormously valued by the children of Gaza and their parents, can provide.

So, the reintroduction of schooling is going to be absolutely crucial.

We also know that children have had to fulfill adult responsibilities which, for many of them, are unmanageable and beyond their physical and psychological capacities: looking after younger siblings; fetching food, fuel, and water; helping elderly or disabled relatives.

## Rethinking how we understand mental health in Gaza

To summarize: the mental health impacts in Gaza cannot be encapsulated by the conventional means of mapping rates of psychological symptoms displayed by individual members of a population.

The impact on an entire population of being subjected to such immeasurable suffering requires a different approach. It needs to be understood in the wider context of a brutal onslaught on the very wellspring of collective life, with a deliberate aim of fragmenting the population and severing them from their homes and their land.

Our knowledge of trauma includes understanding the basic conditions for recovery:

- safety,
- the restoration of agency over extreme powerlessness,
- accountability,
- restitution, and
- justice.

None of these conditions exist, nor are they even envisaged in the so-called peace plan.

While the need is massive and overwhelming, interventions must include the resources of those mental health practitioners within Gaza to continue their work. They have provided services to families throughout the genocide, operating at great risk to themselves and operating crucially within the existing political structures of Gaza.

They are thus exposed to all that is implied by that weasel word in the Gaza "peace plan": deradicalization. They are exposed to those risks.

But as the latest Gaza Community Mental Health Programme report concludes:

Gaza, despite the pain, continues to pulse with life, and the Gaza Community Mental Health Programme will remain a witness and a steadfast advocate to ensure that hope endures.

It is the duty of all of us in the international community to remain alongside them.

Thank you.

## An ethical approach to mental health

- The impact of two years of genocide on the mental health of the population of Gaza is incalculable and will have impacts for generations to come, whatever help is provided
- While many individually focussed interventions will be helpful, the only long term responses to collective trauma on this scale are those that address decades of political violence and the need for self-determination and liberation. This means supporting interventions which embrace activism and modes of resistance.
- It also means supporting the mental health services already operating in Gaza, which have continued to provide services to their co-citizens throughout the genocide. It means foregrounding the cultural norms, collective values and aspirations of Palestinians themselves and not imposing 'Western' models of therapeutic intervention, developed in those very countries that are complicit in the genocide.
- As Mental Health practitioners, we endorse the principles of the Gaza Solidarity Health Declaration, which apply to mental as well as physical healthcare
- <https://mondoweiss.net/2025/10/the-gaza-health-declaration/>

## The Mental Health Impacts of Genocide

- Mass killing, mutilation and multiple bereavements
- Destruction of infrastructure – homes, hospitals, schools, mosques,
- Mass displacement
- Mass starvation
- Dehumanisation and abandonment by the International Community
- Specific effects on children

## Mass killing, mutilation and multiple bereavements

- The traumatic impacts of two years of virtually continuous bombardment
- Constant fear, inability to sleep, no safe places
- People feeling they are already dead or longing to be among the dead
- No time to grieve because survival and protection of the living is paramount
- No rituals to mourn family members still buried under the rubble
- The trauma – especially for children – of witnessing scattered body parts and flesh (ashlā)

## Destruction of infrastructure – homes, hospitals, schools, mosques

- Laying waste to hospitals, schools, mosques, community and cultural centres does not only constitute physical destruction; it aims at the heart and soul of the community, its collective consciousness and its systems of mutual support. This has profound impacts on mental health and wellbeing, as it is intended to.
- Just as religious institutions nourish collective spiritual consciousness, schools and universities nourish hopes and dreams for the future. Their destruction deliberately acts to crush such hopes

- Recovery from trauma crucially requires the recovery of the sense of a future
- Denying and withholding the means for Palestinians to rebuild their homes has profound psychological as well as physical effects.

### Mass displacement

- The reactivation of Nakba trauma
- Suffering multiple displacements with no prospect of safety anywhere
- Shattering of attachments to homes, belongings and neighbourhood
- The separation of families either through displacement within Gaza, through medical evacuations or through some family members being left behind when others leave
- The appalling conditions endured in tents or unsafe buildings
- The impossibility of moving for many elderly or disabled citizens
- The impossibility for most Gazans to take control by fleeing the country. Gaza is almost unique in that escape from the violence has been forcibly prevented

### Mass starvation

- Devastating impacts on children's physical, cognitive and emotional development. Even if feeding resumes, children cannot recover from the effect on their growth of such severe malnutrition.
- Psychological impacts on adults include feelings of guilt, shame, and helplessness at not being able to feed their starving children and witnessing them crying with hunger
- Malnourished mothers are deprived of the experience of nurturing their babies or bonding with them through breast feeding.
- Shame and humiliation resulting from being forced to stampede for food or to beg or steal from others. Men risking their lives at the GHF "feeding stations" because of the imperative to feed their families.
- Starvation brings feelings of lethargy and hopelessness and loss of the capacity to think about anything except food.

### Dehumanisation and abandonment by the International Community

- Encountering the indifference of the western world towards their suffering while being subject to degrading and genocidal rhetoric from Israeli leaders -which largely goes unchallenged - has been described as 'ethical loneliness' (Stauffer) and has profound effects on the psyche.
- Collective trauma on the scale we witness in Gaza is hugely exacerbated by the experience of powerlessness. The constant use and largely unchallenged use of the 'terrorist' label excludes Gazans from participation in and influence on political processes. However the restoration of agency, self-determination, dignity and respect is an essential component of any recovery from trauma at individual, family and community levels.
- Recovery from trauma also requires justice, accountability and reparation which will require a massive realignment of current framings of perpetrator and victim.

### Specific effects on children

- This has been described as a "war on children" (UNICEF). Children in Settler Colonial societies are not supposed to have a future
- Nearly 40,000 children have lost one or both parents in the genocide

### Specific psychological impacts on children of the trauma of the genocide include

- Permanent neurological impacts resulting from states of continuous and unremitting fear and hyper-arousal. The effects of witnessing repetitive scenes of horror and carnage will likewise be prolonged and enduring, whatever support is given.
- Symptoms include bedwetting, mutism, violence, hyperactivity and withdrawal
- The impact of over two years without schooling or any structures which can provide safety, calmness and routine has been disastrous for children
- Having to assume adult responsibilities such as caring for younger siblings, fetching food fuel and water, helping elderly or disabled relatives has deprived children of childhood
- Having to cope with life changing injuries, amputations and excruciating pain without a close and familiar relative to provide comfort

### Summary

Mental Health impacts in Gaza cannot be encapsulated by the mapping of rates of psychological symptoms displayed by individual members of the population. The impact on an entire population of being subjected to such immeasurable suffering requires a different approach. It needs to be understood in the wider context of a brutal onslaught on the very wellspring of collective life with the aim of fragmenting the population and severing them from their homes and their land.

Effective responses by practitioners from outside need to understand the deep attachments to home, land and neighbourhood, the urgent need to rebuild family and community connections and to understand adherence to cultural and spiritual values as acts of resistance and expressions of agency. While the need is massive and overwhelming, interventions must include providing the resources for the Mental Health Practitioners within Gaza to continue their work,

As the latest Gaza Community Mental Health Programme report concludes, "*Gaza, despite the pain, continues to pulse with life. And the Gaza Community Mental Health Programme will remain a witness and a steadfast advocate to ensure that hope endures.*" It is the duty of the International Community to remain alongside them. GCMHP report 2025.

### HEARINGS: THE CRIMES - CIVILIANS, JOURNALISTS, EDUCATIONAL SYSTEM

#### CIVILIANS

#### We Are Not Numbers: Giving a Voice to the Youth of Palestine

*Ahmed Alnaouq*

*Director & Co-founder of We Are Not Numbers*

Two years ago, in October 2023, my family went to my home to seek shelter.

On the 22nd of October, Israel dropped a bomb on my home, killing the vast majority of my family members. Twenty-one members of my family were there, sleeping in their home, sleeping in their beds, when Israel dropped a thousand-pound bomb on them, killing all of them.

They killed my father, who was 75 years old, my two brothers, my three sisters, and my 14 nieces and nephews, who were all under the age of 13.

Twenty-one members of my family were turned into pieces. Their “crime” was that they were Palestinians.

My family’s home was in Deir al-Balah, in what Israel called a “humanitarian zone,” a “safe zone.” They did not pose any danger to Israel. They did not fire any missiles. They did not attack any Israelis. And yet they were killed.

For the world, it was just 21 members of the same family killed – a number. But for me, that was my family. That was my life. That was my home that was bombed.

Twenty-one members of my family were not just a number. They were people. They were human beings. They were fathers. They were mothers. They were daughters. They were sisters and brothers.

My father, who was 75 years old, was the most loving person, the most compassionate person. He did not hurt Israel. He did not belong to any political party – and yet Israel killed him.

My older sister was a computer engineer. She was also a teacher at an elementary school. My neighbours told me that they did not find her in one piece, that they found the upper part of her body in our neighbour’s home.

My 14 nieces and nephews were turned into body pieces. My brother-in-law told me that he did not even recognise his children because their faces were smashed.

Fourteen kids under the age of 13 were killed in my home.

My sister Wafa was killed with all of her children – four children.

My sister Alaa was killed with all of her children – five children.

My sister Aya was killed with all of her children – three children.

My brother Mohammed was killed with his two children.

My brother Mohammed was also killed, but he was not married and he was getting ready to travel to receive his education in Australia.

After that day, I stopped counting how many other family members I lost, how many relatives, how many neighbours, because I thought: we are not numbers. We are more than statistics.

I live in London and I am a journalist. After Israel killed my family, I was asked to be interviewed by the mainstream media – but not to hear my story. They brought me to interrogate me, to investigate me, to ask me hard questions, to delegitimise me.

And that’s why, my friends, yes, I blame Israel for killing my family. I blame Israel not only for killing my family since the 7th of October, but also for killing my family before the 7th of October.

They killed my mother in 2020 because she was a cancer patient and they did not allow her to receive treatment. They also killed another brother in 2014 in that war. And 77 years ago, they also killed my grandparents in the Nakba.

This genocide did not start on October 7, and it did not end two years after October 7. This genocide has always been ongoing for the past 77 years.

What enabled this genocide, what enabled this apartheid and the occupation of Palestinian land, is not only the Israeli system, not only the Israeli government, but also

the governments worldwide who aided and abetted the genocide – who supported Israel blindly.

It is also the media – the Western media – who gave Israel the cover and the atmosphere to bomb and to kill as many Palestinians as they desired.

This was the first time in history that we watched a live-streamed genocide. We have been watching a genocide happening in front of our eyes. And still, the mainstream media did not choose to cover what was happening in Palestine, what was happening in Gaza. Instead, they chose to cover the truth – to cover it up – and to repeat the Israeli lies. They were parroting the Israeli lies over and over and over, because they were interested in the continuation of the genocide in Palestine.

So yes, we are here in the Gaza Tribunal today. But it is not only Israel from whom we seek justice. It is not only Israel. It is Israel. It is the Western governments. It is Britain and the US and the EU. It is the mainstream media. It is the educational systems and institutions that did not cut their relations with Israel. It is everyone who aided and abetted the genocide.

And finally, I would like to say to you: yes, I lost most of my family members, and I am crushed. I feel devastated by the loss of my family. But I will never forgive Israel for killing my family. I will never forget my family, and I will always come after those perpetrators. I will always come after those who wronged the Palestinian people.

We will come after them. Israel cannot get away with murder. Israel will not get away with targeting the Palestinians. Genocide enablers will not get away with it. We have rights, and we seek justice.

From this day until the end of my life, I will speak at every opportunity, at every venue, against Israeli apartheid, against the Israeli system of control, against the genocide and those who enabled the genocide.

We Palestinians will not shut up. We will not be silenced. We will not allow the mainstream media to smear us and intimidate us into silence. We will speak up.

But also, we need support from the free world. We cannot do this fight on our own. We need the world to stand with us. We need the world to stand with the Palestinian people. Because if Israel is allowed this time to commit a genocide and get away with it, more governments, more authoritarian regimes will commit other genocides in the future.

Enough is enough. Israel must find accountability. Israel must not get away with murder. Genocide must stop – because genocide has not stopped. Genocide must stop.

Thank you.

## **Sexual Assault and Mass Imprisonment**

### **Sahar Francis**

*GT Chamber 1 Member, Human Rights Lawyer and General Director of ADDAMEER Prisoner Support and Human Rights Association*

I am a Palestinian human rights lawyer, who dedicated most of my legal work to defend Palestinian political prisoners arrested under the occupation military legal system and civil system. Worked in Addameer prisoner support and human rights association since 1998, first as a lawyer and the head of the legal unit, and in 2006 became the executive director of the organization.

Over the years I shared my knowledge and expertise with different international investigative bodies, like the Goldstone committee and lately the UN COI. My testimonies are based on the direct legal work, especially the visitation to all prisons and military camps where Palestinian prisoners are held.

During the last 2 years jointly with my colleagues, we were able to implement 280 visits to the prisons and detention centers, 111 of these visits were dedicated to detainees from Gaza, where 514 detainees were visited, I managed to visit around 145 of them. 399 prisoners and detainees from the west bank were also visited in the last 2 years, in total we visited 913 prisoners and detainees. My intervention today is based on information, testimonies and statements we collected during these visits, and the field research Addameer team conducted.

Since the beginning of the genocide in October 23, Israeli Occupation Forces (IOF) have dramatically escalated their practice of mass arrest and arbitrary detention of Palestinians. This increase spans across all occupied Palestine including the West Bank, East Jerusalem, Gaza and 48 areas, and applies to adults, children, men and women of all ages. From October 7th 2023 until Med October 2025, Israel arrested more than 18,500 Palestinians from the West Bank, including more than 595 women and around 1,600 children.<sup>16</sup> These figures do not include thousands of individuals who were arrested from Gaza, that we estimate were more than 10,000. The total number of Palestinians detained in Israeli occupation prisons went from around 5,250 before October 7, 2023 to 11,100 before the exchange, including 400 children, 53 women, 3,544 administrative detainees and around 2700 detainees from Gaza classified as Unlawful Combatants. The mass arrest of Palestinians, their dehumanization by Israeli leaders and the subsequent crimes committed against them - including torture, inhuman treatment, sexual violence and enforced disappearance, is part of Israel's ongoing genocide, the widespread and systematic attacks against Palestinians from the occupied Palestinian territories (oPt), its illegal occupation and colonization of Palestine and its system of apartheid.

### Torture and Degrading Treatment

Since October 7, 2023, Addameer documented an increase in the use of violence against Palestinians under the control or custody of the IOF, during their arrest, transfer, interrogation and while detained inside Israeli occupation prisons or detention centers. While Israel systematically uses violence against Palestinian detainees, the intensity and brutality of the violence used since the beginning of the ongoing genocide is unprecedented since the second intifada.

Torture is present at every step and moment of a prisoner's experience: when being arrested - including in front of their family members -, during the transport to their detention, during their interrogation, but also in their cells, when going to the infirmary, while taking their showers. Violence is omnipresent, organized and part of prisoners' lives. Addameer has documented hundreds of cases of use of violence amounting to torture and inhumane treatment against Palestinians. This includes the use of physical violence, psychological violence and sexual violence.

### Strip Searching and Sexual Violence

The Israeli occupation soldiers, prison guards and security service interrogators regularly threaten Palestinian detainees, in particular women but also men, with sexual violence. Statements collected by Addameer from both men and women detainees include disturbing cases of threats of sexual violence and other forms of sexual harassment. Many testimonies of women detainees or prisoners include sexual harassment, rape threats, including during forceful strip-searching inside the occupation prisons or in front of their children during home invasions.

Detainees undergo strip searches multiple times during their detention and transfers. These searches force them into humiliating positions, such as the frog position or bending over, under the pretext of a thorough examination. Soldiers frequently use metal detectors, or "magnometers," running them over the detainees' bodies and attempting to insert the devices forcefully into their anus or mouth. Additionally, soldiers hold the devices under the men's genitalia, mock the detainees, and force them to perform degrading acts on themselves. This treatment constitutes sexual violence and harassment.

On July 29, 2024, the occupation's military police raided Sde Teman military camp, detaining soldiers accused of brutally sexually assaulting a male detainee from Gaza. The male detainee is reported to have severe signs of rape using sharp torture tools. Lawyers have documented numerous cases of torture and sexual violence against detainees from Gaza, revealing a grim pattern of abuse within the Sde Teman military camp. Despite these well-documented cases, 99% of investigations into IOF's torture and abuse against Palestinians fail to advance, resulting in no accountability or repercussions for the perpetrators.<sup>17</sup>

Another case of rape was documented by the lawyer; the detainee confessed that he was raped twice with a stick that was inserted into his anus.<sup>18</sup>

### Testimonies

#### R.A.<sup>19</sup>

He was arrested on the road at the checkpoint with his son. He was subjected to severe torture at the same place, beaten on his head, and then taken to an area in Gaza's envelope. On the way, the beating and torture continued. Upon reaching the area in the envelope, his clothes were changed, and he was placed in the barracks for 5 days, during which no one spoke to him. After 5 days, he was transferred for interrogation.

During the interrogation, he was beaten, tortured, and starved (given only one piece of bread per day). He was made to sit on gravel and was prevented from moving. He was struck on his face, and one of his molars on the right side was broken. Every movement he made was accompanied by beatings. After 3 months, he was taken back for further interrogation.

He remained in the same barracks for 80 days, during which he was subjected to beatings and torture, including being sodomized with a stick twice: once at the beginning of his detention and once after 3 months. The assault team was accompanied by dogs.

<sup>17</sup> For more, read: <https://addameer.ps/news/5382>

<sup>18</sup> <http://www.addameer.ps/sites/default/files/publications/GF%20Submission.pdf>.

<sup>19</sup> Ibid.

<sup>16</sup> Prisoners as a Frontline of genocide: Two years of war crimes against Palestinian political Detainees, fact sheet published on the 7 October 2025. <https://www.addameer.ps/news/5618>

A doctor saw him and provided treatment for a fissure in his anus, and without medication, he couldn't go to the bathroom.

He was blindfolded for 120 days, with his hands and eyes bound, which led to him developing an eye problem. Soldiers would enter the barracks and randomly beat the detainees, letting a dog urinate on them and sometimes walking on their backs.

**A.H.** (initials changed for security)<sup>20</sup>

A Palestinian man recounted to Addameer the horrifying and brutal violence and rape he was subjected to by Israeli guards in Megiddo: "Afterward, a guard escorted me to the clinic. On the way, I heard the sounds of beatings, screaming, and guards speaking Arabic, saying: "Come on, talk! Long live the flag of Israel! Long live the flag of Israel!" accompanied by very vile insults. I felt great fear at this moment.

When I entered the clinic, I was received by a Jewish doctor, who was angry and provocative, speaking to me harshly in broken Arabic. He repeatedly asked me: "Are you Hamas? Are you Hamas?" Then he laid me on the bed and placed ECG wires on my chest.

At that moment, a prison medic (hovesh) entered. I could tell he was a medic and not a doctor since I had been detained before. He also spoke in broken Arabic and said to me: "Are you Hamas? Be careful, Hamas here – fuck, fuck." He added: "Do you hear the sounds outside? Be careful." Then he punched me in the face.

After that, the doctor told the guard: "Everything's fine, take him." The guard then brought me back to the prison gate, where Mishmar Gvul handed me over to Shabas (Prison Service).

I was blindfolded, since in Megiddo all movement is done with blindfolds, and with hands and legs shackled. I felt multiple people around me, from the sounds I heard, when suddenly I received the first punch to my chest, then a second blow to my head, which knocked me to the ground. Immediately after, they pummelled me with batons and kicks, all while showering me with insults like: "Son of a bitch."

One of them told me: "Are you a journalist working for Al Jazeera? We will bring all the Al Jazeera people here. We will fuck them here, and we will fuck their wives and sisters."

They began to beat me with extreme violence. I was in severe pain, struggling to endure it. The beating lasted around 20 minutes, a mix of blows and insults, while I lay on the ground.

(...) After the beating, the guards shouted at me: "Get up, get up!" I tried to stand, but one guard grabbed me, bent my head down, and dragged me violently. As I was being dragged, he smashed my head against the wall, while the soldiers around me laughed and mocked me, saying: "What's wrong with you, man? Open your eyes!" I was blindfolded and without my glasses, so I could not see. Then he smashed my head against the wall again.

This continued for about 5 to 7 minutes until I felt them open a gate and push me inside somewhere. My vision was completely gone because of the blindfold, and without glasses my eyesight is very weak even without it.

<sup>20</sup> The full testimony reserved and will be published in a public report by Addameer. <http://www.addameer.ps/sites/default/files/publications/The%20mass%20arrest%20and%20systemic%20torture%20of%20Palestinian%20detainees%20in%20the%20West%20Bank%2C%20the%20hidden%20side%20of%20Israel%E2%80%99s%20ongoing%20genocide.pdf>.

I realized they had taken me into a narrow place with a very foul smell. Immediately, they began removing the lower part of my clothes (pants) while beating me severely. They ordered me: "On your knees, head down!" I sat on my knees and lowered my head into a prostration-like position.

They had with them the magnetometer device (used in body scans), which I recognized by its sound when it came near the body. They began striking me with it on my back and my exposed buttocks, since I had no trousers on. They laughed loudly, mocking me, saying: "Ohhh, what sweetness this is, what cleanliness."

They spoke fluent Arabic, though about two of them spoke only Hebrew. I also heard the voice of a female guard among them. From the sounds, there were at least five or six people present.

Then, to my shock, they tried to insert something into my rectum from behind. Instinctively, I tried to resist, but the pain was overwhelming, and eventually, I could no longer fight back. Whatever object they were using – it felt like a stick – was forced inside me. When they inserted it, I felt them spray something on me, and I heard the sound of liquid spraying on the ground.

Later, when I was transferred back to the cell, I wiped the substance off myself. It was a sticky, transparent material without a foul smell, and it seemed to be some kind of lubricant to help the stick enter. The stick was pushed in quite deeply, not just at the opening, and it caused intense pain.

I felt they also tried to insert the magnetometer device, but it did not go in – I recognized it from the sound and because it is thicker than the stick. This torture lasted for about half an hour, involving the rape with the stick, beatings, and being kept inside the cell.

It was accompanied by continuous blows and verbal abuse, with threats like: "We will bring your wife and your sister and rape them in front of you, on your chest, and you will watch them."

One of them grabbed my genitals and pulled them hard. I don't know if it was the same person or another, but someone also pulled violently on my testicles, reaching from behind while I was in the prostration position, causing excruciating pain. They mocked me, saying things like: "Ohhh, big, big!"

I felt as though I was about to die in that moment, and my only thought was when this ordeal would end.

The stick was not only inserted but moved inside repeatedly, and I felt this happened at least five or six times. I did not see the object used, but I believe it was the standard baton carried by prison guards. Every guard in prison carries a black rubber baton attached to their belt. Later, when they beat me with it, I recognized that it left deep marks on the body, like grooves, and it was about the thickness of a broomstick, maybe slightly thicker. I believe this was the object used, along with the attempted use of the magnetometer.

At that moment with the magnetometer, the psychological impact was extreme. I felt overwhelming exhaustion from the pain, not only from the sexual assault but also from the beatings.

After they finished that torture session, they pulled my trousers back up and dragged me for several meters. They then tried to make me stand; I struggled but managed to walk with great difficulty until we reached the "Yomian" (control room) – the room from which the guards control the opening of section doors.

(...) When I entered to shower and removed my lower clothes, I noticed blood stains on them. I placed my hand on my rectum, and when I pulled it away, there was blood on my hand. (...) I tried to sleep, but the pain was unbearable”

### **G11 Testimony:**<sup>21</sup>

Prisoner name: S.A.

#### **The day of the Incident**

Around 6 PM, we prayed the Maghrib and Isha prayers. After that, just before bedtime, they came in, threw a sound grenade, searched us, and took me after checking the number on my hand. They brought me to the back of the barracks. I was blindfolded, and my hands and feet were shackled. There were many of them, maybe 7 or 10 soldiers. They searched me thoroughly, shaking out my shirt and pants, and then the beating began. They kicked me with boots, punched me with their hands, and used electric batons on my chest, the back of my head (where they left a gash that made my hair look shaved), and my face. The beating lasted anywhere from half an hour to an hour. I can't be certain if my estimation of the time is accurate.

They were trying to make me stand up, or I was trying to stand, but I kept falling to the ground. They would place two or more electric batons on my neck and head, and I felt like my whole body was electrified. (The last thing, after they finished beating me,) they hit me with a slipper on my face, and we were close to the bathrooms.

I was exhausted and fatigued, lying on the ground unable to breathe, and I kept telling them to let me breathe because I felt pain all over my body. I was lying on my stomach with everyone around me, and they continued to shock me. I felt a soldier insert the baton from behind when my pants came down; they were all standing around and hitting me. I thought they were going to shock me on my private body parts.

They removed the blindfold in the middle of the beating, and when I turned, I saw the soldier putting the baton in my rear. From the intensity of the pain, I almost lost consciousness. I kept saying that I was struggling. The soldier lifted the baton and tried to put it in my mouth while speaking in Arabic. I refused to open my mouth, so he placed it on the ground, and forced me to grab it and put it in my mouth. As I recall, it was between metal and baton, about the length of an arm, and it was black. They forced me to suck on it in a sexual manner for about a minute. From the intensity of the pain, I lost feeling; I was only breathing, and I felt like my ribcage was broken.

After that, one of them pulled up my pants and they carried me and placed me on my mat. During the assault on me, all the prisoners in the section were lying on the ground with their hands raised above their heads, and the soldiers had a dog with them, which we call the “dog unit.” After they finished with me, they took another person and beat him for about a minute and then left him (I don't know who he was). After that, they exited the barracks.

They told me not to ask for a doctor's help, or they would come back to castrate me.

I was near the barrack's bars when a captain passed by and yelled at the “shaweesh” in the section that there was blood from my rear. I said that the blood was from my stomach and rear because I felt something in my stomach; I didn't know if I was bleeding from my stomach or not.

The captain contacted someone, and then a female doctor arrived. The soldiers took me to the entrance of the barracks, and she examined me. The soldiers pulled down my pants, and she checked underneath, then left. After that, they returned me to my spot on my mat. After a short while, a small four-passenger car came and took me to a place that resembled this room (a visitation room) surrounded by a green tent, with an open area around it. Here, a doctor examined me again; he was wearing civilian clothes, and I was lying on a bed for about half an hour. Then an ambulance arrived and took me to the hospital. I did not lose consciousness at any point, but I was very exhausted and felt excruciating pain.

When I arrived at the hospital, they took me into surgery, and the only question they asked me was, “Do you have diabetes?” After that, I woke up to find that I had undergone surgery, and even after the operation, they did not explain my condition to me.

### **Reproicide: How Israel's Genocide in Gaza Targets the Present and Future of Palestinian Life**

#### **Hala Shoman**

*PhD Researcher in Politics and Sociology and Gazan Activist*

My name is Dr Hala Shoman. I am a Palestinian researcher, dentist, and PhD scholar from Gaza, and I am here in my capacity as an expert on the gendered and reproductive dimensions of genocide. In the ten minutes I have, I will address why what is unfolding in Gaza is not only genocide but also what is termed “reproicide”, the systematic targeting of a community's reproductive health with the intention of eliminating their future: mothers and infants, fathers and sons, the capacity to conceive, carry, birth, feed, heal, and raise the next generation.

#### **1. The Jury Should Be Aware: What “Reproicide” Names**

In December 2023, an Israeli missile struck Gaza's largest fertility clinic, Al Basma IVF Centre. The single explosion destroyed more than 4,000 embryos and over 1,000 vials of sperm and unfertilized eggs. Dr Bahaeldeen Ghalayini, the obstetrician who established the clinic, summed up the implications of the attack in an interview with Reuters: “5,000 lives in one shell.”

The strike was an act of reproicide: killing potential lives and the means and infrastructure that might enable future lives. In the context of Israel's ongoing genocide in Gaza, reproicide serves as a tactic. Indeed, genocide includes its definition, “imposing measures intended to prevent births” within a particular national, ethnic or religious group, as a modality of genocide. Reproicide makes visible how that destruction happens in practice. It includes direct attacks on reproductive health, killing of people, bombing maternity units, NICUs, fertility centres, and indirect measures that make safe reproduction impossible: siege that starves pregnant women and infants; power cuts that silence incubators; blockades that withhold anaesthetics, antibiotics, oxytocin, formula, and clean water; forced displacement that erases privacy and safety; and sexualised violence that inflicts bodily harm and terror, including on men and boys. In reproicide, it is not only prevention of birth that is committed, but also the attacks of present and future lives and the ability to reproduce safely.

Reproicide targets both timeframes of a people's life: the present, pregnant bodies, newborns, mothers, fathers, and the future, killed families, embryos, gametes, fertility infrastructure, the possibility of safe intimacy and family life.

<sup>21</sup> <http://www.addameer.ps/sites/default/files/publications/GF%20Submission.pdf>.

## 2. Anatomy of Reprocide in Gaza (2023–2025)

I speak about some Israeli strategies to commit reprocide through people testimonies

### a. Obstetric Collapse

#### Testimony by the husband Kareem Abu Sharia

“On 19 November 2023, my wife Amina abu Sharia was nine months pregnant. At about 2:00 a.m., we were in the Al-Saftawi area of North Gaza when her labour started suddenly. A military operation was due to begin that night on Jabalia, no one could leave their homes. We tried calling the ambulance service but no answer. The situation became critical, so I decided to risk transporting her by car. I told my wife: either we reach Al-Sahaba Hospital or [Baptist Hospital], or the aircraft targets us on the road and we die trying, it’s better than watching you die without trying. I carried my wife and went down from our sixth-floor apartment. On the staircase, and seemingly from fear, my wife could not hold on and gave birth on the stairs. Unfortunately, only my sister and her mother were present; we had no supplies and were unprepared. We even used the lights cautiously because aircraft were flying very low and monitoring everything. At that same hour, shells began falling on our street, around the building and on the top floor. We moved down to a lower floor to my sister’s apartment. An obstetrics doctor from Romania communicated with us online to advise us. We waited until morning to try to move her to hospital, but the situation was still dangerous and shelling continued. By the afternoon, when the shelling eased a little, I went to a pharmacy and got some of the medicines the doctor recommended because Amina had bleeding and fainted. On the 21<sup>st</sup>, just two days later, our apartment was struck by two missiles that destroyed it. Luckily we were still sleeping at my sister’s apartment on the third floor of the same building”.

### b. Domicide and Forced Displacement

Since October 2023, Israeli attacks have damaged or destroyed nearly 70 percent of Gaza’s structures, including 92 percent of its housing units<sup>22</sup>. With more than 135,000 homes destroyed, families are crammed into tents without privacy or sanitation. Women give birth on roads, in rubble, or in overcrowded classrooms. The forced displacement does not only mean suffering, loss of belonging and personal place but the process itself Israel designed to be violent.

#### Testimony by Nancy Abu Mosa

“I was six months pregnant with twins. I walked almost 10 kilometres, eighteen hours, from Naser street/Gaza City toward the south. I pushed my husband in a wheelchair. It was overcrowded and full of danger, fire belts from Israeli bombing and drones. We couldn’t rest. When we reached the south, my water broke. I didn’t want to deliver; I was terrified for them. In the crush of people, labor surprised me, my eyes caught a tiny body dropping to the ground. I spread the only blanket we had and, on the bare asphalt at al-Nuweiri hill, I gave birth to two babies whom this world offered only a quick death. They did not cry, they did not hunger; they knew only one displacement and one final absence.”

22 <https://www.doctorswithoutborders.org/latest/destruction-homes-leaves-palestinians-unable-safely-return-rafah#:~:text=After%20more%20than%2015%20months, scale%20Dup%20of%20humanitarian%20aid.>

Domicide—the destruction of homes—creates reproductive harm that is not abstract. It removes walls, beds, clean water, the privacy to labour, the ability to shelter an infant from dust and fear.

### c. Starvation and Dehydration

“They take even the milk.”

A foreign volunteer surgeon reported that baby formula was confiscated from doctors at checkpoints. Mothers told me their milk “ran dry”, not because they did not want to nurse, but because famine, thirst, and terror stop the body’s ability to make milk. In shelters, women lucky enough to find formula had to dilute formula, lentil, dates, with contaminated water and watch infants develop diarrhoea they cannot treat.

### d. Targeting Men and Boys

Reprocide also attacks male fertility and social reproduction.

British surgeon Nick Maynard, interviewed on Sky News, 25 July 2025 said. “One day, 12 days ago, four young teenage boys came in, all of whom had been shot in the testicles... deliberately so... the clustering was far too obvious to be coincidental’. Such clusters of gunshot wounds to the genitals and pelvis are acts of deliberate maiming. In Israeli detention camps such as Sde Teiman, men and boys are stripped, beaten, and sexually tortured, sustaining genital injuries that cause infertility and lifelong trauma. By disabling male bodies, reproduction is directly targeted.

### e. Sexual Violence and the Erasure of Intimacy

UN investigators and mandate-holders record a systematic pattern of sexual violence against Palestinian detainees, women, men and boys, in Israeli custody. It details rape and assaults to the genitals as routine features of detention practices, corroborated by public-hearing testimony describing forced nudity, genital beatings with resultant bleeding, and attacks by dogs. These acts function as reproductive harms, designed to degrade, incapacitate and potentially compromise future reproductive capacity. Testimonies presented to the Commissioner and others also confirm the participation of both male and female soldiers in sexual assaults especially on male detainees; this attack and the resulting PTSD and other problems underscores the sexualized nature of custodial torture that directly affects the ability to be intimate and have reproductive life.

Furthermore, the broader conditions of bombing more than 90% of homes in Gaza, the mass displacement and overcrowded shelters foreclose the possibility of safe intimacy and reproduction. With the structural impossibilities imposed on intimacy even outside detentions (in shelters, destroyed homes), reinforcing the broader claim that *reprocide* operates on multiple levels.

## 7. Appeal to the Jury

The Jury should recognise that what is unfolding in Gaza is not only genocide in the present but reprocide, the destruction of reproductive life itself in the present and future. This understanding broadens the field of accountability:

- it links obstetric collapse, starvation, domicile, and sexual violence into one reproductive matrix;
- it exposes the temporality of genocide—targeting not only those alive but those who could have lived;

• and it calls for reparative justice that rebuilds the material and social conditions for Palestinian reproduction: hospitals, water, nutrition, safety, and dignity.

A grieving father said: “We are not hatcheries that can just produce children.” He is right. Reproicide is not about numbers alone; it is about whether a mother can labour without terror; whether a father can hold his child without bleeding from shackles; whether a newborn can be warmed and fed.

I urge the Jury to name these crimes for what they are: a reprocidal campaign to erase Palestinian existence in both present and future form. Recognition of reproicide is a step toward accountability and toward rebuilding the conditions in which Palestinian life, and birth, can continue.

## JOURNALISTS

### Testimony of a Palestinian Journalist from Gaza (online)

**Abubaker Abed**

*Gazan Journalist*

Thank you very much for having me, and thank you for the work you are doing. I hope that all of this will be transformed into real action, and that accountability and justice will be carried out in the best way possible—against Israel, against every Western government that has facilitated the genocide, and also against the Arab countries that have played a major role in it.

Regarding journalists in Gaza, first and foremost, we know that more than 250 journalists and media workers have been murdered. Most of them were very young. When we talk about journalists, we are often talking about people under the age of 30. Many of them were in their early twenties, including myself—I am just 22. The fact that 250 journalists have been systematically hunted down is inseparable from the smear campaigns that preceded their killing, campaigns that the international community and organizations meant to protect journalists failed to stop or even properly address, despite the repeated calls from my colleagues around the world.

I want to begin by saying that in Gaza, I hesitate to even use the word “journalism.” What we are doing goes beyond journalism; it is genocide documentation. We are not reporting from luxury hotels or arriving from outside Gaza to cover events and then leaving. We are part of the story. The pain is ours. The agony is part of our daily lives. We are multitasking—not only reporting, but also caring for our families, and often losing them.

Speaking as someone who is still a child myself, I have lost more than 50 members of my family, including my entire Kaz family, which was wiped out in the last week of March this year. A year before this attack, my aunt’s family was also wiped out, and I lost my closest friend in December 2023. Journalists are not only targeted individually; many attacks are directed at journalists together with their families. Most journalists have lost family members, if not their own lives.

Documenting a genocide means living with the belief that the next report may be your last. In my case, as both a digital and television reporter, digital reporting and writing are often harder than appearing on television. When you sit with people to write their stories, you must translate their pain, their trauma, and everything they have endured into words. You are not simply recording what they say; you are carrying their suffering.

I remember one particular story, especially in light of what was mentioned earlier about

Palestinian detainees and how they are treated in Israeli prisons. During the second ceasefire, in January 2025, we produced a story that was published in February about a 17-year-old boy named Muhammad. He had been kidnapped from his home by Israeli forces when he was 16 and released a year later. Among the torture he endured, Israeli soldiers handcuffed his genitals and forced him to watch soldiers having sex in front of him. At times, they forced him to drink alcohol, despite knowing that he was Muslim. When he refused, he was beaten severely until he lost consciousness.

The soldiers and guards also tortured him psychologically, telling him they would take his mother and sisters, and repeatedly claiming they had already killed his family. They humiliated detainees by giving them two spoons of rice to share among five people in a single cell. When Muhammad asked to see the sun, he was told that he did not deserve daylight and that he would remain forever in darkness.

When I sat with him in Khan Younis, near the sea, he told me that even now, every time he wakes up, he checks to make sure there are no handcuffs on his hands, that he can see the light, and that his family is still around him. He has lost his home and many members of his family. For us, reporting stories like this is beyond painful.

This is not what I wanted to report. Before this genocide, I was reporting on football and sports. Even during the genocide, I covered the destruction of sports in Gaza, which has been almost entirely obliterated. Ninety-nine percent of sports infrastructure has been destroyed, and more than 800 athletes have been killed, including over 450 footballers.

How many stories must we report? How many lives must be lost before people believe us? On this day two years ago, Israeli strikes had already killed 700 people in Gaza, and the death toll had reached 5,000, including 2,000 children. This was on October 24, 2023. This could have been stopped if Western media and journalists had believed us as their colleagues, amplified our voices, and understood that their role is not to seek fame or access, but to share grief, amplify truth, and report honestly.

Instead, Western media outlets have repeatedly participated in denial, cover-up, and justification of genocide, serving Israeli narratives while discrediting Palestinian journalists. Had they not done this, had they trusted and supported Palestinian journalists, this genocide would not have continued for so long.

Any Tribunal addressing Gaza must hold accountable everyone who played a role in this genocide, including Western media institutions that ignored Palestinian grief and an unprecedented killing spree of journalists. More than 250 journalists have been killed. I consider myself extremely lucky to have survived.

What we are doing is not something anyone would choose. We are living the stories. We are the stories. But I hope that telling them will help usher in a better future—not only for me, but for everyone in Gaza and across occupied Palestine. This requires unified effort. We cannot allow the blood of 250 Palestinian journalists, more than 70,000 Palestinians killed, and countless others maimed to disappear without consequence.

Every crime must be documented. Israel must be held accountable, and every party that enabled or supported these crimes must also be held accountable. I am living in relentless grief. The genocide may have shifted in form, but the pain has only begun. Only now has mourning begun, because throughout the genocide, we had no time to mourn.

Once, while I was reporting, my cousin and his son were killed on the same street where I was living. I had to go live on television and announce their deaths, then take their bodies

to be buried, pray the funeral prayers, offer condolences, and return immediately to the hospitals to continue reporting.

This is not journalism. This is genocide documentation, and we are part of it. If we are to preserve these testimonies, the first duty is to honor the journalists who were burned alive—most of them young men who dreamed of becoming fathers, getting married, continuing their education, and living ordinary lives. They did not choose genocide documentation; it was forced upon them.

This is our collective responsibility: to restore the humanity of Palestinians and to ensure that justice is delivered against those who deliberately dehumanized them over the past two years. Western journalists, in particular, must be held accountable for what they allowed to happen.

Thank you.

## Eradicating Journalists: Systematic Attacks on Journalists in Gaza as a Genocidal Strategy

### Munir Nuseibah

*GT Chamber 1 Member, Human Rights Lawyer and Academic*

A long-standing principle of international humanitarian law holds that journalists and their equipment are to be regarded as civilians and civilian objects, respectively, and therefore enjoy protected<sup>23</sup> status, provided that they do not take a direct part in hostilities. Their observant role, though perilous, is vital: journalists serve as witnesses and interpreters, providing the indispensable conduit through which the ravages of war reach the world's conscience.

In Gaza, Israel has for long controlled entry and movement of foreign journalists, requiring that they embed<sup>24</sup> on tightly supervised military tours (if allowed) and has frequently denied visas<sup>25</sup>, revoked permits, or effectively excluded international press entirely<sup>26</sup> during major offensives, thereby institutionalising a mechanism of *information blackout*, a mechanism that is integral to the Israeli genocidal machinery in Gaza.

The near-total prohibition<sup>27</sup> of independent international media access to the enclave is one of the most distinctive and rare features of the Gaza genocide. While limitations on media are common in armed conflicts, the outright barring of foreign press during sustained bombardment is exceptional<sup>28</sup>. By preventing and obstructing external observers, Israel ensures that genocidal acts of mass killing and systematic destruction of

infrastructure essential for civilian survival occur largely unseen. These “dead zones” of reporting allow Israel to commit atrocities with minimal immediate scrutiny. The logic is simple: the fewer outside eyes, the greater the leeway to conduct large-scale atrocities and pursue genocidal objectives. Accordingly, the denial of unrestricted press entry to Gaza constitutes a foundational factor in the Israeli strategy of genocide.

Consequently, the only journalists able to report from Gaza are Palestinian journalists, operating under constant existential threat and severe operational constraints<sup>29</sup>. Their systematic targeting constitutes a deliberate genocidal tactic, precisely because they are the sole witnesses and chroniclers of events on the ground. The elimination and silencing of these journalists is *instrumental* to the execution of the campaign's objectives. In other words, an attempt to conceal the genocide.

Crucially, when journalists are targeted, the international community is deprived of timely, accurate information, undermining its ability to assess, respond to, and prevent ongoing crimes. This obstruction directly implicates state responsibilities under the Genocide Convention, which obligate state parties to take proactive measures to prevent genocide.

## Scale and Pattern: The Heaviest Toll in Journalistic History

The numbers merit stark emphasis: Gaza has become the deadliest place on earth for journalists in modern conflict, by orders of magnitude. By the time of the most recent ceasefire more than 248 journalists<sup>30</sup> had been killed in Gaza since October 2023, of whom at least 56<sup>31</sup> were directly targeted or killed by virtue of their work, reportedly. Many media offices, broadcasting facilities, telecommunications nodes, and journalistic equipment were also destroyed or degraded<sup>32</sup>.

Comparative observation highlights the exceptional character: the journalist fatalities in Gaza compress in just months what took decades or wars elsewhere<sup>33</sup>. It is the *deadliest and most deliberate effort to kill and silence journalists ever documented*. In historical conflicts, World War II saw 68 journalists killed<sup>34</sup>; the Vietnam War around 65<sup>35</sup> over a span of decades. Gaza's death toll alone in less than two years surpasses those totals. Far from being incidental, the killings show hallmarks of consistent pattern: strikes on

23 <https://casebook.icrc.org/case-study/protection-journalists#:~:text=Under%20Articles%2079.2%20and%2051.3,%5B...%5D>

24 <https://www.dw.com/en/how-reporting-in-gaza-is-a-deadly-assignment-for-palestinian-journalists/a-72073519#:~:text=Ban%20on%20foreign%20journalists%20continues&text=That%20is%20because%20the%20Israeli,and%20reporter%2C%20based%20in%20Jerusalem.>

25 <https://www.ceps.eu/ceps-news/open-letter-calling-for-immediate-implementation-of-eu-measures-against-israels-unlawful-actions-in-gaza-the-west-bank/>

26 <https://www.theguardian.com/media/2025/oct/11/international-journalists-gaza-israel-press-freedom>

27 <https://cpj.org/2025/06/cpj-and-global-media-leaders-call-for-urgent-unrestricted-access-to-gaza-for-journalists/>

28 <https://cpj.org/wp-content/uploads/2025/06/Gaza-Sign-on-EN-061225.pdf>

29 <https://www.dw.com/en/how-reporting-in-gaza-is-a-deadly-assignment-for-palestinian-journalists/a-72073519>

30 <https://www.ohchr.org/en/press-releases/2025/09/states-must-stop-israel-all-journalists-gaza-are-silenced-un-experts>

31 <https://rsf.org/en/ceasefire-gaza-israeli-authorities-must-end-media-blockade>

32 <https://rsf.org/en/over-210-journalists-killed-gaza-rsf-and-avaaz-call-media-worldwide-stage-major-operation-1>

33 <https://www.thecairoreview.com/essays/journalism-in-peril-the-gaza-genocide/>

34 [https://watson.brown.edu/costsofwar/files/cow/imce/papers/2025/Turse\\_Costs%20of%20War\\_The%20Reporting%20Graveyard%204-2-25.pdf](https://watson.brown.edu/costsofwar/files/cow/imce/papers/2025/Turse_Costs%20of%20War_The%20Reporting%20Graveyard%204-2-25.pdf)

35 <https://cpj.org/2006/05/iraq-journalist-deaths-match-number-killed-during/>

press-marked vehicles<sup>36</sup> or buildings<sup>37</sup>, penetrating journalist shelters<sup>38</sup> or medical tents<sup>39</sup>; multiple journalists killed in a single strike<sup>40</sup>; and the targeting of media infrastructure<sup>41</sup>.

One prominent case is the killing of **Hossam Shabat**, a veteran Al-Jazeera correspondent, in March 2025. Israel accused<sup>42</sup> him of being a “sniper” affiliated with Hamas, offering no verifiable proof, while press freedom organizations decried the claim as fabrication<sup>43</sup> to justify targeting him. Similarly, **Anas Al-Sharif**, another Al Jazeera journalist, was killed in a strike after being labeled by Israeli sources as affiliated<sup>44</sup> with militant groups, a labeling tactic usually used by

Israel to reverse the protective status of media workers. The strike killed three other journalists<sup>45</sup> who were present with Anas in the tent.

These cases are part of a repeated pattern: veteran journalists, journalists in marked press gear, often among multiple journalists struck, often after prior threats or demonization. That pattern supports inference of deliberate targeting as policy.

### Embedded in Genocide: How Attacking Journalists Furthers Destruction?

To characterize these attacks as genocidal rather than merely as war crimes or crimes against humanity, it is necessary to demonstrate that the suppression of journalists is integral to the broader logic of destruction<sup>46</sup>. Supporting this are statements by Israeli officials labeling media as terrorist “tools,”<sup>47</sup> accuse journalists of collusion<sup>48</sup>, or threaten<sup>49</sup> them with harm to create an environment in which targeting them is justified under the guise of “security.” When such statements precede or accompany killings, they contribute to the evidentiary basis for inferring genocidal intent. At least four interlocking

36 <https://reliefweb.int/report/occupied-palestinian-territory/israel-kills-five-palestinian-journalists-clearly-marked-press-vehicle-al-nuseirat-enar>

37 <https://forbiddenstories.org/the-destruction-of-press-infrastructure-in-gaza-a-strategy-to-blind-the-public/>

38 <https://forbiddenstories.org/the-destruction-of-press-infrastructure-in-gaza-a-strategy-to-blind-the-public/>

39 <https://pchrgaza.org/ongoing-acts-of-genocide-against-palestinian-journalists-israeli-forces-target-journalists-tent-in-al-ahli-baptist-hospitals-courtyard-in-gaza-city/>

40 <https://www.bbc.com/news/articles/ceqyyrp3yq9o>

41 <https://pchrgaza.org/pchr-releases-report-on-the-targeting-of-journalists-and-media-institutions-in-gaza-during-the-2023-2024-genocide/>

42 <https://www.france24.com/en/live-news/20250325-israel-says-al-jazeera-journalist-it-killed-in-gaza-was-hamas-sniper>

43 <https://rsf.org/en/gaza-rsf-condemns-targeted-israeli-strike-killed-al-jazeera-correspondent-hossam-shabat>

44 <https://www.timesofisrael.com/amid-global-outcry-idf-says-al-jazeera-reporter-it-killed-was-receiving-hamas-salary/>

45 <https://www.bbc.com/news/articles/c6200wnez73o>

46 [https://legal.un.org/avl/pdf/lS/Schabas\\_outline.pdf](https://legal.un.org/avl/pdf/lS/Schabas_outline.pdf)

47 <https://apnews.com/article/israel-aljazeera-hamas-gaza-war-eba9416aea82f505ab908ee60d1de5e4>

48 <https://cpj.org/2024/08/cpj-denounces-israels-smearing-of-killed-palestinian-journalists-with-unsubstantiated-terrorist-labels/>

49 <https://www.un.org/unispal/document/gaza-un-expert-denounces-serious-threats-by-israeli-army-against-al-jazeera-correspondent/>

pathways illustrate how the targeting of journalists is embedded in and instrumental to the logic of destruction:

#### 1. Concealing Evidence and External Scrutiny

Journalists document, verify, and testify. When they are killed, detained, or forced underground, the capacity of the international community, NGOs, victims, and courts to monitor atrocities is severely weakened. Without independent reporting, much of the violence proceeds unrecorded and unaccounted for.

#### 2. Controlling Narrative, Enabling Denial

Silencing journalists allows the perpetrator to dominate public discourse, frame attacks as legitimate, deny casualties, and portray destruction as inevitable. This discursive control helps suppress moral outrage, mobilise domestic support, and delay or deflect international legal pressure. In genocide, denial is often recognized as the final stage<sup>50</sup>. By diminishing, masking, or reinterpreting atrocity, the perpetrator seeks to erase the memory and avoid accountability. The *information blackout* in Gaza functions precisely to facilitate such denial.

#### 3. Inducing Fear, Chilling Reporting

Repeated targeted killings of journalists deter others from reporting, creating palpable fear. This reduces investigative coverage, diminishes the pool of reporters, and pushes others into self-censorship. In a genocidal design, reducing the space of counter-witnesses is tactical.

#### 4. Contributing to “Conditions of Life” Harm

Under Article II(c) of the Genocide Convention, deliberately inflicting conditions of life calculated to bring about destruction in whole or in part is proscribed. Obstruction of humanitarian aid, siege, starvation, forced displacement<sup>51</sup> - these are often considered<sup>52</sup> within that clause. The silencing of journalists is highly likely to augment the harm by impeding information about *urgent needs* (e.g. famine, disease), thereby facilitating neglect or forced suffering and multiplying the destructive conditions. If all this is not enough, Israeli officials have reportedly<sup>53</sup> stated that *information blackouts* leave Palestinians in fear and anxiety, as isolation is part of Israel’s psychological warfare.

Thus, the targeting of journalists is integral to the structural design of the broader logic of destruction, and it is woven into the tactic of concealment, ultimately contributes to denying the genocide, an act that instrumentally facilitates the commission of genocide.

*In conclusion*, the campaign against journalists in Gaza is *instrumental* to the architecture of destruction and erasure. By forbidding wide international media access, systematically killing and injuring reporters, destroying media infrastructure, and delegitimising

50 <https://www.genocidewatch.com/single-post/2018/06/11/denial-the-final-stage-of-genocide-first-international-conference-of-the-center-for-hol>

51 [https://badil.org/cached\\_uploads/view/2024/06/10/forced-displacement-as-an-act-of-genocide-in-the-gaza-strip-v6-1718021197.pdf](https://badil.org/cached_uploads/view/2024/06/10/forced-displacement-as-an-act-of-genocide-in-the-gaza-strip-v6-1718021197.pdf)

52 <https://cld.irmct.org/notions/show/173/conditions-of-life-calculated-to-bring-about-physical-destruction>

53 <https://www.aa.com.tr/en/middle-east/interview-gaza-communication-blackouts-leave-palestinians-in-fear-as-isolation-is-part-of-israels-psychological-warfare/3691174>

independent coverage, the Israeli regime seeks to suppress truth, obstruct accountability, and facilitate mass atrocity under the guise of security.

Viewed through the lens of the genocide convention, the targeting of media workers is an integral mechanism in the execution of a genocidal campaign. It eliminates witnesses, controls narrative, chills potential dissent, and aggravates the destructive conditions imposed on Palestinians.

If the international community genuinely aspires to uphold the rule of law, it must demand full access for independent press, protections for journalists, and credible investigations into the repeated killings. Above all, those who ordered, directed, or condoned the silencing of Gaza's journalists should be treated as central figures in a campaign of mass destruction - liable to the full gravity of genocide under international law.

## SCHOLASTICIDE

### Gazan Student: The Dreams They Took

#### Osama Alostta

*Gazan Student*

Ladies and Gentlemen,

My name is Osama Alostta. I am 23 years old, from Gaza, originally from 'Akka (Acre). I graduated from Ibrahim Almakadma high school in Gaza/Al-zahraa city in 2020, from Scientific stream.

After graduation, I enrolled at Al-Azhar University to study Computer Science. However, during the 11-days war – particularly after the attacks on the Sheikh Jarrah neighborhood in Jerusalem – my education was interrupted. In the same war, one of Gaza's most well-known buildings, Al-shorouq building, was destroyed. In that building I was working in a place that I liked and I thought it could be a great start as a freshman. Then, my family urged me to think about my safety and future, so in September 2021, I left Gaza to continue my education in Türkiye.

I began studying Software Engineering at a private university in Istanbul and stayed in Türkiye for a year and a half. Then, on February 6, 2023, the Kahramanmaraş earthquake hit, and education switched to online. On March 1st, I went back to Gaza – I missed home deeply and wanted to be reunited with my family and my people since special holidays were coming. I dropped out of school in Türkiye. Then, I re-enrolled in Computer Science at my university in Gaza and started the new semester just ten days before October 7th. I stayed in Gaza for another six months, but eventually, I had to leave again – leaving my family behind.

I stand before you today to give my testimony - because what happened to me, and to thousands of students like me, must not be forgotten.

Like every student, every young person, every human being, I had dreams.

Dreams of graduating, continuing my studies and expanding my knowledge.

I wanted to leave a positive imprint on my society, through projects, start-ups and initiatives that are within my skillset and capacity. I dreamed of a society where technology could bring change to this cruel world. However, the occupation was, and still is, an obstacle to every dream I ever had.

I had a life before the genocide. We were living under siege and occupation, always controlled, but it was a life I tried to accept as I knew I did not have any other choice.

I loved going to school, seeing my friends, and sharing breakfast before class.

After school, we would walk 15 minutes to the sea – to feel free at last, even if it was only for a brief moment.

Then came October 7th.

That morning, I woke up early, ready to go to school for a short exam and continue with other classes. Five minutes later, I received a message from the university administration, saying:

*“For your safety, the school will be closed until further notice.”* I thought – maybe a few days. Maybe a week. Until the Israeli defense minister said, *“We are fighting against human animals.”* announcing a complete siege on Gaza – as if we had not already been living under one for years.

On October 13th, everything began to collapse. We were ordered to evacuate our homes near the Gaza Valley and flee to the south.

I took what I could: my certificates, my ID, my passport, my laptop, a few clothes – and a few books, because I still believed, somehow, that education would continue.

Six days later, on the 19th of October, they destroyed my neighborhood Al-Zahraa city. I was less than three kilometers away, hearing every explosion.

They were not only destroying buildings – they were destroying my childhood, my memories, the very streets where my life began. All of it erased, to carve a corridor dividing Gaza into two.

When the footages started coming from there. I could not believe it. I could not believe that it was true so I went back there, and I was not able to recognize my city and my neighborhood that I had spent most of my life in. My high school was turned into a military base for IOF.

Soon after, my university was gone too. Reduced to rubble.

That was the moment I knew: We would never go back to class again. Never have the chance to live a normal life.

In only one month's time, everything I had built my dreams on was gone.

And yet, we did not even have the privilege to mourn. No time to grieve the people we lost, the futures that vanished, the dreams that turned into nightmares.

I lost my hopes of graduating. Whilst peers abroad continued their studies, I had to watch my campus burn. They did not only bomb our buildings, but they also erased our future. That loss – of education, of hope, of dreams – is a burden I will carry forever. It is a burden we will carry forever.

Then everything turned into survival. You couldn't even grieve – not when you were standing in endless lines for water or at the bakery for essentials to survival, which was bombed later on, even though people who have normal lives do not even think about it.

Days passed, and another evacuation order came. We had to leave again, because our area, south of the valley, was becoming a danger zone. It was Christmas Eve, 2023. While the world was celebrating with their families, we were packing what little we had, heading into the unknown. We tried calling everyone we knew, but every place was already

full. In the end, we went to Rafah and stayed in the skeleton of an unfinished shop that didn't even have a bathroom.

I remember walking more than an hour each day just to charge my phone and stay connected – but even that wasn't always possible.

Communication blackouts tried to silence us, while bombs kept falling on homes, hospitals, and even churches and mosques.

I was the only one with a phone that still had international roaming, so I shared my Wi-Fi with everyone I could.

The IOF tried to cut every signal, I somehow managed to keep ours alive.

Rafah was a turning point. It was exhausting to find basic needs, like water, food, and shelter. It was also a moment of realization why am I doing this, why is it so difficult to access water, or wait so long just to use a bathroom. Although we tried to make our stay in Rafah livable, it never turned out to be so. I remember going 14 days without showering. So I decided there was no point of me being dead here, it was no longer safe. Because I had no dual citizenship, I paid a lot of money to leave.

So, this is a brief part of my story. But I am not here only for myself, this story is not just mine, this case is not special about me as a person. There is an entire generation of students who were killed, silenced, displaced by the IOF and denied their right to exist. More than 1000 Professors were killed. 85% of Gaza's schools and universities are either partly damaged or fully destroyed.

The last standing buildings have become the only refuge for Gazans who no longer have homes to return to. There are a lot of stories about students who I know in person, and they were killed cold blooded.

However, I want to honor one of those professors who was killed by IOF as they were targeting him directly: Dr. Refaat Alareer. A man who inspires a whole generation. He always emphasized how important it is to mention that the Israeli occupation killed us, not leaving it for the passive voice.

He wrote:

If I must die  
 you must live  
 to tell my story  
 to sell my things  
 to buy a piece of cloth  
 and some strings,  
 (make it white with a long tail)  
 so that a child, somewhere in Gaza  
 while looking heaven in the eye  
 awaiting his dad who left in a blaze—  
 and bid no one farewell  
 not even to his flesh  
 not even to himself—  
 sees the kite, my kite you made,

flying up above

and thinks for a moment an angel is there

bringing back love

If I must die

Let it bring hope

Let it be a tale.

My story is just one page in a book written by thousands of students.

If I am here today, it is to make sure their silence is not the final word because they did not choose to be silent, they were silenced.

Our generation will carry this loss forever - in our studies, in our lives, in our sleepless nights.

This experience changed everything. It has the power to make the future feel meaningless. Whenever I try to do something new, try to continue my studies abroad, try to move on, I think of those who cannot. The survivor's guilt always chases me. I find no more dreams inside of me, I cannot even plan for tomorrow. Studying feels like running on broken ground. It went too extreme to the point that I started a hunger strike for a week. To feel my family and students in Gaza

Yet, I stand here – because we are still here. I am still here. My voice is not gone.

When they destroy a university, it is not only concrete that falls – it is the future that comes crashing down.

This was no accident. No natural disaster.

It was a deliberate attempt to silence us, to erase our dreams.

But we refuse to disappear.

We are not numbers.

Each of us has a name, a story, a family, and a dream.

So, I ask the Jury: Do not only listen. Act.

Hold those responsible accountable. Protect education – because protecting education means protecting the future.

Save the Palestinians' lives everywhere.

### **Scholasticide in Gaza: A Witness to the Systematic Destruction of Education (online)**

**Malek Alswairki**

*Gazan Student*

Hello everyone.

My name is Malek Alswairki. I am a survivor of the genocide in Gaza, and I was recently evacuated from Gaza to Ireland, where I am now a student at Trinity College Dublin. I spent 690 days in the Gaza Strip during the genocide – one year, ten months and twenty days. Today I stand here as a witness to scholasticide, having received most of my education in Gaza and having watched everything I once learned turn into rubble before my eyes.

In the time I have, I will address the systematic obliteration of education in Gaza.

Before the genocide, Gaza had one of the highest rates of education in the Middle East. From my own experience, I believe this is because my community has always valued education not as a privilege, but as a way to survive. We believed that education and civic participation were the only path to break the prison we lived in – and still live in. For us, breaking this prison meant freedom and survival.

Until October 2023, my father was a professor of accounting, my mother was a mathematics teacher in a secondary school, my sister studied dentistry at Al-Azhar University, and my younger brothers – who can unfortunately no longer attend school – were always among the top students in their classes. Ahmed, my younger brother, was in eighth grade when the war started, and Louay, the youngest, was in fifth grade.

As for me, I graduated from high school in July 2023 as the second highest-ranking student across Palestine, with a GPA of 99.4. I received a government scholarship to study at Al-Azhar University in Al-Muqraqa City. I planned to study political science and pursue a career as a diplomat and human rights advocate. I wanted to be someone who could represent her country with integrity and pride.

However, with the beginning of the genocide, my university was completely wiped out in November 2023. The city where it once stood has become what Israeli soldiers now call the “Nirim checkpoint.” This was the first moment I understood that this genocide was not only against lives, but also against education. The destruction of my university marked the beginning of the erasure of learning in my community. This is when I felt that Gaza began to lose not just buildings, but values, culture, and future generations of educated people.

The jury should be mindful that “scholasticide” is not an abstract word. To help you understand what it means for me and for Gazans, I will name the educational institutions my family and I attended from kindergarten to university – and what has become of them.

- Bisan Kindergarten – my kindergarten from 2010 to 2012. It is now partially destroyed.
- Baram Kindergarten – completely destroyed. My sister attended it from 2007 to 2009.
- Al-Karama Primary and Secondary School – turned into a military point and then destroyed, bombed repeatedly over displaced families seeking shelter. I studied there from grades 1 through 8. That means eight years of childhood memories now crushed in rubble. The place where this school once stood has become a buffer zone between Gaza and Israel. On 8 May 2025, my cousin was killed in this school while sheltering there after his home in Al-Tuffah neighbourhood was bombed.
- Shu’ban High School – militarized and bombed multiple times, including after a charity distributed food to starving refugees inside. It was bombed simply because food was being distributed there. My sister completed high school there; I studied ninth grade there; my mother used to teach there before the genocide. When she returned after a partial pause in July 2024, before it was completely bombed, the teachers’ room where she had her office was gone. She remembered the biscuits she had left in her drawer on 5 October 2023, and months later, amid famine, she said she would have given anything for that small piece of food – but the room itself no longer existed.
- Al-Zahra Basic School in Al-Rimal neighbourhood – completely destroyed. I studied my 10th grade there.
- Al-Ramla Secondary School – completely destroyed in July 2024. This is particularly painful for me because I studied my 11th and 12th grades there. When I saw it in

August 2024, I could not speak. It felt like my years of effort and my friendships were buried beneath the rubble.

- Shuja’iyya School – where my sister studied her 11th grade. Completely destroyed.
- Dar Al-’Ilm Basic and Secondary Schools – where my two brothers studied before the war. Now completely destroyed.
- Islamic University of Gaza – repeatedly turned into a military base, then partially destroyed and finally completely burned. This is where my mother received her engineering degree.
- Isra University – completely destroyed. One of my closest friends studied there before the genocide.
- Al-Quds Open University – where my mother completed her second degree in mathematics. Now partially destroyed and completely burned.
- Gaza University, Bisan University, and Al-’Aqsa University – all partially destroyed.

Last but not least, Al-Azhar University in Gaza City, not the one in Al-Muqraqa City. The campus in Al-Muqraqa was bombed at the beginning of the war, but the one in Gaza City has its own story. This is where my sister Farah was studying dentistry. It was bombed in November 2023 and later completely destroyed on 5 October 2025.

Farah and her classmates tried to complete most of their dentistry coursework online, but practical courses were impossible. These courses must be done in hospitals and university clinics. But the university refused to risk students’ lives: hospitals and universities were bombed repeatedly. Later, when the university itself was bombed, my sister could not graduate. She still cannot. She is unable to apply for scholarships outside Gaza because she does not have a completed degree.

The jury should note the wider context. Since October 2023, all schools in Gaza have been closed because it is too dangerous for students to travel or attend classes under constant bombardment. Meanwhile, most houses and apartment buildings have been struck or destroyed, displacing hundreds of thousands of families into tents or single rooms. In this mass displacement, schools became shelters of last resort – and even these shelters were attacked. The places deemed too dangerous for children to learn became the only places left for their families to live.

What happened to my family on 21 December 2023, in front of Al-Azhar University in Gaza City, shows what scholasticide looks like on the ground.

On 19 December 2023, after an evacuation order, my family – my father, my mother, my sister (20 years old), my brother (13), my youngest brother (9) and I (18) – left our home in Al-Tuffah neighbourhood for the supposedly safer western side of the city. We sheltered at my aunt’s house. My uncles, however, took refuge inside Al-Azhar University, an educational institution that had been turned into a displacement center.

Two days later, my father asked us to go and visit our uncles. It was winter, and they had no blankets. During displacement, you leave in a hurry; you want to survive and you cannot take everything. They had no blankets, no pillows, and the windows of the classrooms they were staying in had already been shattered by previous attacks on the university. At around 3 p.m., as we approached the university gates, a tank appeared at the end of the street, accompanied by a small drone. People around us were walking peacefully. Without warning, the drone opened fire on everyone.

A mother stood ahead of us holding a baby. My father shouted for us to lie down. He was shot in the thigh; my mother was shot in the waist. We shouted that we were civilians, unarmed, standing in front of a university – a place that should be protected under international law.

The shooting paused, perhaps because we were all lying down and the soldier inside the tank thought we were dead. We ran toward the gates. When I turned back, I saw my father still on the ground. That is when I saw he had been shot in the thigh. The tank started to move slowly towards him, as if to crush him. I ran back and dragged him away. While dragging him, I heard the tank preparing to fire a shell. Somehow, I managed to pull my father inside the university gates. Moments later – at the exact minute I pulled him in – the tank shelled the gate and the entrance hall of the university.

This was the moment I understood that scholasticide is not theoretical. It is the deliberate conversion of a university – a space of thought and humanity – into a battlefield between civilians and soldiers. Al-Azhar University, where my father earned his degree and where my sister studied, is now gone. It was bombed on 5 October 2025. I still ask myself: even if peace comes, how could my sister ever return to study in a place where we nearly lost our lives? And then I remember – she will never have to make that choice, because the university no longer stands.

My own journey as a student began with inspiration and now has no safe path back home. From September 2024, I applied to universities abroad because there was nowhere left to study in Gaza. There was no electricity, no stable internet – often no internet at all. I walked two to three kilometres every day to find a signal, often standing in the street while drones circled overhead. There were no internet cafés and nowhere safe to charge a laptop. More than once, I used money meant for food to buy data or phone charging so I could submit my applications. I completed all my applications on my phone.

I could not sit for international exams like IELTS or TOEFL in Gaza because all test centres were closed. Instead, I took an online test called Duolingo – while drones flew above my neighbourhood.

Despite all this, I received fully funded offers from Harvard, Yale, the University of Pennsylvania, Notre Dame, Wellesley, Cambridge, Georgetown in Qatar, and Trinity College Dublin. I am here today because volunteers and mentors helped me through months of danger, and because the Irish government and others facilitated the evacuation of students from Gaza to countries that would host them. They recognized the value of education and believed that students coming from conflict zones deserve a chance.

I am profoundly grateful. But for me, gratitude does not rebuild what was destroyed. It does not bring back our teachers. It does not bring back our classmates. It does not bring back our classrooms or the safety that once defined learning in Gaza.

The jury should consider what this war has done to Gazan children. Ahmed, my brother, now 15, and Louay, now 11, have been disconnected from formal education for more than two years. Instead of learning spelling and arithmetic, they learned how to find food and water. Where they once practised sums and read stories, they now counted the days without a meal. Alongside thousands of other children, they were forced to grow into survivors, not learners.

For children in Gaza, “classroom” now means danger. It means surprise bombs. Schools that once displayed banners reading “My school is my second home” are now

remembered as sites of massacres and despair. When a school becomes the last refuge for a family whose home was destroyed – and that refuge is bombed – what does a school mean to a child anymore, except the place where they may have lost their family?

Dear Jury, we must face the truth. Education in Gaza has been deliberately and systematically attacked. Either we create new safe spaces for learning that do not carry the trauma attached to the “war schools”, or we must name what has happened for what it is: scholasticide. Naming it is the first step toward ensuring it is not repeated.

Finally, to my family – to Baba, to Mama, to Farah, to Ahmed and Louay – I carry you with me into every classroom I enter. I promise: we will go back to our schools again. We will learn again. And we will rebuild the minds that were destroyed.

And I ask the Jury to see what we lost, and to give that loss a name, so that justice may follow.

Thank you.

### **The Genocide of Knowledge: Israel’s Systematic Destruction of Gaza’s Intellectual Life and the Silencing of Palestine’s Future**

**Wesam Amer**

*Former Dean of Faculty of Communication and Languages at Gaza University and Cara/SRF Fellow at Cambridge University*

Greetings!

My name is Wesam Amer. I am the former Dean of the Faculty of Communication and Languages at Gaza University (2020–2025), and currently a Visiting Professor at Cambridge University. I speak here both as a Palestinian expert and as a witness who lived through the destruction of Gaza’s educational system. What I describe is not theory – it is the genocide of knowledge: the deliberate and systematic annihilation of universities, colleges and schools as well as killing intellectuals, professors, teachers, and students in Gaza.

In the 10–15 minutes I have, I will address three interrelated issues:

- Israel’s systematic destruction of Gaza’s educational infrastructure,
- the targeted killing of scholars and students, and
- the resulting erasure of Palestine’s intellectual future.

I learned the term *scholasticide* only recently, though I have lived it for years. It describes the deliberate and systematic destruction of education. In Gaza, it is daily life.

The jury should be aware that what is happening in Gaza is not collateral damage – it is the deliberate annihilation of a people’s capacity to think, to teach, and to dream. The genocide unfolding in Gaza is a war against bodies, yes, but also a war against knowledge itself.

Israel bombed and destroyed Gaza’s universities, libraries, and archives, and the killing of professors and students, Israel seeks to extinguish the foundations of Palestinian thought and self-determination. To destroy education is to destroy the ability of a people to narrate their own story and rebuild their own future.

The jury should take into account that what Israel has done is not only to destroy schools, universities, colleges in Gaza; it has *shattered the idea of a future built through education*.

Libraries, archives, and ministries were flattened. These were not just buildings – they were generations of learning, research, and dreams collapsing in an instant.

The jury should take into account that this destruction is intentional. To erase universities is to erase national consciousness; to burn archives is to burn collective memory. It is an assault on knowledge itself as a mode of resistance.

### Scholasticide as a Crime of Genocide

The jury will want to consider the term *scholasticide*: the systematic destruction of schools, universities, intellectuals, and archives. It is not a side effect of war – it is a deliberate war on learning itself, aimed at erasing the Palestinian people’s capacity to exist as a people of knowledge.

Since October 2023, all 17 higher education institutions in Gaza have been destroyed. Every campus, every library, every archive has been obliterated. The Ministry of Education itself has been flattened. The Islamic University of Gaza, Al-Azhar University, and Gaza University—once vibrant centers of research and civic engagement—have been bombed beyond recognition.

The jury should also be aware that this is not simply a military campaign as claimed mostly in Western media; it is a war on learning itself – a *scholasticide* that seeks not only to kill Palestinians, but to erase our capacity to exist as a people of knowledge.

The jury should take into account that this destruction is intentional. To erase universities is to erase national consciousness; to burn archives is to burn collective memory. This is not an assault on buildings—it is an assault on knowledge as a mode of resistance.

#### The Targeting of Scholars and Students

The jury should be aware that this war has claimed the lives of those entrusted with Gaza’s intellectual and moral life:

- Over 150 professors, including university presidents and intellectual leaders, have been killed: Professor Sufyan Tayeh, Professor Said Al-Zibda, Professor Muhammad Eid Shabir, Professor Refaat Alareer, Professor Wissam El Aisa, Dr. Imtihan Awad, and Dr. Heba Al-Abdallah.
- More than 9,800 students have been killed, including 651 university students, with tens of thousands more injured or displaced.
- Approximately 88,000 students are now unable to continue their education.
- Communications networks are deliberately targeted, making remote learning nearly impossible.

Each of these losses is irreparable. To kill a scholar is to kill the memory of a people; to kill students is to extinguish the future. What we witness is the calculated murder of intellectual continuity – the systematic attempt to eliminate Palestine’s next generation of teachers, doctors, engineers, and poets.

### Scholasticide as a Settler-Colonial Project

The jury should understand that these acts cannot be separated from the larger framework of settler colonialism. It is “a structure, not an event,” driven by a logic of elimination – not just domination, but replacement.

From the earliest Zionist projects, Palestine was portrayed as *terra nullius*, an empty land awaiting “civilization.” This ideology continues today as colonial erasure: bombing universities, killing professors, silencing students.

Scholasticide is not incidental – it is a pillar of this settler-colonial project, designed to dismantle the means through which Palestinians transmit identity, memory, and hope across generations.

### Cultural Genocide: The Erasure of Memory

Education is only part of a broader cultural genocide. Gaza’s heritage sites – including the Great Omari Mosque, ancient manuscripts, and historic buildings – have been destroyed. UNESCO confirms damage to over 100 cultural sites.

When educational and cultural landmarks are obliterated, a people’s past and future are severed. This is not merely a war on Gaza’s territory; it is a war on Gaza’s history, imagination, and selfhood.

The jury should take into account that the destruction of knowledge and culture is systematic, intentional, and aimed at erasing Palestinian identity.

Even the words we use – *education, culture, memory* – fail to capture the magnitude of loss. When a university is bombed, it is not only a building that falls; it is the collapse of decades of intellectual lineage and the silencing of thousands of voices.

### Cultural and Psychological Impact

The jury should consider the generational trauma caused by the destruction of universities. These institutions were once the heart of national identity, spaces where intellectual life and civic consciousness thrived.

Today, students who once dreamed of becoming doctors or engineers sit amid ruins. Professors who devoted their lives to nurturing minds are now refugees, mourning families, or searching for food and water. The trauma is generational; the loss of archives and libraries erases history; the silencing of classrooms erases language and imagination.

Before the war, Gaza’s literacy rate was among the highest in the Arab world. Today, that intellectual landscape lies in ashes. The deliberate targeting of education is an assault on Palestine’s capacity to reproduce knowledge, dignity, and hope.

### International Silence and Complicity

The jury should take into account that this destruction continues **with global complicity**. Western governments continue to fund and arm Israel. Many universities and academic institutions remain silent or normalize collaboration with Israeli counterparts complicit in the machinery of occupation.

This silence – whether out of fear, careerism, or misuse of the term “antisemitism” to silence criticism – is a moral failure. To remain silent before scholasticide is to become an accessory. True solidarity requires concrete action: divestment from complicit institutions, protection for Palestinian scholars in exile, and rebuilding destroyed educational infrastructure under Palestinian leadership.

### Closing Reflection and Moral Appeal

Members of the Jury of Conscience, the destruction of Gaza’s universities and the killing of its scholars are not isolated acts of war. They are part of a systematic effort to erase a people’s intellectual existence. This is cultural genocide – the genocide of knowledge.

The jury should recognize that justice for Gaza must include the right to learn, to teach, and to remember. To kill a scholar is to kill the memory of a people; to bomb a university is to bomb the bridge to the future.

Even amid ruins, teachers hold lessons in tents; students read by candlelight; parents tell their children stories of Jerusalem and return. Knowledge survives in fragments of memory, in the will to resist erasure.

Gaza's classrooms have become battlefields of conscience. Silence is complicity; speaking the truth is the first act of justice.

Silence is complicity; speaking the truth is the first act of justice.

Thank you.

## EXPERT REFLECTION

### Britain's Complicity (online)

*Jeremy Corbyn*

*GT Advisory Policy Council Member, British Parliament Member and Former Leader of the Labour Party*

Thank you very much for your time. Good afternoon. It's lovely to see you and to talk to you all.

First of all, thank you for inviting me. My regret is that I am in North London, not in Istanbul at the present time, but I am sure that for a future meeting we will be able to meet physically together, hopefully in Istanbul.

What I want to do is talk you through what we did for the Gaza Tribunal that we held.

The background to it was that I proposed a Private Member's Bill in Parliament to require the government to establish an independent commission of inquiry into British policy in relation to Gaza and, in particular, in relation to the sale of arms and weapons to Israel which had contributed to the horrible events and the genocide that took place in Gaza. This bill managed to get past its first stage in Parliament, but it didn't get beyond that. It was blocked beyond that. And so I thought: either we can just leave it there and do something else, or we could indeed establish our own independent inquiry – which is exactly what we did. So we set up our own independent Tribunal of inquiry, which met for two days in September, and we took witness statements from 29 people. I was joined, as one of the three assessors, by Professor Neve Gordon from Queen Mary University and Dr. Shahd Hammouri from the University of Kent. So you had one Jewish American and one Palestinian in exile as the assessors with me.

We divided the Tribunal into four sections. Part one: we discussed what has actually happened in Gaza. We heard from survivors and witnesses about the scale of the human suffering, the devastation and the destruction that had taken place in Gaza. Two of our witnesses were very powerful indeed – both very experienced medical practitioners, doctors Nick Maynard and Victoria Rose. They gave us testimonies of their own experience in Gaza, operating on very badly injured people, many of them children, in hospitals that were being bombed at that very time. They were trying to carry on with their work and their operations despite the bombardment, the lack of medicines, the lack of water, the lack of electric power, and even the lack of anaesthetics or antiseptics, yet they carried on doing their work.

I've known many doctors over the years. Doctors are quite hard-bitten; they see life and death close up every day. But I've never seen two doctors more emotionally connected to their patients than Nick and Victoria in the way that they described things.

They don't have to do this, but they both try to go back into Gaza, and when they're not in Gaza – when they're mainly in the UK – they spend their energy and time campaigning and talking about the issue of the Palestinian people. It is to those medical practitioners that we should all say an enormous thank you.

Nick went on to speak about the way in which Britain is contributing to the suffering in Gaza by the supply of weapons to Israel. The government claims that supply is now reducing, but the reality is that so many weapons have been supplied to Israel that they can last for a very long time without fresh supplies. Crucially, their main weapon of war is the F-35 jet. Fifteen percent of the components of the F-35 jet are made at factories in Britain – in Newcastle, in Sheffield, and in other places around the country. We also heard from Declassified UK, from John McEvoy, its chief reporter. Declassified is an independent media outlet that, as its name suggests, tries to expose truths governments don't want exposed. He was able to reveal that the UK is training Israeli soldiers – not a huge number, but they are training them. The Ministry of Defence has tried to assure us in Parliament that they are being trained in “military and human rights values” in what they do.

So I asked myself this question: Israel has been condemned under the Fourth Geneva Convention, at the International Court of Justice, the International Criminal Court, the UN Security Council, the UN General Assembly, and many other independent human rights bodies around the world – and yet Britain is training their soldiers. It is absolutely outrageous.

This brings into question what they are actually doing and what the effects of Israeli soldiers' actions have been. We had evidence from Dr. Raz Segal, a professor of Holocaust and Genocide Studies from the United States. He described in some detail what the law on genocide is, the genesis of that law, how it came about, and what would constitute genocide: an act of attacking and trying to destroy a particular group of people. Hence the description of the Palestinian people as a group of people who are being attacked with genocidal intent. You could say the same of what happened in Darfur, in Cambodia, in Rwanda, and historically of the European invasion of Central and South America, and many other colonial examples around the world. He said that Gaza is a “textbook case of genocide.”

As we were hearing all this evidence, I was concerned that we were not necessarily hearing a sufficient number of Palestinian voices. So we invited a student, Abubaker Abed, a wonderful young man from Gaza who has received a scholarship from the Irish government to study sports media in Dublin. He came to London to give evidence, and his testimony was very powerful in describing what happened to him and to his family.

Bear in mind that he has, if he doesn't mind me saying so, a sort of guilt of being outside Gaza, because all his family are still there. He is obviously concerned for them, their safety and their future. He feels it is his duty and responsibility to work very hard and study very hard. He asked us to support the call for a sporting boycott of Israel – and that is where the current dispute about Maccabi Tel Aviv playing against Aston Villa in Britain has become such a big issue.

He also said – as someone who studies the media, now doing university studies on it – that the British media have been complicit in the genocide in Gaza by their failure to report many of the details and the failure of most British news organisations even to have a journalist in Gaza. They rely almost entirely on independent journalists in Gaza,

several hundred of whom have been murdered by the Israeli forces, yet who nevertheless carry on. These are the real journalists and the real heroes of the situation. They have stayed there, done all they could, and carried on reporting, knowing full well that the Israeli Defence Forces target journalists in all of their activities. He set this out in a very personal way. This is a young man who has been starved for most of the past two years. He is a very fit footballer, but he said he did not get anywhere near enough food to sustain any level of physical activity, and he felt permanently tired and exhausted by the starvation forced upon him. With the best will in the world, I hope he makes a full recovery, but the trauma of all this is going to affect him for a long time.

I was looking at him thinking: he is a strong, fit young man and he is having trouble coping. What about those who are less young, less strong, less fit? How do they cope? This is the brutality of what's going on.

We then went into part two: what are Britain's legal responsibilities on this? We invited a number of people to outline the UK's duties and obligations in domestic and international law. Britain prides itself on saying it fully supports and observes all aspects of international law. I hear this time and again from ministers of all parties in the House of Commons.

To deal with this issue and others, we were delighted to be joined by Francesca Albanese, the UN Special Rapporteur on Palestine. She chose her words carefully, because she is a UN rapporteur and everything she says is examined and monitored. She said, and I quote, that ministers "may be complicit in Israel's war crimes" by the supply of weapons, by the supply of intelligence, by the overflying from Royal Air Force bases in Cyprus, and by the supply of parts for the F-35 jet which is causing so much devastation. She then spoke about the way in which other countries are also complicit in Israel's war crimes. We are all very indebted to Francesca Albanese for the work she is doing.

We then moved on to part three: what has Britain's role been in the genocide? We framed it that way because solidarity is important, actions are important, but it is also important that we do things with maximum effect within our own society. We are a group based in London – the Peace and Justice Project. We obviously have an international outlook; otherwise we wouldn't be doing this. But we have to look at what we can do within our own society. That's why we looked at Britain's involvement and where we can put pressure.

We examined Britain's involvement in Israeli military operations in Gaza: supply of weapons, surveillance, use of RAF bases. It became apparent during our Tribunal that not only did Britain use RAF bases in Cyprus to undertake overflying of Gaza, but that they were apparently used as weapons delivery stations and that Israel is able to use those bases as well. This is being examined carefully by campaigners in Cyprus, and we met people who have been very active on these campaigns there.

We then heard from Mark Smith, a senior Foreign Office official, who described how many people in the Foreign Office were deeply upset at the government's policies and deeply upset at what they were being asked to say, when they believed – as I suspect all of us here today believe – that war crimes have been committed and acts of genocide are taking place.

He worked in Middle East arms export licensing assessment for the government. He described how he was routinely asked to amend his reports on Gaza, "to make the situation look less bad," including downplaying the number of civilian deaths. He described

being told to delay submission of reports until they could find something more positive to publish about Israel's involvement in Gaza. He was told not to write things down, not to record meetings or events, to do everything on an informal basis. This practice was first adopted by Tony Blair during the Iraq war.

He went on to say that the whistleblowing team to whom he reported this were ignored, as were other Foreign Office staff. Whistleblowing is a legal right in Britain; there is legislation to protect whistleblowers – people who tell uncomfortable truths from within publicly funded organisations. He said the concerns they raised were completely ignored, and he suggested it was impossible to see how the UK government was acting legally in its behaviour towards Gaza.

We also met the family of James Henderson, who worked with World Central Kitchen and was killed in Gaza by Israeli bombardment. His lawyers believe that RAF flights were overflying Gaza at the time of his death. They asked the RAF, through the Ministry of Defence, for access to their film of the event when Henderson was killed. The answer was: no, you cannot have it.

I had previously asked in Parliament if the film from overflying Gaza could be made available to the International Criminal Court and the International Court of Justice. Again, they said no, and they claimed all the film related only to the release of hostages and would only be released to the Israeli government. I rest my case that the overflying has been about assisting Israel's military activities in Gaza by giving them a picture of what is happening there. The lawyer was not even allowed to look at the footage himself.

We then heard from Matt Kennard, a very experienced journalist involved with Palestine Deep Dive and others. He investigated how Britain shared surveillance data with Israel to support military operations in Gaza. He said, and I quote, "Having looked at the evidence, I think Britain's involvement in the genocide crosses the line into participation. The UK government, through its different military and intelligence agencies, has been a participant."

We also heard from Richard Falk, who is with you today, and I want to say: Richard, thank you very much for taking part, for the evidence you put forward, for the power of your message, and your consistent message of humanity for the Palestinian people.

The last section again focused on British participation: has Britain lived up to its legal obligations? We analysed the evidence to conclude whether Britain had fulfilled its legal obligations as laid out in domestic and international law. Britain is a signatory to all the main international legal conventions – on genocide, on torture, the UN Universal Declaration, European human rights instruments, the ICC statutes, and historically to the International Court of Justice.

We heard from Tayab Ali, a very respected lawyer from the International Centre of Justice for Palestinians. He gave a forensic assessment, and his conclusion was that Britain has not only failed to meet its legal obligations, but is actively breaching them.

We did not receive as much evidence as I'd hoped on environmental impact – water pollution and the damage to the future possibility of growing crops in Gaza because of pollution, asbestos, and the destruction of buildings. Forensic Architecture gave a thorough examination of the destruction of buildings in Gaza City and elsewhere. We've asked for further environmental information, which we've now received from Gaza architects and others.

Our conclusion is that the government's legacy will be its complicity in some of the greatest crimes against humanity of our time. We have already discovered around 67,000 bodies in Gaza. Estimates vary on those still under the rubble, but it will be thousands and thousands more. There are an estimated 55 million tons of rubble in Gaza. Somebody has to clear that away, process it to find bodies and body parts, and somewhere along the line somebody has to start rebuilding.

Just like in Iraq, the government is doing everything it can to protect itself from scrutiny. They will not succeed. Our Tribunal report will be published very soon – we are just completing the final words – and it will uncover, in my view, the full scale of British complicity in genocide and bring us closer to justice for the people of Palestine.

We cannot bring back those who have been murdered in Gaza. We cannot turn the clock back for all those children whose lives have been lost, or who now suffer lifelong disability and trauma. But we can alert the world to what happens when you sell arms to a regime committing genocide. We can alert the world to the way truth is twisted to protect those who know they are complicit in breaches of international law.

Our Tribunals are very important. I just conclude with this: I was in South Africa last month with Dr. Baruti. We spoke at meetings and rallies and gathered information. People were very impressed that South Africa took the case to the ICJ. But they also said we need to economically isolate Israel as well. That's why South Africa should, if it can – and I believe it can – cease the supply of coal to Israel. It is not a huge amount in financial terms, but it is symbolic. It is about pursuing BDS – boycott, divestment and sanctions.

I also went to Namibia to meet the government and the ruling party SWAPO, and a wonderful group of people campaigning for Palestine. I came back feeling that there are very brave people, often in very difficult circumstances, doing an incredible job. That is what this Tribunal is about. That is what our Gaza Tribunal was about. That is why all of us have got to work together, cooperatively, to get the word out across the world.

The people of Palestine should not have to live under occupation. They should not have to suffer genocide. And those countries that supply weapons to Israel are complicit in the horror story that has been Gaza since October 2023.

## 25 October 2025 – Day 3

### HEARINGS: MEDIA, STATES, UNIVERSITY & CORPORATE COMPLICITY

#### Media Complicity

*Katie Halper*

*Journalist and Filmmaker*

Hello everybody, and thank you so much to the jury for having me here.

My name is Katie Halper. I'm a journalist, filmmaker, and the host of YouTube shows, podcasts, and a radio show. I'm here to speak in my capacity as an analyst of Western corporate media. I'm also here as someone who has personally experienced Western corporate media censorship and cancellation.

In 2020, while working as a co-host of Hill TV's show *Rising*, I prepared a daily monologue in which I argued that Israel is an apartheid state. The producers refused to air my segment, and when I urged them to do so, they responded by letting me go from a show I had been on for over two years.

That was five years ago. In the last two years, since October 7th, American media coverage of the war on Gaza has not only remained biased, but—along with Western corporate media more broadly—I will argue, has been complicit in genocide.

Western corporate media's complicity is so pervasive and, in some cases, quantifiable. It often uses passive voice and non-attribution in headlines to describe Israel's killing of Palestinians, while using emotive language to describe the deaths of Israelis.

In November 2023, *The New York Times* sent a memo to its reporters telling them not to use the words "genocide," "ethnic cleansing," or "occupied territory." It even cautioned against the use of "refugee camp." In late October and early November, CNN emailed its reporters to, quote, "remind our audiences of the immediate cause of this current conflict, namely the Hamas attack and mass murder and kidnap of Israeli civilians." It also said, "Hamas representatives are engaging in inflammatory rhetoric and propaganda. Most of it has been said many times before and is not newsworthy. We should be careful not to give it a platform."

Because of time, I will focus in particular on the way Western corporate media manufactured consent for genocide through its selective and dishonest coverage of rape and sexual assault—coverage that didn't merely misrepresent reality but inverted it, in order to dehumanize Palestinians.

Western corporate media spread the lie that Hamas engaged in a mass, systematic campaign of rape and sexual assault on October 7th. The same media ignored the documented, mass, systematic campaign of rape and sexual assault engaged in by Israel against Palestinians.

Through its rape coverage, Western media parroted Israeli lies, which were then parroted by Western politicians.

This lie was based in large part on a *New York Times* piece called "*Screams Without Words: How Hamas Weaponized Sexual Violence on October 7*." It claimed that a *New York Times* investigation had "uncovered new details showing a pattern of rape, mutilation, and extreme brutality against women in the attacks on Israel." But the article

was so shoddy that the editors cancelled the podcast episode they had planned to do on it when *New York Times* staff rebelled.

The family of one of the subjects of the piece didn't just push back on the journalist's claims that their relative had been raped; they also said he had misrepresented himself. Every single witness who came forward has been discredited.

On CNN, Dana Bash spent an entire segment asking Congresswoman Pramila Jayapal to condemn Hamas's rape of Israeli women. I showed a clip of this because it perfectly captures how Western media uses atrocity propaganda to justify actual atrocities.

Jayapal, after being asked multiple times to condemn Hamas rape during the interview, did in fact condemn Hamas's alleged rape—of course, the word "alleged" was not used. Then Jayapal had the gall to ask Dana Bash to show some balance and talk about the outrages committed against Palestinians, mentioning the 15,000 Palestinian civilians who had been killed. Dana Bash responded, quote: "And it's horrible, but you don't see Israeli soldiers raping Palestinian women."

This is a quintessential example of how atrocity propaganda is being used to launder and justify actual atrocities. It brings up rape in order to downplay Israel's actions. It implies that Israelis are enlightened, evolved humans who do not and would not engage in sexual violence, while Palestinians are cast as savage rapists. Or as Israel's then-Defense Minister Yoav Gallant put it on October 9th, 2023: "We are fighting human animals and we act accordingly."

The Israeli government, Israeli media, Western corporate media, and Western politicians engaged in a mutually reinforcing feedback loop of propaganda. For example, Hillary Clinton, Facebook COO Sheryl Sandberg, and a group of scholars joined together to speak about the use of sexual violence as a weapon of war, invoking Hamas as an example. Sandberg even made a documentary on this. During the vice-presidential debate, Kamala Harris used these rape hoaxes, much like Bash had, to justify Israel's actions, saying: "On October 7th, women were horribly raped. And so, absolutely, I said then and I say now, Israel has a right to defend itself."

While this mass campaign of rape was concocted to rally hate, media and political elites ignored the actual rape perpetrated by Israelis against Palestinians. I also want to acknowledge Sahar Francis for her excellent presentation yesterday, in which she relayed testimonies of rape, sexual abuse, and torture of Palestinians—testimony utterly absent from Western media coverage.

I will focus on one instance of sexual violence in which Israeli soldiers literally—excuse my language—gang-raped a Palestinian prisoner on video at the notorious Sde Teiman detention facility in the Negev desert. Unlike the alleged Hamas rapes, this was documented.

The systematic sexual abuse of Palestinians by Israelis has been documented by human rights organizations and, as we saw, in Israeli society itself, on video. In this video, we see a prisoner dragged behind soldiers' shields. It was so obvious that he was sexually assaulted that Israeli media reported it as such. He was then hospitalized and unable to walk.

When Israeli police detained some of the alleged rapists, Israelis rioted—not against the rape or the rapists, but against the arrest of the rapists, in protests that have been dubbed "right to rape" protests. These protests were attended by members of the government. Nobody denied what happened. A member of the Knesset even said that inserting sticks into people's rectums was "legitimate." There is video of a rabbi blessing

a rapist, and one of the rapists became a star and celebrity.

Yet neither Kamala Harris nor Dana Bash mentioned this. *The New York Times* did briefly cover the incident, in an article titled "Israeli Military Prosecutor Charges Five Reservists With Abuse of Detainees." You can contrast that language with the extremely inflammatory language in the "Screams Without Words" headline.

The article noted: "At one point, one of the soldiers stabbed him with a sharp object, causing a tear in his rectal wall." This did not appear until the seventh paragraph, and there was no use of the words "rape" or "sexual violence."

So: U.S. and Western media, and U.S. political elites, are still talking about the rape that didn't happen, yet have been silent on a campaign of sexual violence that has been recorded. In fact, we have a UN report stating that rape is being used as a method of war by Israel. We also have documentation by B'Tselem and countless Palestinian human rights organizations. B'Tselem has written that prisoners are subjected to repeated sexual violence by soldiers and prison guards.

Western corporate media has abandoned journalistic principles and practice in order to win public support for the gods of genocide.

Human rights lawyer Craig Mokhiber directs us to historical precedent for holding Western media responsible for its role. The Universal Declaration of Human Rights guarantees "the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers." But the same document also warns: "Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein."

The UN Convention on the Prevention and Punishment of the Crime of Genocide doesn't merely make genocide punishable, but also public incitement to commit genocide and complicity in genocide.

Even before that convention, the Nuremberg trials found newspaper publisher Julius Streicher guilty of incitement to genocide. One of the things his newspaper pushed was the idea that Jewish men were violating German women's bodies. Decades later, the International Criminal Tribunal for Rwanda convicted three media figures of incitement to genocide.

As scurrilous as the conduct of the Western corporate press has been over the last two years, we have had a shining example of what journalism can look like in the work and voices of Palestinian journalists—over 200 of whom have been killed for doing their work in these last two years. The targeted murder of Palestinian colleagues makes Western corporate journalists' complicity in these crimes all the worse.

So I urge the jury to hold the media accountable for its complicity in genocide.

Thank you very much.

### University Complicity

#### **Maura Finkelstein**

*Writer, Professor, and Cultural Anthropologist*

Thank you for having me here. My name is Maura Finkelstein, and until May 2024 I was a tenured professor of anthropology at Muhlenberg College in Allentown, Pennsylvania.

I'm here in my capacity as an expert in university complicity in genocide.

In the 10 minutes I have, I will show how colleges and universities in the United States have actively supported Israel's U.S.-backed genocide in Gaza through three features of university complicity:

1. University investments
2. University partnerships
3. University silencing of dissent

Before I begin, I note that my testimony is drawn from the U.S. context, which is probably the worst context and where my expertise lies. However, I would argue that across the world every institution that hasn't expressly divested from Israel, clearly condemned the genocide and scholasticide, and unequivocally supported students, faculty, and staff who are supporting Palestinian liberation is complicit in this genocide.

The jury should also be aware that this work of silencing speech and action in support of Palestinian liberation and in opposition to this genocide is part of a much larger and longer assault on our campuses, because they offer a space of solidarity, radical possibility, organizing, and community care—despite and because of the university's evolution towards corporate and authoritarian structures. It's against this backdrop that we have watched the last two years of violent repression unfold.

### Feature One: University Investments

Most colleges and universities are not transparent about their economic partnerships. So students use the slogan “disclose, divest” to demand that administrators, boards of trustees, and boards of regents first disclose their investments, and then unload these investments in companies that are directly aiding in the dispossession, ethnic cleansing, and genocide in Gaza.

Acknowledging the general refusal of university administrators to disclose, a vast majority of American colleges and universities, on one hand, directly support genocide through investments in Israel and weapons manufacturers, and on the other hand indirectly support genocide through investments in companies, as revealed in Special Rapporteur Francesca Albanese's report “*From Economy of Occupation to Economy of Genocide.*”

This includes Google and Amazon, which provide technological services for Israel's military; Airbnb, which allows for rental listings in illegal Israeli settlements in the West Bank; and Caterpillar, whose equipment Israel's military uses to destroy homes and crush Palestinians and their allies.

We must also take into account philanthropic support. U.S. universities depend on corporate funding and billionaire donors, which results in stakeholders who have the power to determine the educational policy and ideological brand of these institutions, as well as where these institutions invest their funds. And we've seen that many of these are explicitly Zionist.

### Feature Two: University Partnerships

Colleges and universities in the U.S. consistently partner with those in Israel to build and cement ties through study abroad and student exchange programs. As Maya's research has revealed, these are all institutions that serve the state of Israel's project of apartheid, occupation, and settler-colonial genocide.

Additionally, organizations like Hillel International not only host and organize such exchanges; they also facilitate Birthright trips and hasbara fellowships for students. And most egregiously, 65 colleges and universities across the U.S. take part in the Israel Fellows program, which brings former Israeli soldiers to campus to forge deeper ties between American students and Israel. These fellows also aid in the harassment, surveillance, and intimidation of Palestinian and anti-Zionist students, faculty, and staff.

Of further concern are research collaborations. As just one example: since World War II, and solidifying and expanding during the Cold War, U.S. universities have collaborated with the military and aerospace sectors—what we call the military-industrial-academic complex—including what the Department of Defense calls University Affiliated Research Centers, or UARCs, a program developed in 1996 to develop essential engineering and technological capabilities.

There are 15 UARC schools in the U.S., and one of them, the University of Southern California, was also recently revealed to provide human cadavers to the U.S. and Israeli military for trauma surgery training for U.S. and Israeli soldiers.

### Feature Three: University Silencing Dissent

In order to protect their investments and partnerships in Israel and its genocide, colleges and universities have been actively and violently silencing dissent and foreclosing spaces of solidarity.

An example of this is university overreach. Columbia University has infamously led the way in normalizing repression and silencing dissent on college and university campuses. We've seen this with President Minouche Shafik's congressional hearing in Spring 2024, where she revealed that she dismissed or removed five faculty members from the classroom and suspended 15 students and two student groups—Students for Justice in Palestine and Jewish Voice for Peace—from campus. She then incorrectly categorized both “From the river to the sea” and “globalize the intifada” as hate speech.

Across the U.S., college and university administrators, following Columbia, are now partnering with Zionist organizations like Hillel International, the Anti-Defamation League, and AIPAC to run campus antisemitism trainings which, drawing on the International Holocaust Remembrance Alliance (IHRA) definition of antisemitism, categorize advocating for Palestinian liberation and condemning Israel's genocide in Gaza as hate speech.

Another example is how university administrations are silencing and endangering students. The Gaza solidarity encampments are the most explicit demonstration. As part of the steady neoliberal shift over the past 40 years, college and university administrators across the U.S. have worked hand-in-glove with the police to dismantle student encampments and brutalize and incarcerate students—and some faculty and staff—who have been part of the encampment movements.

Some of the worst violence has occurred at, once again, Columbia University, with the administrator-sanctioned police attacks on Hind Hall; and at UCLA, where administrators and police stood back as Zionist and white supremacist mobs brutalized students in the middle of the night. Across the U.S., every single one of these violent acts of repression occurred under the direction and oversight of college and university leadership.

This silencing of dissent by college and university administrators has led to collaborations with ICE and the Trump administration, and these violences have only escalated. As of May 2025, the Middle East Studies Association's Academic Freedom Initiative

has tracked 1,078 cases involving visa revocations and terminations of immigration records, entry denials, deportations, and detentions of university students, faculty, and staff. While the most well-known case is that of Mahmoud Khalil, I want to draw attention to two political prisoners, Leica Cordia and Casey Gunnan, who are still in detention because of their anti-genocide activism and support for Palestinian liberation.

Free Leica, free Casey, free all political prisoners.

Lastly, I would like to draw the jury's attention to how administrators are suspending and terminating faculty and staff. Over the past two years, the Department of Education has released a list of over 100 schools under investigation by the Office of Civil Rights for potential violations of Title VI of the Civil Rights Act of 1964.

Numerous university administrators—famously among them Harvard University, Columbia University, and my former employer, Muhlenberg College—have responded to and exacerbated the situation by conflating political criticism of Israel and Zionism with antisemitism, and using this to suspend and fire faculty and staff.

Once again drawing on the Middle East Studies Association's research, the Academic Freedom Initiative has created a database that tracks all adverse employment outcomes for university employees who have advocated for Palestine since October 2023. Thus far—based only on people willing to disclose their information—they've recorded 61 cases of retaliation, including suspension, termination, forced resignation, rescinded offers, and removal from service positions across 37 colleges and universities. I am one of those faculty members. The number of faculty and staff who are targets continues to grow.

These ongoing repressive measures by college and university administrators have created a chilling effect across higher education, as many academics are now choosing to self-censor, cancel classes, refrain from publishing and posting on social media, and omit materials about Palestine from their classes in order to avoid investigation.

### Conclusion

In conclusion, I have thus far talked about how institutions of higher education across the United States have directly defended and justified Israel's genocide in Gaza.

More insidiously, within academic spaces, many university workers have elided the real stakes of settler-colonial genocide, ethnic cleansing, and land dispossession by fabricating, circulating, and normalizing "both sides" rhetoric on our campuses.

These institutions cannot bring back the dead, nor can they undo the damage of Israel's destruction. But at a minimum, echoing Rana Muqaddam's call on Thursday, we must demand that these institutions completely divest from weapons manufacturers, all militaries, and companies aiding and abetting genocide, as well as the Israeli state.

Additionally, U.S. institutions of higher education must dissolve partnerships and exchanges with Israeli institutions and ban Zionist watchdog organizations like Hillel International and the ADL from spaces of influence on campuses.

But this is not enough. Every institution with financial ties to the Israeli state should pledge that money, and more, to Gaza as Palestinians rebuild the world we in the West have been so active in destroying. While these reparations are not enough, they are at least a start.

Thank you.

### Government Complicity (online)

#### Lily Greenberg

*Political Activist and Former Public Servant*

My name is Lily Greenberg Call. Until May 2024, I served as a Special Adviser to the Chief of Staff at the U.S. Department of the Interior. I was a political appointee in the Biden administration.

I'm honored to be here with you all today virtually. I wish I could be there in person. Thank you for allowing me to speak today, members of the Tribunal, distinguished observers, and fellow witnesses. Again, it's an honor to be here with you and to be a part of this important process.

I'm here to testify to the complicity of the United States government in what the world now recognizes as the genocide of the Palestinian people in Gaza. I speak in my personal capacity: as a Jewish American, as a former government official, and as a human being who decided that I could no longer be a part of an administration that was enabling mass death.

I joined the Biden administration in January 2023 after working on the campaigns. I am part of a generation of young public servants who believed that we were restoring moral leadership after the first Trump administration. My work at the Department of the Interior focused on climate, environmental policy, and protecting our natural resources.

Although I was not in a national security agency, I witnessed—through internal communications, appointee briefings, inter-agency coordination, and my interactions with senior White House officials—how the administration responded to events following October 7th, 2023. I also witnessed the internal environment of fear, censorship, and moral paralysis that defined the administration's position towards Israel's assault on Gaza.

My testimony draws from those experiences, from communications among colleagues, and from the public record that now overwhelmingly demonstrates U.S. knowledge of and participation in Israel's genocidal campaign.

After the attack on October 7th, 2023, which killed 1,200 Israelis and took hostages, there was widespread grief throughout the administration. I will add that that attack was something that hit me personally and my community very hard. I grew up in a very close and tight-knit Jewish community with friends and family in the United States and in Israel, and many people I know lost family members and loved ones on October 7th.

The grief that I felt, and that everyone felt after that, was legitimate and deeply felt. That grief was recognized very clearly by my colleagues in the administration. But almost immediately, it felt like grief was replaced with a directive for total political alignment with the Israeli government regardless of its actions.

There was an almost immediate cloud that came over everyone working in government. Colleagues who had been in service much longer than me compared it to post-9/11, and some even to the Vietnam era, when it felt like they could not express any disagreement with U.S. policy.

Especially as an appointee, I served at the pleasure of the President. So those of us who were political appointees felt even more pressure to echo the President's public statements that emphasized Israel's "right to defend itself," and to omit any mention or acknowledgement of international law or civilian protection. When internal questions

arose about proportionality, aid access, or the scope of military support, they were met with silence or reprimand.

To me, this was the beginning—at least in the post-October 7th landscape—of the United States’ active complicity in the genocide: the deliberate decision to subordinate moral, legal, and humanitarian obligations in favor of political loyalty. Of course, I acknowledge and recognize that U.S. complicity in the genocide of the Palestinian people has been happening for many, many years.

I often echoed this statement to senior White House officials when I was asked about my opinions on what was happening. I spoke as a Jewish American who was deeply impacted by October 7th, and often told people that I did not feel unsafe as a Jew because of Hamas’s attack. I did not feel unsafe because of anything that the Palestinian people did or because of any rhetoric I was experiencing from Arab or Muslim colleagues in the administration or from fellow Americans.

What made me feel unsafe was the United States’ support for and enabling of Israel’s system of apartheid, inequality, and occupation that created the conditions for October 7th to happen.

By mid-October, I was hearing from other colleagues about intelligence and humanitarian briefings from across agencies that documented the scale of the destruction in Gaza: that thousands of civilians were killed in weeks, that entire neighborhoods were bombed, that warnings from aid organizations of the imminent collapse of medical and food systems were going ignored.

These reports circulated internally, and informally in Signal group chats and conversations. I know senior officials were aware of them. I and others received updates confirming that the U.S. government knew in real time that continued arms transfers and diplomatic cover were facilitating war crimes.

By November, thousands of U.S. officials across multiple agencies had signed internal dissent cables or open letters calling for a ceasefire. None of these warnings changed policy. The President continued to approve weapons shipments. The administration vetoed multiple UN Security Council resolutions calling for a ceasefire. The justification, often repeated internally, was that halting support would undermine U.S. credibility and “embolden our adversaries.”

In truth, there was acknowledgement among government officials that this was not a policy problem; this was a political problem. It was about maintaining political control and avoiding confrontation with the pro-Israel lobby here in America—a pro-Israel lobby that, I might add, has become increasingly co-opted by Christian nationalists and Christian Zionists who have no interest in the safety of American Jews or Israeli Jews or any minority community, and who enabled and propped up the Trump administration, the MAGA regime, and the Christian nationalist, alt-right authoritarian leadership that we are seeing currently.

From my understanding—again, I was not part of any agency that was directly responsible for these acts of complicity, but this is how I see it—the U.S. government’s complicity in the Gaza genocide took several concrete forms:

- Material support: bombs, missiles, artillery shells.
- Diplomatic protection: the U.S. using its veto power at the United Nations to block international ceasefire efforts and investigations and to shield Israel from accountability under international law.

- Rhetorical cover: senior officials consistently repeating Israel’s false narratives, calling hospitals “terrorist command centers,” or claiming that there were no credible alternatives to military operations—which we knew was false, as shown especially by the November 2023 deal that brought back many more hostages than any military operation.
- Censorship and retaliation: within the administration, the culture of silence meant that employees who spoke out faced professional isolation and threats to their careers. That is something I experienced personally even before I resigned publicly. This culture of fear ensured continued silence and bureaucratic obedience.

Inside my department, many people spoke about Gaza. It was not spoken about publicly, but privately this dominated conversations among staff. I knew people both inside my department and across government were grieving and horrified and desperate for guidance.

Sometimes, within my agency, we were told that foreign policy “is not our lane,” to which I was very frustrated, because this administration—the Biden administration—had made a concrete effort to hire appointees who were younger and more diverse than ever before. Many of my Muslim and Arab colleagues expressed their frustration to senior officials, especially when their families were telling them they should resign, that the administration was complicit in genocide and committing war crimes. This sentiment was often expressed to senior White House leadership: Why did you hire us if you’re not interested in what we actually have to bring to the table and what our communities have to say?

I observed colleagues from across the administration express quiet despair. They knew that what Israel was doing in Gaza was morally indefensible. They knew that it was terrible not just for Palestinians, but for Israelis as well, and also for Americans to be associated with—and known as—the enablers of these crimes.

Senior officials in defense and military agencies knew that U.S.-supplied weapons were being used in civilian areas, in indiscriminate bombings of civilian areas.

So, in December, when the International Court of Justice began considering South Africa’s genocide case against Israel, the internal reaction in the administration was one of contempt, not reflection. It was mocked as political theater. No one at a high level, I believe, seriously questioned what it meant for our own legal exposure.

Ultimately, by early 2024, it became impossible for me to reconcile my service with my conscience. I felt that I had done everything I could from inside: organizing people across government to participate in vigils, to sign on to anonymous letters that got thousands of signatories, to have one-on-one conversations with their bosses, to see what levers of power we could pull internally.

Ultimately, it felt like I had done everything I could, and there was no change being made.

So I decided to resign in May 2024, stating publicly that I could no longer represent a President who enabled the killing, starvation, and displacement of millions of Palestinians. I was the first Jewish political appointee—and unfortunately the only one—to resign publicly over the genocide. I know that there were many other Jewish appointees who left the administration in large part because of Gaza, but did not do so publicly.

I resigned also very close to the holiday of Passover, which is a holiday about liberation from oppression. I remember in 2024, when I was celebrating Passover, knowing deep in my heart that the lesson to take from that holiday was to speak truth to power—to be

like Moses in Pharaoh's kingdom—even when it means going against your community, or the people who raised you, or the power that you've benefited from.

My resignation was not in opposition to my Jewishness; it was because of it. Everything I've ever learned about what it means to be Jewish is that human life is of infinite value, and that to remain silent in the face of injustice is to participate in it.

I want to underscore that my resignation was not a heroic act. It was an act of moral survival. It was an acknowledgement and understanding with myself that this was the biggest and most important thing I could do in the moment to potentially save lives—and that if I did not do that, I would be failing myself spiritually, morally, and I would not be the person I want to be in this world.

Remaining in that position would have meant accepting the destruction of an entire people as “collateral damage,” and in particular the destruction of an entire people in the name of my people's supposed safety—with a President who was repeating that rhetoric consistently.

By the end of 2024, the official record was that over 40,000 Palestinians had been killed in Gaza, and I am certain—and we know—that the real number is much, much more. Independent investigations have confirmed that Israel deliberately targeted civilian infrastructure—hospitals, schools, aid convoys. Famine has spread as Israel blocked fuel and food. Tent camps in Rafah were bombed. All of this was done with U.S. weapons, funded by U.S. taxpayers, and defended by U.S. diplomats.

The administration could not claim ignorance. Every major humanitarian organization warned of the unfolding genocide. Yet the President continued to say Israel was acting within the bounds of international law—while, regardless of international law, Israel was explicitly breaking the U.S.'s own laws, including the Leahy laws about military aid. This was not mere negligence. It was a conscious political choice.

I know why this happens in part because of my own experience with the Israel lobby. In the United States, decades of unconditional military aid, political lobbying, and the normalization of Palestinian dehumanization in our politics have created the conditions we see now. Lobbying groups like AIPAC and CUFI (Christians United for Israel) exert enormous influence on U.S. policy, shaping foreign aid and the boundaries of public speech. Elected officials often fear being labeled antisemitic if they even question Israeli actions or bring up conditioning aid, while Palestinians and their allies are criminalized for demanding freedom. This structural corruption makes accountability nearly impossible.

What I think needs to happen—one of the many things that needs to happen—is more than acknowledgement. There needs to be:

- An immediate suspension of all U.S. military aid and arms transfers to Israel,
- Full cooperation with international investigations into genocide and war crimes,
- Reparations and humanitarian reconstruction for Gaza,
- Protections for whistleblowers and dissenters, and
- Structural reforms to end the influence of militarized and foreign lobbying on American policy.

Only through such measures can the U.S. begin to atone for its role in this atrocity and prevent future ones.

Thank you.

## Corporate/ Weapons Complicity in the Genocide

**Shahd Hammouri**

*GT Chamber 1 Member, Lecturer in International Law and Legal Theory*

Dear Esteemed members of the Jury,

The Genocide in Gaza is a context of extremity that has shed power relations bare. It exemplifies the centrality of the interest of capital to the international order. The rules of the free market are the unspoken religion of our international order. The accumulation of wealth is only sustainable with the expansion of warfare. The productive capacity of economically advanced states has been deteriorating, and the only means of sustaining dominance is through militarisation.

Israel is a militarised settler colony; its economy is built around the sustenance of warfare in the service of the globalised market. It is an open market for militarisation – and a leading producer of weapons and technologies. Israeli investors are leading actors in some of the bloodiest supply chains that start in the global south – including blood diamonds, cobalt, copper and gold in the DRC, Central African Republic, Zimbabwe, and Sudan. Israeli military experts have trained US-backed authoritarian militias and regimes across the world in South Sudan, Nicaragua, Colombia, Nigeria, and Kenya.

The state of Israel is openly financed by the United States of America which manipulates the dollar and maintains economic supremacy through coercive means facilitated by its economic superiority. Those who fund the state of Israel predominantly believe in racial supremacy and endorse an apocalyptic vision of the future.

In this context, the sustenance of the genocide was an effect of the current dynamics of the globalised market economy. In this short intervention, I seek to bring to your attention some of the relations in the global value chains sustaining genocide – in the weapons, technology, energy, logistics, finance, media, and ‘humanitarian and stabilisation’ industries.

### Weapons

In the past decade, the weapons industry has been highly privatised, the trade of weapons deregulated, and war has been commodified. During the genocide in Gaza, Israel used over a 100,000 tons of explosives in Gaza – flattening the whole city to the ground. Israel tested new weapons in Gaza, highly explosive weapons, and outdated weapons. Residents reported evaporating chemicals, bone cutting shrapnel, and an excessive use of suicide drones – among so many other observations. Israel used the most advanced technologies available to man-kind in one of the most-densely populated areas on earth. It collected intelligence with the support of other states, most notable of which is the UK.

The states of US, UK, Germany, Italy, France, Australia, India, Romania and the Netherlands, among others, openly traded weapons with Israel in violation of their obligations under international law. The steady flow of weapons import is paralleled with a flow of export, many states such as the UAE, and Saudi Arabia heavily purchased weapons from Israel – financing its military industry and facilitating its war effort. The genocide offered an apt marketing and testing opportunity for Israeli military corporations such

as Elbit Systems which has benefited from increased exports<sup>54</sup> and extensively expanded its marketing.

The exporting corporations include<sup>55</sup> Boeing, General Dynamics, Leonardo, Lockheed Martin, RTX (formerly Raytheon), BAE Systems, Rheinmetall and Rolls-Royce. The operations of such corporations are financed by giant banks<sup>56</sup> such as Barclays, Lloyds, Santander, Deutsche Bank and HSBC. Many of the leading universities, and pension funds in the world also hold considerable investments in these corporations. Aside from rapid demand on rockets, bombs, and war planes – Israel has been repeatedly purchased guns and rifles<sup>57</sup> designated for use by settlers, and Attack dogs from Four Winds K9 in the Netherlands used to brutalise prisoners of war, among other uses.

Arial bombardment is a symbol of unequal battle grounds. Technologically advanced states can deploy weapons from the sky with minimal risk to their own personnel. A proportion of the war planes dropping bombs on Palestine, Lebanon, Syria, Iran, and Yemen are supplied and maintained through the NATO F35 Program<sup>58</sup>. Activists have sought to challenge the role of the UK and the Netherlands in the supply of warplane components to Israel. These efforts were met with political reluctance, where NATO obligations were prioritised over international legal obligations<sup>59</sup>. Logistics services were provided by corporations all across the world – most recently, evidence demonstrates extensive services provided by the Indian corporation TATA.

The jet fuel used to power these war planes is transported via a long supply chain where the American corporation Valero plays a significant role. The supply chain<sup>60</sup> of crude oil that can be refined for this purpose spans across the US, Azerbaijan, Angola, Nigeria, and Brazil.

## Technology

Technologies which facilitate the collection and storage of data are powerful tools of control. Israel is a leading actor in the global surveillance and cyber security industry. It is notorious<sup>61</sup> for its use of physical surveillance technologies and spyware to further entrench its control of the Palestinian people. Such technologies are further monetized in the global market, facilitating control by other repressive regimes.

As it obsessively collects endless amounts of data about Palestinians, Israel needs cloud storage. In 2021, Israel signed a deal<sup>62</sup> with Amazon and Google in what is known as project Nimbus to provide cloud storage space. Similarly, Microsoft provides software

services for Israel<sup>63</sup> to facilitate its management of the Palestinian population. Israel's assertion of control through the use of technology gained a new dimension during the ongoing genocide with the use of Artificial Intelligence (AI) for the creation of 'kill lists'<sup>64</sup>, under program Lavender. The US-based corporation Palantir<sup>65</sup> has heavily profited from its supply of AI services to Israel, leveraging this marketing opportunity to attract clients such as the NHS in the UK. While discussion regarding the use of AI in warfare has been ongoing for years, this is one of the first cases where it has been used on such a mass scale – it is estimated that Lavender guided the murder of tens of thousands of Palestinians.

## Energy

The energy industry has another role in the supply chain, and that is incentivising genocide. States have the duty to undertake all measures within their capacity to end the genocide, and states like Turkey maintained the supply of energy to Israel through the BTC pipeline in collaboration with SOCAR and BP, among others. Gaza, the last Palestinian city by the sea poses a threat and a limitation to Israel's energy aspirations. Israel's gas fields are not safe in a war zone. At the start of the genocide, Israel assured<sup>66</sup> its prospective investors, including BP and Eni, that they are in safe hands. Similarly, strong evidence has been presented against Chevron for unlawful exploitation of Palestinian resources. In the meantime, seizure of Gaza would mean opening the potential of exploiting the untapped gas fields off its shores<sup>67</sup>.

## Logistics

Energy and weapons are transferred to Israel with the help of shipping companies like Maersk<sup>68</sup> and Zim<sup>69</sup>. Transit lines<sup>70</sup> offer an apt opportunity for the disruption of the supply chain. Many states, particularly in the Mediterranean openly facilitated the transfer of weapons and technologies to Israel.

The genocide created opportunities for cargo and transit businesses in neighbouring countries. Notably, the corporation 'Hala' reaped millions of dollars<sup>71</sup> through fees imposed on Gazans seeking refuge through Egypt. Meanwhile, transit corporations in Jordan<sup>72</sup> like Petra, Karim and Salam profited from the business opportunities created by the Houthi blockade by providing alternative transit route and import markets for Israel.

54 <https://www.sipri.org/yearbook/2024>

55 <https://paxforpeace.nl/wp-content/uploads/sites/2/2024/06/The-Companies-Arming-Israel-and-Their-Financiers-June-2024.pdf>

56 [https://www.cncd.be/IMG/pdf/report\\_-\\_the\\_companies\\_arming\\_israel\\_and\\_their\\_financiers\\_-\\_june\\_2024-2.pdf](https://www.cncd.be/IMG/pdf/report_-_the_companies_arming_israel_and_their_financiers_-_june_2024-2.pdf)

57 <https://www.thenation.com/article/economy/gaza-war-profiteers-corporations/>

58 <https://www.f35.com/f35/global-enterprise.html>

59 <https://www.aljazeera.com/opinions/2024/9/16/nato-obligations-cannot-override-international-law>

60 <https://www.somo.nl/fuelling-the-flamesin-gaza/>

61 <https://www.amnesty.org/en/documents/mde15/6701/2023/en/>

62 <https://www.972mag.com/cloud-israeli-army-gaza-amazon-google-microsoft/>

63 <https://www.whoprofits.org/companies/company/7371?microsoft>

64 <https://www.972mag.com/lavender-ai-israeli-army-gaza/>

65 <https://www.thenation.com/article/world/nsa-palantir-israel-gaza-ai/>

66 <https://www.reuters.com/business/energy/israel-awards-gas-exploration-licences-eni-bp-four-others-2023-10-29/>

67 <https://www.workers.org/2023/11/74864/>

68 <https://mondoweiss.net/2024/06/mask-off-maersk-demand-logistics-giant-maersk-cut-ties-with-genocide/>

69 <https://theloadstar.com/zim-warns-of-war-related-interruptions/>

70 <https://lpeproject.org/blog/shipments-of-death/>

71 <https://news.sky.com/story/the-price-of-freedom-the-company-making-millions-from-gazas-misery-13081454>

72 <https://annasher.com/exclusive/12880/>

## Finance

The finance of Israel's war economy is facilitated with the assistance of global banks. Notably, Citi bank<sup>73</sup> has played a major role in financing the Israeli war economy and arms corporations feeding into it. The Central Bank of Ireland facilitated transactions surrounding the Israeli Bonds, openly marketed as tools to fund the Israeli war effort – Ireland recently transferred the processing of these bonds to Luxembourg.

## Media

The role of economic interest in Israeli colonialisation is often overlooked by global media. To this end, global media corporations are themselves complicit in selling narratives which do not speak truth to profit. Corporations like the CNN, BBC, Sky News, and ABC among others have actively partaken in the act of manufacturing consent for genocide<sup>74</sup>.

## Humanitarian and stabilisation industry

Looking at the day after – the US is planning to occupy Gaza using the shield of business and investment by controlling the reconstruction of Gaza. It conducted a trial run with the so-called Gaza Humanitarian Foundation which is responsible for the killing of over 2600 Palestinians – this situation demonstrates that accountability for Palestinians must start with a confrontation of the local and global economic reality – and to refuse the weaponisation of the public-private divide and the normalisation of coercion by the threat of genocide as means of enforcing alien domination and subjugation.

I thank you for your time.

## Cloud and AI: Bombs and Bullets of the 21st Century (online)

### Ibtihal Aboussad

*Organizer at No Azure for Apartheid*

My name is Ibtihal Aboussad. I am a technologist and labor organizer who has witnessed, from inside the industry, how global tech infrastructures have become complicit in genocide.

In the 15 minutes I have, I will address specifically:

1. First, how the tech industry as a whole underwrites and sustains the machinery of Israel's genocide and apartheid.
2. Then, the key mechanisms of this complicity, which are cloud infrastructure, AI surveillance, and propaganda.
3. Lastly, I will affirm why the jury must see tech not as neutral but as a central actor in the material architecture of this genocide, and what accountability must look like.

## 1. The Tech Industry's Role in Modern Genocide

The jury should be mindful that what enables genocide today is not only weapons, but tech infrastructure, which represents the invisible backbone that allows states to watch, predict, and kill at scale.

The Gaza genocide is the most digitized campaign of mass violence in modern history.

<sup>73</sup> <https://visualizingpalestine.org/visual/citi-banking-on-genocide/>

<sup>74</sup> <https://www.youtube.com/watch?v=34LGPIXvU5M>

Every airstrike, every displacement order, and every assassination has been guided by data to some extent. Location tracking, biometric profiling, and machine learning models have enabled Israel to identify and rank civilians as targets.

Behind these systems stand some of the largest tech corporations in the world, whether they be cloud providers, surveillance firms, semiconductor manufacturers, or data analytics companies. They're all supplying the computational capacity, tools, and the engineering talent that make algorithmic warfare possible.

I want to affirm to the jury that none of these complicity facts are speculative. Investigations from several outlets such as +972 Magazine, The Guardian, Al Jazeera, and independent technologists have documented the integration of commercial AI tools and cloud services into Israel's military apparatus. This has been possible through billion-dollar contracts like Project Nimbus (with Google and Amazon), and through corporate partnerships providing AI infrastructure to Israel's Ministry of Defense and the Israeli Defense Forces.

Francesca Albanese's UN report earlier this year built on this evidence as well, describing how private companies form part of what she calls an "economy of genocide." But that report merely confirms what many technologists and Palestinian rights advocates have been warning us about for years, which is that tech has militarized itself and prioritized profit over people.

## 2. Mechanisms of Complicity

We will now delve into an explanation of how these tech contracts accelerate and power Israel's genocide on Gaza.

### A. Cloud Infrastructure

First, the cloud is the oxygen of modern warfare. It provides the servers, networks, and data storage that surveillance and targeting depend on.

When companies like Google, Amazon, or IBM sell cloud capacity to a military regime, they are not "just hosting its data." They are providing the compute power for genocide, through the ability to process massive troves of data to identify, categorize, and annihilate entire families and neighborhoods.

In Gaza, this infrastructure underpins Israel's automated targeting systems, such as "Lavender" and "Where's Daddy?", which rely on machine learning models to decide who lives and who dies, and to maximize human deaths. These systems reportedly added nearly 40,000 Gazans to kill lists, with no or minimal human oversight.

This automation would, quite literally, not be possible without global cloud storage capacity that's provided by Western tech giants. The jury should recognize that this infrastructure, marketed as "innovation", is now directly implicated in mass death.

### B. Surveillance and Artificial Intelligence

The second mechanism here is surveillance. The Israeli state has long treated the Palestinian population as a testing ground for control technologies, from drones and facial recognition to predictive policing and automated checkpoints.

Companies like Palantir supply software to militaries and police forces around the world, including Israel's, for data analysis and target selection. Intel and NVIDIA provide the processors that power these AI systems. Cisco, Motorola, and Elbit Systems build the networking and sensor technologies that feed into them. Microsoft and OpenAI provide

AI speech-to-text models that allow Israel to spy on Palestinians' phone calls and synthesize them to generate target lists and maximize civilian damage.

Then, the same AI tools being refined on Palestinians are later marketed globally as "battle-tested," and they get exported to regimes and police forces from India to the U.S for their own surveillance, thereby extending the cycle of oppression.

As such, the jury should consider that Israel and its allies are not only committing genocide; they are also profiting from it through the export of technologies "refined" through this genocide. And Big Tech becomes both an enabler and a beneficiary.

### C. Propaganda and Narrative Control

The third mechanism of tech complicity is propaganda, which is the digital warfare of narrative, censorship, and misinformation.

As Gaza burns, algorithms bury its truth. Social media platforms like Meta, YouTube, TikTok, and X have repeatedly censored Palestinian voices under the guise of "safety" and "community standards," and they have removed the accounts of journalists, aid workers, and survivors at the height of the genocide. Meanwhile, the same platforms have amplified Israeli military propaganda (Hasbara) and spread unverified claims and AI-generated fabrications that justify mass killing.

This is not accidental. Rather, it stems from algorithmic bias, Western political pressure, and long-standing partnerships between tech firms and state agencies under "counterterrorism" frameworks. Meta's Oversight Board itself found that its systems disproportionately suppress Arabic content, while allowing anti-Palestinian hate to circulate freely. What we are seeing is the digital mirror of apartheid, where one people's humanity is amplified, while the other's is erased.

Propaganda also takes the form of corporate storytelling. The same companies enabling surveillance and targeting in Gaza present themselves as ethical innovators, sponsors of "responsible AI" and "humanitarian tech." They turn complicity into neutrality, or even virtue, using words like "innovation" and "security" to manufacture consent.

The jury should recognize that these tech companies' role in spreading Israeli propaganda is not peripheral. It is an active weapon that sustains the moral immunity of those who profit from genocide and that suppresses the voices of truth in Gaza.

### 3. Resistance and Retaliation

The jury should also be aware that this system persists not because people inside tech are unaware, but because those who speak out are silenced.

Workers who have tried to expose or oppose these ties have faced retaliation, firings, and censorship.

In recent months, employees have been disciplined simply for calling for ceasefire statements or transparency about military contracts. Internal forums discussing Palestine have been shut down.

Publicly, these companies present such firings as "policy enforcement." Privately, they are a warning that dissent will cost you your career.

So this internal repression mirrors the external one. The industry enforces silence within so that it can sustain violence without.

### 4. Appeal to the Jury

I ask the jury to recognize that genocide today is not only physical, but digital. It is executed through code, contracts, and cloud infrastructure as much as through bombs and bullets.

Therefore, accountability must also be digital. The jury should recommend:

1. Corporate disengagement from all Israeli military, surveillance, and government contracts.
2. Public disclosure of all cloud, AI, and data services provided to any branch of the Israeli state.
3. Legal accountability for technology executives and firms that knowingly facilitated genocide or apartheid, under international doctrines of corporate complicity.

### 5. Closing

To conclude, the jury should consider that every genocide begins with dehumanization, and that the tech industry has automated that process.

The same systems that classify Palestinians as "targets" or "threats" are built by people who go home believing they are creating "solutions." This dissonance is the moral disease of our time.

If technology is to have any redemptive purpose, it must begin with truth. And the truth is, in the words of the Israeli Defense Forces, that the scale of the genocide in Gaza would not have been possible without the weapons provided by different tech companies.

I thank the jury for your time, and for bearing witness with conscience.

### Western Civilization and Complicity (online)

*Hamid Dabashi*

*Professor of Iranian Studies and Comparative Literature*

It is impossible to exaggerate the terrorizing fact of the days we are living. The political and military might of the entire "Western" world that thought and sold itself as the crowning achievement of our humanity did nothing and, in fact, aided and abetted the mass murder of tens of thousands of innocent Palestinians. The proudest achievement of "Western civilization," which is "Western philosophy," as it calls itself, the history it has colonized for itself, from Plato and Aristotle to Hegel and Heidegger, were all summed up in the miserable statement by the senior-most European philosopher Jürgen Habermas.

We the people of the world—especially in the Global South but extending to the non-White, immigrant, exilic, and refugee communities in the north—are categorically outside the racist apartheid mind of the "Western" philosophical system. We are the wretched of this earth. That deeply and irretrievably tribal epistemic system that calls itself "the West" is exclusive to white Europeans and does not allow others around

the world entry into that system—nor should we wish to enter that system. For that racist epistemic system must be morally, imaginatively, and politically dismantled. We in Asia, Africa, Latin America are a metaphysical menace to "Western philosophy," and we are easily physically eliminated the same way that we are metaphysically denied our existence. The history of European colonialism is the history of the physical elimination of what had already been metaphysically marred and marked as troublesome—thus, the

entire course of philosophy to the east of Plato is falsely alienated, Orientalized, exoticized, and dismissed, while the Christian and Jewish disposition of the selfsame philosophy westward is celebrated as “philosophy.” This savage European colonialism does physically to the body of the colonized what “Western philosophy” had already done to their soul—defined it as an ontological impossibility.

When the Israeli President Isaac Herzog, of Polish, Russian, and Lithuanian origin, says he is defending “Western civilization,” he is absolutely right. The garrison state over which Mr. Herzog presides is the last bastion of the genocidal history of Western civilization, a history that covers the genocide of Native Americans, transatlantic slavery, the German slaughter of the natives in Namibia, and the European Jewish Holocaust. What we face in Gaza is not only the fate of millions of human beings whom, on behalf of its “Western supporters,” Israel slaughters at will. We must also grapple with how to read this colossal injustice in a prose and politics that overcomes the monumental propaganda normalizing, justifying, excusing this genocidal urge. We need and we must categorically alter the discourse, beginning with the body and soul of Palestinians. Israeli genocide in Gaza is the terminal state of genocidal colonialism after a long and languid history around the globe. In his seminal essay, “Settler Colonialism and the Elimination of the Native” (2006), Patrick Wolfe wrote: “The question of genocide is never far from discussions of settler colonialism. Land is life—or, at least, land is necessary for life. Thus contests for land can be—indeed, often are—contests for life.” On behalf of its Western alliance (alliance not allies), Israel has intentionally committed crimes against humanity to transform the Palestinian national liberation movement into a “humanitarian crisis.” The term “humanitarian crisis” was deliberately designated by US and European media outlets and politicians to avoid calling it for what it is: a genocide.

The connective thread between Israel and the murderous mirage of the West are outlets like The New York Times in the US and the BBC in the UK, as representative of the entire landscape of corporate-liberal or reactionary—and state-sponsored media. Rather than telling the truth as it is, these media platforms sustain the status quo: the political and normative supremacy of the dysfunctional American empire and all its subsidiaries, particularly its biggest military investment in Israel as a useful settler colony. The result is not fake news. It is processed news, just like processed food, full of chemicals, additives, preservatives, and artificial coloring.

Due to their investment in liberal imperialist ideology, mainstream media outlets do not like Israeli extremism when it is too enthusiastic in its slaughter of Palestinians. A steady dose of slaughter is preferable, which these outlets can justify as “retaliation” or with the mantra of “Israel must defend itself.” They dislike Netanyahu as much as they do Trump. They prefer Biden, Clinton, and Obama as liberal imperialists, and they would prefer to see a similar liberalism in Israel so that they can put Israel on a pedestal as a beacon of democracy. On the surface, it may appear as if their editorial boards care about human suffering in Palestine or that they monitor and note Israeli abuses. But these are all, in fact, feeble and threadbare attempts at damage control, because they know that people around the world are horrified. We have to learn how to read the BBC and The New York Times contrapuntally, to practice reverse reading, read them forward and then backward—there and then, we see the dynamics of liberal ideology in the service of the ruling regimes of normative knowledge.

## THE RESPONSE OF THE INTERNATIONAL SYSTEM

### The Attack Against UNRWA (online)

**Ardi Imseis**

*Associate Professor of Law and Former UNRWA Official*

Members of the Jury, my name is Ardi Imseis. I am a Professor of International Law at Queen’s University. I appear as an expert on Israel’s attack against UNRWA. This statement is drawn from my publicly available submissions made before the International Court of Justice on behalf of the State of Palestine on 28 April 2025, much of which was affirmed by the Court in its Advisory Opinion of 22 October 2025.<sup>75</sup> I appear before you in my personal capacity.

In the time I have I will make three brief points. The first of these is a reminder that UNRWA’s mandate is an essential element of the “permanent responsibility” of the United Nations for the question of Palestine.<sup>76</sup> This responsibility originates in the unsuccessful attempt by the General Assembly to partition Palestine without the consent of the Palestinian people in 1947, and the ensuing 1948 Nakba.<sup>77</sup>

In 1949, the General Assembly created UNRWA to provide “direct relief and works programmes” to the Palestine refugees until their plight was resolved in accordance with international law.<sup>78</sup> But these rights have never been allowed to be realized. Because of Israel’s prolonged violation of the inalienable rights of the Palestinian people – including to return and to self-determination – the need for UNRWA is as pressing today, if not more so, than it was in 1949. Operationally, UNRWA has provided generations of Palestinians with education, health, relief and social services, and, during emergencies, humanitarian aid, in Jordan, Lebanon, Syria and the Occupied Palestinian Territory. For these reasons, the necessity of UNRWA is indisputable to the continuation of Palestinian life. Members of the Jury, my second point addresses why Israel wants to prevent UNRWA from exercising its mandate. In the short-term, Israel is pursuing the erasure of the Palestinian people in Palestine, including through forcible transfer. In Gaza almost the whole of the population – some 1.9 million people<sup>79</sup> – has been forcibly transferred multiple times through Israel’s indiscriminate bombardment and starvation campaign. Following multiple calls by government ministers to depopulate Gaza and re-settle it

75 *Obligations of Israel in Relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory*, Advisory Opinion, ICJ, 22 October 2025.

76 *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 158, para. 149. *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, para. 35.

77 Albanese, F. & Takkenberg, L. *Palestinian Refugees in International Law*, 2<sup>nd</sup> ed. (Oxford, 2020), p. 35.

78 *Id.*, para. 7.

79 Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, Briefing to the UN Security Council on the humanitarian situation in Israel and the Occupied Palestinian Territory, 12 January 2025 (<https://www.ochaopt.org/content/un-relief-chief-briefing-un-security-council-humanitarian-situation-israel-and-occupied-palestinian-territory>).

with Israelis,<sup>80</sup> on 5 February 2025, the Israeli Minister of Defence, Israel Katz, ordered the preparation of arrangements for what he euphemistically called the ‘voluntary departure’ of Palestinians.

But with this brazen suggestion that the departure of Palestinians would be ‘voluntary’, Israel is not merely insulting the world’s intelligence; it is assuming the world has none. After killing or injuring close to 240,000 Palestinians,<sup>81</sup> after turning Gaza into a moon-scape of dust and rubble with well over 70,000 tons of bombs (amounting to more than was dropped on Dresden, Hamburg and London combined during WWII),<sup>82</sup> after destroying or damaging over 92 percent of civilian housing, 88 percent of schools, 84 percent of health facilities, 95 percent of water and sanitation systems, and 92 percent of roads<sup>83</sup>, use of this Orwellian language by Minister Katz must be seen for what it is: An open call to expel as many surviving Palestinians as possible.

Members of the Jury, my point here is this: the elimination of UNRWA is essential to the success of Israel’s dreaded plans. Given the scope of UNRWA’s capabilities in providing emergency relief, stability and resilience to the Palestinian people in ways that no other organization can operationally do, it is painfully obvious why Israel insists on eliminating the Agency. Quite simply, UNRWA is the last hope that the Palestinian people, particularly in the Gaza Strip, have of surviving Israel’s genocide against them. More broadly, Israel’s long-term purpose behind destroying UNRWA rests in its complete denial of the existence of the Palestinian people, and in particular the status, rights and claims of millions of Palestine refugees to return, to restitution and to compensation. But you needn’t take my word for it. The Prime Minister of Israel has openly admitted as much on multiple occasions, including – it must be stressed – *years before* 7 October 2023.

For instance, on 11 June 2017, Prime Minister Netanyahu proclaimed: “I regret that UNRWA, to a large degree, *by its very existence*, perpetuates – and does not solve – the Palestinian refugee problem. Therefore, the time has come to disband UNRWA...”<sup>84</sup>. Similarly, on 7 January 2018, Mr. Netanyahu stated: “UNRWA is an organization that perpetuates the Palestinian refugee problem. It also perpetuates the narrative of the right-of-return, as it were, in order to eliminate the State of Israel; therefore, UNRWA needs to pass from the world.”<sup>85</sup>

80 Jeremy Sharon, “Senior ministers call for new settlements in Gaza at ultranationalist conference”, Times of Israel, 21 October 2024, available at: <https://www.timesofisrael.com/government-ministers-call-for-new-settlements-in-gaza-at-ultranationalist-conference/>.

81 UN OCHA, Humanitarian Situation Report Number 334, Gaza Strip, 23 October 2025, available at: <https://www.ochaopt.org/content/humanitarian-situation-update-334-gaza-strip>.

82 Muhammed Enes Çalli, “Amount of Israeli Bombs Dropped on Gaza Surpasses that of WWII”, Andalou Ajansi, 4 June 2024, available at: <https://www.aa.com.tr/en/middle-east/amount-of-israeli-bombs-dropped-on-gaza-surpasses-that-of-world-war-ii/3239665>

83 Palestine Written Statement, para. 1.23, *Obligations of Israel in Relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory*, Advisory Opinion, ICJ, 22 October 2025.

84 PM Netanyahu’s Remarks at the Start of the Weekly Cabinet Meeting, 11 June 2017, available at: <https://www.gov.il/en/pages/spokestart110617> [emphasis added].

85 PM Netanyahu’s Remarks at the Start of the Cabinet Meeting, 7 January 2018, available at: <https://www.gov.il/en/pages/pm-netanyahus-remarks-at-the-start-of-the-cabinet-meeting-7-january-2018>.

Of course, as Members of the Jury will no doubt be aware, Palestinian refugee rights are not legally contingent on UNRWA’s existence. Nevertheless, according to Israel’s strained logic, it is UNRWA, not Israel itself, that is to blame for the continued exile and deprivations of the Palestine refugees. To avoid having to answer for this, therefore, Israel simply wants to do away with UNRWA.

Members of the Jury, I now turn to the third and final issue I wish to address, namely the matter of how Israel has pursued its objective of destroying UNRWA. In this respect, Israel’s approach has been three-fold.

First, Israel has systematically attacked UNRWA personnel and property. Only since October 2023, over 300 UNRWA personnel have been killed by Israel in the Gaza Strip alone,<sup>86</sup> with hundreds more wounded, many for life. Numerous others have been abducted from UNRWA premises and tortured.<sup>87</sup> In Gaza, Israel has damaged or destroyed over 310 UNRWA premises since October 2023.<sup>88</sup> These include schools and health-care facilities, many converted into shelters in which thousands of Palestinian civilians have been killed or injured.<sup>89</sup> In the West Bank, Israel has repeatedly violated its obligation to protect UNRWA premises and property, including UNRWA headquarters in East Jerusalem, which has been subjected to arson attacks by Israeli settlers,<sup>90</sup> and is now earmarked for settlement having been shuttered by Israel in January.<sup>91</sup>

Second, Israel has attempted to undermine the Agency’s vital sources of funding. On 26 January 2024 – the same day the ICJ issued its first Provisional Measures Order in the *South Africa* case after determining that “famine was around the corner” in Gaza<sup>92</sup> – Israel urged UNRWA’s donors to defund the Agency, alleging involvement of UNRWA staff in the attack of 7 October. The resulting funding pause by 18 States added massive pressure on Agency operations at a time when millions of beleaguered Palestinians needed UNRWA the most. Israel has repeatedly claimed – without substantiation – that upwards of approximately 12 percent of UNRWA employees in Gaza are members of

86 UNRWA, *UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (17 April 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>. UN Office for the Coordination of Humanitarian Affairs (UN OCHA), *Humanitarian Situation Update #280 | Gaza Strip* (15 April 2024), <https://www.ochaopt.org/content/humanitarian-situation-update-280-gaza-strip>.

87 UNRWA, “Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War”, 16 April 2024, available at: <https://www.unrwa.org/resources/reports/detention-and-alleged-ill-treatment-detainees-gaza-during-israel-hamas-war>.

88 UNRWA Situation Report #164 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem, 21 March 2025, available at: <https://www.unrwa.org/resources/reports/unrwa-situation-report-164-situation-gaza-strip-and-west-bank-including-east-jerusalem>

89 *Id.*

90 See for example, UNRWA, “This evening, Israeli residents set fire twice to the perimeter of the UNRWA Headquarters in occupied East Jerusalem”, 9 May 2024 (<https://www.unrwa.org/newsroom/official-statements/evening-israeli-residents-set-fire-twice-perimeter-unrwa-headquarters>).

91 UNRWA, “The Government of Israel orders UNRWA to vacate its premises in occupied East Jerusalem and cease operations in them”, 26 January 2025 (<https://www.unrwa.org/newsroom/official-statements/government-israel-orders-unrwa-vacate-its-premises-occupied-east>).

92 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Provisional Measures, Order of 26 January 2024, para. 47.

what it calls “terrorist” groups.<sup>93</sup>

But as the Court is well aware, unsupported allegations do not a fact make, no matter how loudly shouted or oft repeated. The fact is that UNRWA has always responded to Israeli allegations in substance, in good faith, and in a timely fashion.<sup>94</sup>

Third, Israel passed two anti-UNRWA laws in October 2024, which entered into effect on 28 January 2025. This legislation has had grave implications for UNRWA operations across the Occupied Palestinian Territory, including East Jerusalem, over which Israel has unlawfully asserted its sovereignty as affirmed by the ICJ in 2024.<sup>95</sup> This includes the shuttering of UNRWA headquarters and schools in East Jerusalem, and the complete non-cooperation with UNRWA in the Gaza Strip. Israel’s anti-UNRWA legislation, together with its broader attacks against UNRWA, have been roundly rejected by both the Security Council<sup>96</sup> and the General Assembly.<sup>97</sup>

In conclusion, I should like to draw the Jury’s attention to some of the findings of the ICJ of 22 October 2025. In particular, the Court has held that Israel’s allegations against UNRWA have not been substantiated,<sup>98</sup> that “it is not possible to replicate the capacity of the United Nations, acting through UNRWA, to ensure that the population of the Gaza Strip is adequately provided for”, and that Israel is therefore obligated to agree to and facilitate relief schemes to the Palestinian people in the OPT through UNRWA and to not impede such relief.<sup>99</sup> In this regard it is notable that the Court went to pains to note that Israel has inadequately supplied the population of the Gaza Strip, and repeatedly reminded Israel of its obligation not to use starvation of the civilian population as a method of warfare.

Thank you for the opportunity to appear before you.

### The Politics of Genocide (online)

**Darryl Li**

*Human Rights Lawyer, Legal Scholar, and Anthropologist*

My name is Darryl Li. I am a legal scholar, international human rights lawyer, and anthropologist. I have lived and worked throughout Palestine, including in the Gaza Strip. I am here in my capacity as an expert on international law, settler colonialism, and the question of Palestine. In the 10 minutes I have, I will address the problems of the Genocide

<sup>93</sup> Written Statement Israel, para. 22.

<sup>94</sup> Identical letters dated 8 January 2025 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, 9 January 2025, A/79/716-S/2025/18 (<https://docs.un.org/en/A/79/716>) [emphasis added].

<sup>95</sup> *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, Advisory Opinion of 19 July 2024, para. 173.

<sup>96</sup> Security Council Press Statement on United Nations Relief and Works Agency for Palestine Refugees in Near East (UNRWA), 30 October 2024, available at: <https://press.un.org/en/2024/sc15874.doc.htm>.

<sup>97</sup> A/RES/ES-10/25, paras. 1 & 2.

<sup>98</sup> *Obligations of Israel in Relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory*, Advisory Opinion, ICJ, 22 October 2025, para. 118.

<sup>99</sup> *Id.*, para. 223.

Convention and how those problems have manifested in the proceedings concerning Palestine before the International Court of Justice (ICJ).

Over the course of these proceedings, the jury has heard overwhelming evidence that the state of Israel has committed numerous acts that under most reasonable interpretations of international law meet the definition of genocide. I will not belabor that point here. Instead, my task is to remind you that law, including the law of genocide, is not made or interpreted in a vacuum of objectivity free of politics. I will do my best to provide a map of the politics of genocide and the duopoly the United States and Israel have sought to maintain over the term for decades. And I will remind you that it is people, not courts; and movements, not jurists, who remain the ultimate arbiters on what is just.

I would like to show the jury only one image today. These are two hilltops on the western outskirts of Jerusalem. At the bottom of this image is Yad Vashem, the state of Israel’s national Holocaust memorial, a site of pilgrimage for visiting dignitaries and school-children alike. At the top of the image, barely a kilometer away on a neighboring hill, is the spot where the Palestinian village of Deir Yassin once stood. Deir Yassin was the site of one of the most infamous massacres of the 1948 Nakba and some of its stone homes are still standing, as they have been repurposed by an Israeli mental health hospital. So the most famous monument to the most widely commemorated mass atrocity of modern times sits adjacent to an actual site of mass atrocity whose memory is actively erased every day.

1948, of course, was not only the year of the Nakba. It was also the year that the international community adopted the treaty that would enshrine genocide as a crime under international law. Many of the states that signed the Genocide Convention of course had committed mass atrocities of their own; thus, care was taken to craft a legal definition riddled with enough ambiguities and loopholes to afford states a degree of plausible deniability. Thus, a chasm emerged: Morally and ethically, genocide came to be known as “the crime of crimes,” a superlative form of mass atrocity that should generate unconditional, absolute, and universal opposition; on the other hand, genocide had a narrow and highly technical legal definition that left it open to manipulation by states.

Powerful states could thus use genocide as a rhetorical cudgel against their foes while avoiding accountability for themselves and their allies. The state of Israel has for decades mobilized the memory of the Shoah, or the genocide of European Jews by the Nazis and their allies, as a justification for dispossessing the Palestinian people. According to this logic, European Jews have survived history’s greatest crime and therefore any crime Israel commits is necessarily trivial in comparison. For its part, the United States has from the 1990s onward repeatedly referenced its role in liberating the Nazi concentration camps to argue that it has a unique responsibility as the most militarily powerful country on earth to combat genocide around the world. According to this logic, the United States ended history’s greatest crime and therefore any crime the United States commits is necessarily trivial in comparison.

Of course, these arguments are profoundly misconceived and ahistorical. They erase the collaboration between the Zionist movement and the Nazi regime. They erase the wartime refusal of the United States to accept Jewish refugees fleeing persecution. They erase the role played by the Soviet Union in defeating Nazism. And they erase the fact that the United States is itself a settler colonial state founded in genocide. Nonetheless, the jury should take note that the United States and Israel forged a rhetorical duopoly

over genocide to justify their respective agendas, portraying Israel as the ultimate righteous victim and the United States as the ultimate righteous avenger.

The jury will be aware that over the past two years, the politics of genocide have been challenged like never before by the events in Palestine. In December 2023, the Republic of South Africa instituted genocide proceedings against Israel before the International Court of Justice. The following month, the ICJ issuing a preliminary ruling finding those claims to be plausible. It also ordered Israel to refrain from violating the Genocide Convention but it did not heed South Africa's request for an order directing Israel to end the war on Gaza. As the situation in Gaza continued to deteriorate, the ICJ dithered for months before belatedly demanding a cease-fire only around Rafah – which Israel blithely bulldozed aside like so many Palestinian homes. Since then, the court has been largely quiet as it considers the arguments of the respective parties, including the numerous intervening states.

On the one hand, the inability of the ICJ to stop the genocide is a reminder of the gap between the aspirations of international law and reality of power politics. On the other hand, the expectation that a court can simply make a declaration and expect powerful states to automatically fall in line perhaps puts too heavy a burden of expectation on courts in the first place. There is no law in the world that is self-executing: to the extent law seems to work “properly,” it is because there is a political arrangement that makes it possible. This is not to defend or make excuses for the ICJ; it is to remind you, the jury, that at the end of the day, it is popular mobilization that supplies the conscience of humanity and that can build power to achieve justice.

This ICJ's preliminary ruling shattered the taboo around accusing Israel of genocide, radically reshaping the contours of public debate in the West and irreparably damaging Israel's ability to assume moral supremacy. It provided activists around the world a powerful rhetorical tool and helped legitimize their cause. I want to stress that this outcome was not a natural or inevitable response to the scale and brutality of Israel's actions – history is full of many examples of mass atrocities committed in plain sight that elicit far more muted reactions. Rather, it was popular mobilization that made it possible. The steadfastness of the Palestinian people in the Gaza Strip, from Beit Hanoun to Rafah, has inspired a global solidarity mobilization that has challenged U.S.-Israeli duopoly on the genocide concept – and with it, their ability to tame public criticism. This mobilization has come at steep personal cost: first and foremost for Palestinians themselves facing genocide and to a lesser extent those protesting across the world who have faced the truncheons of police and loss of livelihoods.

Moreover, we cannot relent: While the consensus in the human rights community that Israel has committed genocide grows stronger with each passing day, it is not inconceivable that the ICJ will ultimately absolve Israel of the charge. Of greatest concern is that it will adopt the absurd theory that an act can be considered genocidal if the *only* possible motivation is to destroy a protected group; this could rule out, for example, the notion that a state might be pursuing a political goal of defeating an enemy army concurrently with trying to destroy the civilian population – under this standard, the Rwandan genocide would not be a genocide. Once again, it is only sustained popular pressure – including through venues like this Tribunal – that can push the ICJ to align itself with justice.

## Critique of the UN System (online)

**Craig Mokhiber**

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

Distinguished members of the Jury of Conscience, members of the Tribunal, ladies and gentlemen: throughout the genocide, senior UN officials have adopted a kind of rhetorical shield that allows them to avoid taking a principled stand on the genocide in Palestine. “Only a court can determine a genocide,” they say. But this is a calculated dodge, because they fear a backlash from the perpetrator, from its powerful allies, and from abusive Israel proxy organizations.

“Only a court can decide” can be claimed about any crime on which they never hesitate to comment. The same officials regularly invoke the word “terrorism” without the need for a judicial decision. Furthermore, the organization has obligations of genocide prevention, which is a logical impossibility after the crime has already occurred and a court has concluded its proceedings.

This, distinguished jury, is the diplomacy of fear, and that has been the dominant response of the political corridors of the UN to the genocide in Palestine.

But such moral abdication in the case of Palestine is not new at the UN. Indeed, the coincidence in 1948 of the adoption of both the Universal Declaration of Human Rights and the Genocide Convention, and the horror of the Nakba that same year, was more than just a historical contradiction. It was also the birth of a virus: the virus of the “Israel exception” to international law that has haunted the organization for decades, buttressed Israeli impunity, carved out space for genocide, and eroded the very legitimacy and sustainability of the UN itself.

Today, Palestine sits directly on the fault line between those who believe that the global order should be determined by deference to power, great power politics, aggression, colonialism and imperialism, and those who demand the building of a reliable international system constructed on international cooperation, human rights, equality, self-determination, and the rule of international law.

Indeed, the genocide in Palestine has revealed the tendency, hardwired into the system from the start, to compromise mandates and principles in deference to state power. But this genocide has also underscored that 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. This is the UN of the human rights treaties, of the independent UN human-rights monitors, of the International Court of Justice. It is the UN in which the use of force is prohibited in all but a few narrowly defined circumstances. This is 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. The UN that once officially recognized that Zionism is a form of racism and racial discrimination. And it is the UN in which officials rang the genocide alarm bell as far back as October 2023.

But, members of the jury, there is another, darker UN. 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 favor of a disingenuous political process called Oslo, under which the Palestinians were told that they, unprotected by international law, must negotiate for their rights with their oppressor, and that the mediator for the process would be the world's sole superpower and Israel's closest ally.

And it is the UN that has remained almost entirely silent as genocide raged across the land, trepidatiously avoiding any reference to the crime or to its root causes. The UN that was unable even to order a ceasefire or to hold perpetrators accountable while they were openly committing genocide. This is the UN of moral failure.

As the genocide in Palestine has shown, the veto power of the five permanent members of the Security Council, the only body with formal enforcement power, is the most obvious example of failure by design. That power has been used throughout the genocide by the US to prevent any meaningful act of protection for Palestinian civilians, enforcement of international law, or accountability for Israeli perpetrators.

Six successive vetoes have been exercised by the United States since October 2023, bringing US vetoes to protect Israeli impunity to a total of 50. No sanctions have been imposed by the Council on the perpetrator regime. No protection mobilized, no judicial decisions enforced, and the Israeli regime even remains a full member of the United Nations with full privileges, despite its perpetration of the ongoing genocide, its apartheid status, its denial of the self-determination of the Palestinian people, serial acts of aggression against its neighbors, unlawful occupation of the territory of three surrounding nations, a transnational terrorist attack with booby-trapped pagers, numerous assassinations, and frequent attacks on the United Nations itself, its staff and facilities.

For its part, the General Assembly 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 must comply with the detailed findings of the ICJ. It has adopted resolutions demanding a ceasefire and, most significantly, adopted a resolution in September 2024 endorsing the entirety of the findings of the International Court of Justice in its advisory opinion of 19 July 2024, as well as the provisional measures of the ICJ in Israeli genocide. And, historically, it set a one-year deadline for full Israeli compliance.

But, members of the jury, that deadline expired five weeks ago without any meaningful action. Instead, Israel's friends in the UN rallied to forestall any meaningful action for accountability and redress, instead to create a strategy of distraction by adopting the so-called French-Saudi proposal, now named the New York Declaration, which makes no mention of genocide or apartheid, diverts attention away from human-rights accountability under international law and into a loose political process and the promise of a possible limited state at some point in the future; a state that would deploy a proxy occupation force further denying Palestinian agency and self-determination, compel Palestinians once again to negotiate for their rights with their oppressor, and work to normalize the Israeli regime as it consolidates its conquest of Palestine.

In sum, the true focus of these initiatives is not on saving Palestine, but rather on saving Israel and Zionism, even in the wake of a genocide. This is the UN of complicity.

And as we speak today, Security Council diplomats are working to merge the lawless French-Saudi plan with Donald Trump's atrocious 20-point colonial dictate for Palestine, in an attempt to legitimize it with the imprimatur of the UN Security Council. And so, on the UN's watch, Israeli impunity continues just as Palestinian subjugation continues.

Even as the horror drags on and Israel shatters record after record for civilian bloodletting, the UN General Assembly has yet to use the full range of powers at its disposal. It continues to recognize Israel's credentials, and the regime's voting rights remain intact, even as it attacks and smears the organization, blocks its operations, raids and demolishes its installations, and abducts, detains, tortures and murders its staff.

The UN General Assembly has yet to reactivate the UN's anti-apartheid mechanisms, has established no Tribunal for accountability, has not moved to mandate a UN protection force to protect Palestinians from a genocidal regime bent on their destruction, even though it has the power to do so under the Uniting for Peace mechanism. And it has not solidified earlier calls for sanctions, a military embargo, and measures to isolate the Israeli regime and hold its officials to account.

For its part, Switzerland, acting as depository of the Fourth Geneva Convention, scandalously declined to convene the Conference of High Contracting Parties requested by the General Assembly, owing to objections from Israel, the US and their allies, and despite the fact that it was requested by an overwhelming number of UN member states and beyond.

Beyond intergovernmental bodies, the tendency to compromise UN principles in deference to power, especially that of the US and its Western allies, has also been evident in the positioning of the UN Secretary-General and senior UN officials, where the Israel exception has been in plain view.

Throughout the genocide, the UN's senior-most political leadership, including the Secretary-General, the High Commissioner for Human Rights, and even the Special Adviser on the Prevention of Genocide, have remained unable or unwilling to directly address the genocide or even to utter the word. Instead, they have taken refuge behind the safe language of "armed conflict", the amorphous promise of a two-state solution someday, and the necessity of humanitarian aid, adopting a kind of "both-sidesism" which fails to recognize the true dynamics of colonizer and colonized, occupier and occupied, oppressor and oppressed, genocide and victims. And barely a whisper has been heard about accountability for Israeli perpetrators.

As such, the significant reserve of moral and political power of the senior-most podiums of the organization has been left largely untapped. Root causes, normally the first area of inquiry in conflict resolution, have been almost entirely ignored: the seizure of Palestine in 1948; its colonization; the theft of land and homes within the Green Line; the ethno-nationalist state; the violent supremacism of Zionism; the system of apartheid; systemic inequalities; official racism and dehumanization; 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 since Oslo.

Perhaps worse, the political offices operating under the direct authority of the Secretary-General 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 non-critically reinforced the Israeli regime's fabricated propaganda for genocide and its justifications for international crimes.

Month after month, as the alarm bell raged and as many human-rights monitors repeatedly warned of genocide, the Secretary-General's Special Adviser on the Prevention of Genocide remained entirely silent on the carnage in Gaza, prompting petitions from UN staff and civil-society calls for her firing.

The Secretary-General's Special Representative on Sexual Violence in Conflict, under an organized pressure campaign from the Israeli regime and its proxy organizations in the West, refused to debunk and at times reinforced Israel's fabricated accusations of a Hamas campaign of mass rape, and therefore contributed to the regime's false narratives, designed to manufacture consent for genocide.

And the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, under political pressure from and through the Secretary-General, repeatedly censored its own annual listing of countries systematically violating the rights of children to remove Israel and ensure its continued impunity. This is the UN of failure.

But, distinguished members of the jury, as I conclude, I want to leave you with three points of light in the international system. In sharp contrast to the historic failings of these intergovernmental bodies and the political offices of the Secretary-General, 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.

An especially important role has been played by the Special Rapporteur Francesca Albanese, who, in the face of a sustained campaign of harassment, smears, death threats and slander campaigns by the governments of Israel, its allies and proxies, as well as official US sanctions, has been undeterred, producing a series of meticulously documented analytical reports on the genocide and on its colonial roots, maintaining a continuous, visible media presence and close collaboration with Palestinian and global civil society. And several other thematic rapporteurs, as well as the UN Commission of Inquiry, have also worked diligently 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.

The jury will note that throughout the genocide, the contrast between the principled, fact-based, law-centred and accountability-focused approach of the Special Procedures on the one hand, and the equivocal, politicized, lawless and trepidatious rhetoric of the Secretariat on the other, could not be starker.

And of course, the International Court of Justice 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 and historic advisory opinions finding apartheid and racial segregation, and has held that the occupation of Palestine is entirely unlawful. And just this week, it found the regime's obstruction of aid, attacks on UNRWA, and use of starvation as a method of war are breaches of international legal obligations. These pronouncements provide even more proof of the legitimacy of the Palestinian cause and 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 UNRWA, who to this day continue to operate in the depths of Gaza's hell to support the survivors of 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 370 of them, many along with their families, they represent the best of the United Nations system. They embody its highest principles, and they deserve our unwavering solidarity.

Thank you.

### **The ICC Under Attack: The Struggle for Justice and Accountability during the Genocide in Palestine (online)**

*Triestino Marinello*

*GT Chamber 1 Member, Professor of Law and Expert in International Criminal Justice and Human Rights*

Thank you very much. Good afternoon everyone. Many thanks to the organizers for the invitation. Distinguished members of the jury, it is an honor for me to appear before you to speak about the struggle for international justice in a context in which impunity has long provided the fertile ground for the most serious crimes.

I speak not as a distant observer, but as someone who, together with Raji Sourani and Chantal Meloni, has had the privilege of bringing the voices of Palestinian victims from Gaza to The Hague. Parents who have buried their children; relatives of journalists, doctors, humanitarian workers and human rights defenders killed in direct or indiscriminate attacks; survivors who have lost entire families and still search through the rubble for the names of the missing; and entire communities who, despite everything, continue to believe that justice is still possible.

We bring the voice of relatives of victims of starvation, and we have recently had the possibility to document how Israel concretely put in place a policy of deliberate starvation by preventing the access of essential goods into the Gaza Strip. I am referring to food, water filters, heavy hospital devices, drugs including insulin for children, and anaesthetics, in a context in which ten children on a daily basis are subjected to amputation of one or more limbs without anaesthetics. They are preventing the access of co-riander, labelled as a "luxury good" by the Israeli authorities and, as such, Palestinians are deemed to have no right to get access to such a "luxurious" item.

For Palestinian victims, the ICC has represented a fragile but vital thread of hope: the belief that in a world of double standards, one institution may still uphold equality before the law. The issuance of arrest warrants against Netanyahu and Gallant marked a defining moment for international justice. It was a historic step for Palestinian victims, for whom the ICC remains the only avenue for justice.

It was also a historic moment for Palestinian civil society organizations, particularly the Palestinian Centre for Human Rights and Al Mezan, which have documented crimes under immense pressure. Their offices have been destroyed. Together with Addameer and Al-Haq, their organizations have been sanctioned by the Trump administration only for seeking justice. Their staff has been killed: Ihab, with his wife and his two daughters Rima and Najma, three and six years old; N., with seventy family members including her two-year-old daughter; Dana, with thirty-nine family members.

The arrest warrants were also historic for the Court itself, which for the first time ever appeared to challenge the paradigm of the justice of the powerful, where international law is vigorously applied to some and excluded for others.

Yet this historic step cannot hide the serious shortcomings that have marked the Court's engagement with Palestine. It took twelve years for the ICC to open a formal investigation, a delay that has caused profound disillusionment among victims and reinforced the perception that justice is selective.

The first Prosecutor, Luis Moreno Ocampo, admitted that he would never authorize a case that could, in his words, "upset the United States." When Prosecutor Fatou Bensouda finally opened an investigation, its scope was extremely narrow, confined to specific incidents, failing to address the broader context of systematic oppression, collective punishment and apartheid structures in the occupied Palestinian territory.

Under the current Prosecutor, Karim Khan, the situation in Palestine was initially not a priority. Only after October 2023 did the Prosecutor show his attention to Palestine. His request for arrest warrants came in May 2024, when Gaza had already been devastated: over 36,000 people had already been killed, and 1.7 million people had been displaced.

Even then, the investigation's scope was limited. Some of the most documented crimes were excluded: genocide, torture, forcible displacement, just to mention a few. The investigation failed to address crimes committed before October 2023, including those in the West Bank, East Jerusalem included. This selective framing implicitly legitimized the false narrative that atrocities began only after 7 October, ignoring decades of structural violence and persecution.

By excluding senior Israeli military officials, the Prosecutor also reinforced the myth of "the most moral army." Most concerning, the arrest warrants did not produce any deterrent effect. Two factors, in my view, largely explain this failure in relation to deterrence: the ICC's long-hesitant approach and the hostility to the Court by powerful states.

The Trump administration imposed sanctions on the Prosecutor, her deputies, judges and Palestinian NGOs. These measures have already weakened the ICC's capacity to function. Software providers have suspended their services. US-based lawyers and groups have ceased cooperation with the Court and also with legal representatives of victims. Even requests for arrest warrants against senior officials like Ben-Gvir and Smotrich have been delayed because of the sanctions. In the very next few days, Trump could sanction the institution itself; that could be a final blow to the institution's existence.

We expected a strong reaction by the States Parties to the Rome Statute. However, the Gaza genocide proved once again that European states' support for international justice is driven only by political convenience. Many of the States Parties, including France, Germany and Italy, that had applauded the Court's action in Ukraine, condemned the Court for investigating crimes in Palestine.

EU institutions, which now consider the ratification of the Rome Statute an essential requirement to become a new EU Member State, have not put in place any effective mechanism to reduce the impact of the sanctions on the Court and its staff. It is now clear that EU states are willing to sacrifice the entire international justice system to shield an ally.

However, despite the politicization of justice, despite the attacks and threats to everyone engaging with the Court in relation to the situation in Palestine, we have decided to continue to engage with the Court, to document international crimes, and to submit all the evidence and legal analysis to the Office of the Prosecutor.

In Raji Sourani's words: we have no right to give up. The very intensity of the assault on the ICC proves how dangerous accountability is to those who rely on impunity. To abandon the pursuit of justice would be to betray every Palestinian victim of genocide, crimes against humanity and war crimes, and to betray the principle that all human beings are equal before the law.

Distinguished members of the jury, we are not naive. We are fully aware that the end of the settler-colonial regime will not arrive through the International Criminal Court. We are fully aware that the ICC is imperfect, too slow, too cautious, too vulnerable to political pressure. But even in its fragility, it remains one of the few tools to resist the normalization of impunity.

The Court, alongside national investigations under universal jurisdiction, offers one of the few remaining instruments capable of challenging this cycle of impunity. For Palestinian victims, this investigation is more than a legal process; it is an affirmation of their humanity, of the simple truth that their lives and suffering matter.

Distinguished members of the jury, we kindly invite you to cooperate with the Office of the Prosecutor of the International Criminal Court by transferring all the relevant evidence you may have, and we kindly invite you to raise awareness on the crucial role of Palestinian civil society organizations working to establish the truth. Without the tireless documentation of Palestinian civil society organizations, no international investigation would ever have been possible, as the ICC staff of investigators have never set foot in the occupied Palestinian territory.

Thank you very much for your attention.

### **The Role of Gaza in the Current Experimental Juncture (online)**

*Mary Kaldor*

*GT Advisory Policy Council Member, Professor of Global Governance*

The Gaza Tribunal is part of a world-wide social movement committed to drawing attention to the ongoing tragedy that is being inflicted on the Palestinian people. According to ACLED (Armed Conflict Location and Events Data) some 48,000 demonstrations were held between 7 October 2023 and 25 September 2024 in 137 countries and the vast majority (99%) were peaceful. The scale of the protests has continued since then. This movement involves a process of constructing, strengthening and spreading international norms relating to war crimes, crimes against humanity, genocide, apartheid and the crime of famine. A whole new generation is learning and teaching others about the salience of global human rights.

I use the term 'experimental juncture' to describe turbulent periods in history when political institutions are out of kilter with far reaching economic, social and technological change. It is similar to what Gramsci called the 'interregnum' when 'the old is dying and the new cannot be born'. What Gramsci called 'morbid symptoms' include the wars in Palestine, Ukraine and Sudan, the harsh treatment of refugees and asylum seekers, the rise of or return of racism, islamophobia, or anti-semitism, the failure to deal with the floods, fires, and droughts associated with climate change, or the crises associated with extreme inequality, the spread of disease or financial recklessness.

The term 'experimental juncture' draws attention to the role of political agency. Experimental junctures are crises of political authority; they are existential moments when the political class has to act. But they don't know how to act. So they draw on

ideas prevalent is society. Some of these ideas are terrible and they make things worse, like killing Jews, gypsies, or homosexuals or invading other countries as in the twentieth century. It is only when politicians adopt or are forced to compromise over some of the better ideas that some sort of consensual narrative is re-established giving birth to the new. The adoption of these ideas can be described as social innovation and it involves the institutionalisation of social movements. Institutionalisation means that part of the agenda is adopted by the political authority and that the movements or parts of the movement get transformed into formal institutions such as political parties, trades unions or NGOs. Institutionalisation is always an imperfect compromise, and often involves the marginalisation of more radical elements of the social movements.

In the past, experimental junctures were associated with major hegemonic wars. The last great experimental juncture lasted from 1914 to 1945 and included two devastating world wars, in which something of the order of 70 million people were killed. Both decolonisation and the welfare state were the innovations that came out of the compromises need to win the Second World War. The withdrawal of the British from Palestine was part of the decolonisation process but, as was also the case in Ireland and India, it was linked to ethnic partition that left a lasting bloody legacy. In particular, in Palestine, this involved the denial of self-determination for the Palestinians as well as repression, war and occupation. Ideas about human rights, crimes against humanity or genocide also emerged during that period but the Cold War and subsequent geo-political mindset constrained their realization.

The Cold War ended not just because of its own contradictions but more importantly as a consequence of a world-wide movement for democratisation that led to the end of military regimes in Southern Europe, Latin America and Asia, the end of apartheid in South Africa and the 1989 revolutions in Europe. These movements were global not only in the sense that they were everywhere but because they were able to use transnational links to leverage human rights legislation, like the 1975 Helsinki Agreement in Europe. The legacy of those movements was a new post-Cold War discourse about peace, human rights, humanitarianism and civil society, as well as new institutions – the peace and humanitarian machinery of the UN and other multilateral institutions, the OSCE, the EU, the AU or the International Criminal Court (ICC) among others, as well as the dramatic growth of international NGOs. Alas that discourse, for all its shortcomings, was blown off course both by the renewed militarism of the United States, Russia, China and other powers, and by the associated spread of free market fundamentalism. Neo-liberalism led to the rise of a new oligarchic class, who benefitted from privatisation and contracting out, as well as growing inequality and who are inextricably linked to the rise of the authoritarian populist right. It is their political resistance to any form of action, that might address our current ills and indeed their apparent influence over the political centre ground that gives rise to ‘morbid symptoms’; indeed, they tend to favour those experiments that come out of far right movements and that makes things worse. Yet a return to and enhancement of those post- Cold War concepts is a precondition for exiting the experimental juncture. It might never happen. There is a risk of renewed hegemonic warfare that would inevitably lead to human extinction. Or more likely, the current spread of intractable political and criminal violence in which armed groups, criminal gangs, ethnic war lords as well as oligarchic regimes benefit from violence both economically and in terms of mobilising extremist ideologies will continue in both

time and space. But if there is to be a way out then the Gaza movement, including the actions of the ICC and the ICJ, the way that groups and institutions have co-operated to document the crimes being committed, and the impact on global public opinion, will have played a key role in normalising the kind of principles that will be required to underpin a new more human -centred phase of history and provide the basis for more constructive experimentation.

### **The Gaza Tribunal as an Alternative Jurisprudential Paradigm (online)**

**Vasuki Nesiah**

*GT Chamber 2 Member, Professor of Human Rights and International Law and Human Rights Lawyer*

**Asli Bali**

*GT Advisory Policy Council Member, Professor of Law and Advisory Board Co-Chair of the Middle East Division of Human Rights Watch*

International law has been an enduring reference point for Palestine, as well as an enduring source of frustration. International law and legal institutions have been complicit in the colonization of Palestine and the background conditions that enabled the genocide. While the ICJ and ICC have begun to address the Gaza genocide through provisional rulings and warrant requests, these institutions cannot act swiftly, enforce decisions without state cooperation, or adequately include civil society voices. They represent, at best, fora for the legal recognition of mass atrocities without the political capacity to address root causes and halt atrocities or the normative capacity to propose alternative mechanisms of justice and accountability. In our presentation, we argue that the Gaza Tribunal has the potential to address these shortcomings by embodying four alternative jurisprudential paradigms. First, it draws on plural legal traditions—integrating legal, geopolitical, and ethical-historical analysis through its three-chamber structure, echoing indigenous and Global South epistemologies that refuse to separate law from context. Second, it offers the possibility of broadening customary international law to recognize grassroots movements like BDS as legitimate norm-generators and Palestinian lived experience as foundational legal knowledge. Third, it redefines legal standing through solidarity, legitimizing accountability claims from actors not directly harmed but bound by shared humanity and collective responsibility to prevent genocide. Fourth, it offers a bold, precedent setting opportunity to recognize a people’s right to self-determination without being cabined within statist models of recognition. Crucially, the Tribunal operationalizes what scholars and activists call “principled opportunism” – wielding law as a tool for mobilization rather than an end in itself. By prioritizing public accessibility, real-time documentation, and political mobilization, it transforms legal findings into resources for civil society organizing. Its findings should be crafted to educate and equip civil society actors, not just legal elites, turning legal knowledge into tools for building power from below. We argue that the Gaza Tribunal has the potential to exemplify how alternative jurisprudential paradigms can preserve the transformative ambitions of international law when formal mechanisms fall short. Rather than supplanting institutions like the ICJ or ICC, it offers a much-needed complement that generates space for legal innovation, amplifying marginalized voices and helping bridge normative frameworks with political change. We ask the jury of conscience to issue calls that reach beyond traditional international law’s jurisdiction by:

- recognizing the expertise of Palestinians as chroniclers of their experience and authors of the norms defining their aspirations;
  - providing the space to articulate non-statist models for the self-determining rights of the Palestinian people;
  - adjudicating the complicity of, and demanding accountability from, third state and non-state actors including weapons manufacturers, financial institutions, universities, tech companies, and other actors enabling genocide; and
  - bridging documentation with mobilization, creating tools for movements to enforce the norms that formal institutions establish but cannot implement.
- HEARINGS: RESISTANCE AND SOLIDARITY

## Gaza's Resistance Within Its Historical and Political Context

### Ramzy Baroud

*GT Chamber 2 Member, Author, Researcher and Senior Research Fellow at Center for Islam and Global Affairs*

As-salam Alaykum. Good afternoon.

Thank you very much for the kind invitation, but also thank you for all the incredible work each one of you has done for Gaza in the last two years. Gaza has proved to be the litmus test of humanity, of morality, of civil society, of international law. If it were not for you— you as a representation of civil society globally—Gazans would have been the only line of defense against Zionism, against colonialism, and against genocide. You made it possible by creating another line of defense for the Palestinian people.

The Palestinian people are not only grateful, but they are also hoping that this movement that was created against the genocide in Gaza will not be a temporary movement that will be dismantled with the assumption that the genocide is over. The genocide is not over. It manifests itself in so many different ways, and the very reasons and the historical context that created, or led to, the genocide in the first place are still there—and will be there—until Palestine and the Palestinian people are free. So please don't stop speaking out. Don't stop rallying. Don't stop centering Palestinian voices, and don't stop creating the momentum that is forcing Zionism, as the racist ideology that created Israel, into imploding.

You are making this happen. And again, Gaza is at the front line of this struggle—not just for the sake of Gaza and Palestine, but for the sake of humanity at large.

I was born and raised in a refugee camp in Gaza called Nuseirat. You must have heard so much about Nuseirat in the last two years. Unfortunately, much of what you must have heard is affiliated with massacres in Nuseirat. Many of my family members were killed in Gaza—over 110 people as of last year. I stopped counting because there was no point of counting, and because all of Gaza is my family. And I think this is something that is shared by Gazans as well, and Palestinians as a whole. We are all one family, and the loss of every family is my personal loss as well.

I grew up in a family that was made of a father who was a former freedom fighter—although I believe that my father was a freedom fighter as much as my mother was a freedom fighter, despite the fact that freedom fighting did not necessarily always take place carrying a rifle. They fought for survival. They fought for existence. They fought for their identity. They fought for self-assertion. They fought for their culture. They fought for their

religion. They fought for their history. They fought for the prosperity of their family and for their children. And that, by definition, makes every Palestinian in Gaza a freedom fighter, and every Palestinian who is standing up to colonialism and military occupation.

One time—I believe it was just before the first intifada of 1987—I was about 10 or 11 years old. I saw an Israeli jeep speeding through the refugee camp. They were going at an exceptionally high speed. And then after that, I saw two Palestinians. They were masked and they were running at very high speed as well, hiding in the graveyard—we called it the martyr's graveyard—in the center of Gaza. Those from Gaza know what I'm talking about.

And I asked my dad who these people are. He said they are members of Islamic Jihad. That was a time before Hamas itself was created. There was no such Hamas to be used as the example of so-called Palestinian militancy, terrorism, and supposedly bad political decisions. Gaza during that time—armed resistance in Gaza during that time—was controlled largely by two major groups: the socialists, the PFLP in particular, and Islamic Jihad. Prior to that, we had the Palestine Liberation Army that was part of the PLO, and Palestinians were fighting back then. If you look at the history of Gaza, you are going to find a history of resistance: cultural resistance, popular resistance, but also armed resistance.

One thing—and I'm here speaking as an intellectual—if we are to have an honest conversation about Palestine, we are to get in serious trouble, especially in the West. The sensibilities of Western society cannot cope with the idea that Palestinians have utilized armed resistance since the Nakba, the catastrophic destruction of historic Palestine. It's not something that we are ashamed of. It's not something that we should hide—or need to hide. But we live in a very toxic academic and media and political environment that the mere recognition of the fact that Palestinians have used arms to resist has been such a liability that people are just scared to say it.

So if I am standing to debate the issue at Harvard, or MIT, or Oxford, or anywhere, I have to find a way to zigzag around the idea of armed resistance. I replace the word "resistance" with "resilience" so I'm not misunderstood. I emphasize popular resistance, but I don't talk about armed resistance.

Some of you already speak Arabic, but I'm going to teach you a few words here just as a refresher course. One is the word *muqawama*. *Muqawama* means resistance. But *muqawama* for us Palestinians has different cultural connotations than the word "resistance" in Western platforms, Western academia, Western mainstream society. For them, the word "resistance" could be a bad thing—as in terrorism—or could be a subject that is open for interpretation, as if Palestinian culture, history, and struggle is like going to the market: buying cucumbers and not buying tomatoes. I like Palestinian nonviolent resistance; I don't like the violent resistance. I like peaceful resistance, but I don't like this other form of resistance.

Well, let me tell you some maybe bad news for some of you. In our culture, there is no distinction between the forms of resistance. For us, it's only called *muqawama*, and we express that in so many different manifestations. We're not shying away from it and we are not hiding it. And the reason is that if we do, we are denying not only a fundamental right of our people as a liberation movement fighting for its own survival, but also freedom and justice. But we are also being dishonest about Palestinian history.

You see, the problem for Israel is not the armed resistance of the Palestinians. The

Israelis have understood something that many of us—especially in the West, and so-called progressives in the West—still don't understand. Israel knows that resistance in Palestinian society is not just about arms.

When they come and say Palestinians should give up their weapons or hand over their weapons—what weapons? How many tanks do we have? How many fighter jets? How do you even count? What are the weapons that are being given, and what are the weapons that are still in the tunnels? Most of the weapons that are being manufactured in Gaza right now are being repurposed from the unexploded armaments thrown by the Israelis at the Palestinian population in Gaza.

If you want us to give away our weapons—if you want the Palestinians to give away their weapons—stop dropping your bombs and your missiles on the Palestinian population in the first place, because there would be no weapons to be repurposed.

So the issue here is not about the legitimacy—or lack thereof—of Palestinian weapons and Palestinian resistance. It's a diversion from the main issue: what pushes Palestinians to resist in the first place. Take away from us the reason that makes us resist, and we will not resist.

And when we resist, please try to understand that we do not cater our resistance to your sensibilities. We resist because nobody came to our rescue. As a child, I was told—my father was a communist, but also an Arab nationalist—and he told us, like many men in his generation, that the Arabs will be coming to liberate Palestine. The Arabs are coming. So, as children, we thought it's just a matter of time before the Arabs show up. And nobody showed up.

I actually do remember one time—taxi drivers in Gaza, because they are going around in a circle in this tiny little place—they start spreading rumors just because they are bored, I guess. And one time the rumor was that the Algerians are coming, and they are coming via the sea.

As children, we all rushed—it was during the first Palestinian intifada. Again, we were being shot and killed for simply protesting the Israeli occupation. We were desperate for outside help. We went to the beach and we waited, and we waited until sunset. We saw absolutely nothing on the horizon but the Israeli navy ships. No Algerians came, no Egyptians came, no Jordanians, no Iraqis—no anything.

So this generation of Gazans is different than our generation. My generation—the generation of the first intifada—we learned the alphabet of self-assertion. We went to the streets and we threw rocks at the Israeli army. I wasn't very good at it. But the idea is that we needed to assert ourselves: that we have agency. We are a people who are capable of speaking for ourselves. We cannot be marginalized. And even though we have been betrayed by our Arab brethren, we are capable of rising and taking moral stands. And we did.

But this generation is even tougher than our generation. They took that realization to a whole new level. Nobody is coming for your liberation. As Che Guevara has said before: there are no liberators. The people liberate themselves. So the Palestinian people have been in an active process of self-liberation. Do not blame the Palestinians for taking that moral stance after 77 years of complete marginalization and betrayal and international conspiracy—by the US, Israel, Zionism, and the whole Western bloc—to, in the words of Jared Kushner, give the Palestinians only one option: to put up or shut up.

Well, we neither put up nor do we shut up. And that's why what happened in Gaza happened. It was the outcome of our own failure. So don't blame the resistance for our own failure. And don't put the Palestinians once again in the corner to self-justify, and to explain, and to apologize for not behaving as the good victims that we needed to behave. And those who are expecting Gaza to be good victims—you know nothing about Gaza. You know absolutely nothing about Gaza.

In 1948, the Palestinian Nakba: you have hundreds of thousands of people being pushed out of historic Palestine. Two hundred and fifty thousand or so of them came to Gaza. Within days, they formed groups—this is before ideology, before politics, before Hamas and clashes and disunity. The *fedayeen* were peasants. They were farmers. My uncle was a member of the *fedayeen*. And all they did is that they tried to go back to their villages in southern Palestine to reclaim the crops that they harvested, and to collect the money or the gold left by their wives in their homes after they were expelled from these homes. That was the *fedayeen* movement that evolved over the years.

But there has been no time in history in which Gaza did not resist—in which Gaza put up or shut up. It never happened and it will not happen.

And the reason that I have always been saying that Gaza is the center of Palestinian history—the core of Palestinian history—Gaza is very small: 360 kilometers, about 180 square miles. And yes, we talk about the natural gas in the Mediterranean Sea, but it's not like Gaza had these natural resources that Israel—if Israel wants to exploit the gas—they would have done so with or without Palestinian permission.

What makes Gaza special is not its territory, or its gas, or its natural resources. It's the people of Gaza. It's the people of Gaza. And this is why Israel has invested not in destroying the resistance—because they know that there's no way they could have done that. They invested in ethnically cleansing the Palestinian people out of Gaza. Because you remove the Palestinians of Gaza, you remove the heart of resistance from Palestinian society.

The fact that we are still there, the fact that the people are still there—even though they are sitting on the ruins of Gaza, the ruins of everything: the mosque and the church and the school and the university and the home and the kindergarten and the art gallery and everything in Gaza—the fact that they continue to do so, it means that the Palestinian people—the heart of Palestinian resistance—is still beating. And the fact that it's still beating means that resistance in Palestine would remain alive.

Yes—feel bad for the Palestinian victims. Feel bad for the innocent children who were pulverized along with their families. Thousands of them are still under the rubble. Feel bad because we are human and you should feel bad. But don't think for a minute that resistance in Palestine will stop under any circumstance.

Thank you.

### **Self-Defense, Resistance, and Inverse Reality**

#### **Wadie Said**

*GT Chamber 1 Member, Professor of Law and Member of American Law Institute*

Thank you all for being here, and thank you to the members of the jury for listening to my statement. My name is Wadie Said, and I teach law at the University of Colorado in the United States.

In this brief statement, I intend to address the issue of self-defense in the context of

the Gaza genocide, as well as articulate the legal basis for a Palestinian right to resist Israeli occupation. To do this, we have to understand the overall context, not merely as it relates to the question of Palestine, but to the legal status of the Gaza Strip and the nature of the Israeli presence there. In doing so, we must confront how reality has been reversed and distorted in many instances.

Also, this exercise is of great importance, especially when we consider the fact that Palestinian non-violent resistance, such as the kind we saw in the First Intifada between 1987 and 1993, or the Great March of Return in 2018, has been historically met with tremendous violence and repression by the Israeli authorities.

As a threshold matter, the International Court of Justice made clear in its July 2024 advisory opinion what was already well understood by many international law scholars, namely that the West Bank, Gaza Strip, and East Jerusalem have been illegally occupied by the Israeli military since 1967. This is consistent with how the ICJ ruled in its 2004 advisory opinion, which found that the wall Israeli authorities built in the West Bank to be illegal under international law.

Essentially, the occupation constitutes a violation of the Palestinian people's right to self-determination and must end, as ordered by the ICJ. In fact, the ICJ set the end of September 2025 as the date by which Israel must end its occupation of the 1967 Palestinian territories, although that clearly has not occurred.

The ICJ's 2024 opinion removed any doubt as to the occupied status of the Gaza Strip, rendering definitively invalid the Israeli position that the redeployment of its forces outside the territory in 2005 meant that the Strip itself was no longer occupied.

This background is useful to note because, as many scholars and states have noted, an occupying power does not have a right to self-defense in territory it occupies. Among other claims, some have tried to argue that Israel retains a right of self-defense. In the United States, if you were ever to visit, you would probably see politicians repeating that phrase the same way that they breathe air or drink water – that "Israel has a right to self-defense." But it doesn't in territory it militarily occupies.

The argument has morphed to the point where Israel is said to obtain a right of self-defense because it was subjected to an armed attack by a non-state group from the territory of a different state, Palestine. But arguments along those lines have been basically rendered invalid by the ICJ's ruling.

Even those parties who recognized a purported Israeli right to self-defense initially have had to acknowledge that the Israeli authorities have an obligation to respect the principles of international humanitarian law – that is to say, necessity, proportionality, and distinction, distinguishing between civilians and military targets.

Whatever the case may be, there is never any justification for genocide – not based on arguments about the nature of the events of October 7th, or via the claim of self-defense. Even though the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory recently found that Israel's actions in Gaza constitute a genocide, to most observers that fact was clear as its military campaign quickly morphed into a mass reprisal intended to destroy the civilian infrastructure of Gaza and force its population out of the besieged enclave. The result is that the entirety of this military offensive is completely illegal.

Further, all arguments about Hamas using civilian infrastructure and homes and individuals as human shields – which, even prior to October 7th, 2023, were highly contentious

and speculative at best – have been exposed as not based in fact, given the staggering civilian death toll and the Israeli military's feeble efforts to justify their targeting in this regard. I am sure we all remember Israeli military spokesperson Daniel Hagari showing a calendar as evidence of how Hamas was supposedly based under al-Shifa Hospital. And that's the level of evidence we've been getting.

Despite Israeli attempts to negate any Palestinian right to armed resistance – such as declaring the Gaza Strip a "hostile territory" in 2006 and insisting that its military actions against Palestinians constitute an "armed conflict short of war" – what that means is the Israelis are saying: "We can shoot at them; they can't shoot back at us."

The Palestinians clearly possess such a right. The Fourth Geneva Convention recognizes the right of people under military occupation to resist that occupation, a fact that has been repeatedly reaffirmed by several United Nations General Assembly resolutions over the years, allowing this principle to achieve the status of customary international law in the opinion of numerous jurists.

Although not accepted by the United States and Israel, the First Protocol Additional to the Geneva Conventions of 1977 more specifically supports the right of a non-state national liberation movement of a people militarily occupied to use armed force to achieve liberation. The repeated findings of the ICJ that the military occupation of the West Bank, Gaza Strip and East Jerusalem violates Palestinian self-determination is critical in underpinning this right.

A main objection to a Palestinian right to resist resided in the idea that a people cannot unilaterally declare that their right to self-determination is being denied by military occupation as a basis to use force against that occupation. The ICJ's rulings recognized both a Palestinian right to self-determination and its violation by the Israeli authorities, thereby rendering this point moot.

Palestinians may use force to resist their occupation.

To deal with the questions related to October 7th directly: it is correct to note that international law does not condone the taking of hostages or intentionally targeting civilians. In the United States, Israel and allied nations in the global North, however, officials invoke October 7th as the origin of all violence in this current stage of the Palestinian cause, thereby obfuscating the entirety of the Palestinian experience prior to that date.

In fact, for over the past 18 years, the Gaza Strip has been a blockaded territory, subject to total Israeli control over its airspace, borders, access to the sea, trade to and from the Strip, as well as periodic military campaigns of increasing severity. Surely, there must be a difference between an occupied people targeting the military apparatus of its occupier and other prohibited acts.

There is also the widely recognized fact that the Israeli military caused a significant number of deaths on October 7th via its activation of a policy called the Hannibal Protocol, which calls for killing Israeli personnel before allowing them to be taken captive. A true accounting for October 7th would include establishing the Israeli role and its corresponding legal accountability for producing such a high death toll on that day, and also grappling with when international law allows an occupied people to resist using armed force, as attacks on military personnel and installations enforcing a siege are surely different than killing civilians.

In addition to the Israeli rejection of any Palestinian right to resist, the United States

recognizes the same position. The United States has classified Hamas as a so-called Foreign Terrorist Organization – that’s a legal classification – and that determination rests on the logic that, quote, “foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct.” End quote.

This position necessarily demands that every act of violence – and also non-violence, by the way – carried out by Hamas and affiliated Palestinian groups is illegal, even if it involves shooting at Israeli tanks and soldiers invading the Gaza Strip in service of a genocidal campaign on illegally occupied land.

In recent times, the US government has taken this position to extremes, as in March of this year, when the State Department’s official spokesperson stated, quote: “Every single thing that is happening in Gaza is happening because of Hamas.”

This is a position that justifies illegal collective punishment and views all Palestinian life as legitimate collateral damage in an endless war against the people’s fight for self-determination and liberation. If this were a criminal law – I teach criminal law in my day job – and if this were a criminal law theory of self-defense, it would be laughed out of the room.

Regardless, it appears that the US government believes that Hamas and the Palestinian people in Gaza as a whole are accomplices in crimes against Israelis, and when the Israeli military targets Palestinian civilians, it is Hamas that is responsible for their death.

Stated another way, it seems that the government believes that what occurred on one day can justify over two years of genocide and deliberate targeting of all aspects of civilian life in Gaza. The argument continues that because it was foreseeable that Israel would engage in hyper-violent mass reprisals to carry out a second Nakba, any Palestinian group confronting the Israeli military bears responsibility for whatever that military does.

This is reality stood on its head and inverted to the point that a genocidal army can be absolved of its innumerable crimes through a rhetorical sleight of hand based on what was supposedly foreseeable.

On a final point, while there is no legal basis for taking hostages in international law, there is the shattering hypocrisy of referring to Israeli detainees as “hostages” and Palestinian detainees as “prisoners.” The parameters of this discussion are deliberately limited to a recognition of Israeli rights and an assumption of Palestinian wrongdoing.

How can this be, when since 1967 over one million Palestinians have been jailed by the Israeli authorities under military law in service of an illegal occupation, with none of the usual rights afforded a defendant in a civilian criminal court? This is before we even examine the actual conditions of detention and the use of torture by Israeli authorities. And we’ve heard from many distinguished speakers about that during this very Tribunal.

This historical record also includes Israel’s widespread practice of administrative detention, where Palestinians are held without trial or charge on an indefinite basis. Currently, some 3,500 detainees suffer from this status. And while condemnation of Palestinian groups holding Israelis is widespread in the global North, such condemnation neglects to appreciate that the Israeli Supreme Court has continually, in its own right, upheld the practice of the military using detainees, both dead and alive, as so-called “bargaining chips” to be used in further prisoner exchange negotiations.

In other words, essentially legalized hostage-taking. That is why we witnessed the recent release of over 1,700 Palestinians from Gaza who were held by the Israeli authorities without charge and in horrific conditions, for the purpose of tormenting them and releasing them once Israel’s conditions for a prisoner exchange had been met. The term “hostages” certainly sounds apt.

These short statements underscore the legality and broad legitimacy that envelop the Palestinian cause, which ensures that the struggle will continue until the occupation ends and Palestine is free.

Thank you.

## Global Sumud Flotilla

### Yasemin Acar

Activist

Dear jury, dear guests and organizers,

My name is Yasemin Acar, steering committee member and organizer of the Global Sumud Flotilla, as well as the Freedom Flotilla Coalition. I speak to you as an organizer, a witness, and a human rights activist.

I have sailed with unarmed vessels carrying food, medicine, and human witnesses to Gaza to challenge a siege that has existed since 2007 and was further intensified during the ongoing genocide. We act because the world’s institutions, laws, and governments have failed to protect Palestinian lives, and because silence is complicity.

Today, I will speak in three registers:

1. About the realities on the ground and at sea,
2. About the violations of international law, and
3. About the responsibilities we all share to resist injustice and demand accountability.

First, the factual frame.

For 18 years, Gaza has endured a brutal, illegal, and inhumane siege. The blockade violates international law, including general international law, international humanitarian law, and human rights law. It restricts everything: airspace, waters, borders, movement of people, and the flow of essential goods.

Every aspect of daily life has been controlled by the occupying power, even determining the number of calories allowed per person – a bureaucratic calculation that reduces human beings to statistics.

After the genocide began, the siege became a siege upon a siege: a system of deliberate deprivation designed to punish, weaken, and control the Palestinian population. Families remain trapped without sufficient food, medicine, fuel, or water. Hospitals operate without electricity and supplies. Children are malnourished, weakened, and dying. This is not “suffering.” It is a systematic assault on life itself, by the infliction of living conditions calculated to bring about the physical destruction of a whole people.

The endurance of this colonial system has never been the work of one state alone. It has been sustained by a network of international actors whose complicity extends from the conference room to the factory floor: through arms transfers that supply the machinery of war, diplomatic cover that shields impunity, and economic partnerships that convert devastation into profit.

The siege thus becomes not only a policy but a structure of governance, weaponizing the very conditions of existence. Food, medicine, fuel, and water are transformed into tools of violence, distributed or withheld to discipline an entire population into submission.

Generations have been born under blockade, their lives defined by scarcity and surveillance. Malnutrition, illness, and psychological trauma are not collateral outcomes, but the predictable consequences of a system built to degrade, dehumanize, and exhaust.

International support – political, economic, and military – has woven this oppression into the fabric of the global order, while corporations extract profit from its maintenance.

In this sense, the siege is not an aberration of international politics, but one of its most revealing expressions: a regime of control sustained by those who claim to defend human rights, yet continually enable their destruction.

The so-called US-backed aid was part of the very same system. Aid distribution centers became death traps. Dozens of starving people were murdered in cold blood at these sites.

This was not humanitarian failure or bureaucratic mismanagement. It was deliberate violence embedded in policy, a calculated cruelty that uses the promise of survival as bait. Such acts reveal the nature of the system itself – not one of control alone, but of annihilation.

When food becomes a weapon and relief a means of extermination, the intent is no longer merely to crush, but to erase.

The sea, the siege, and its so-called aid apparatus function together as instruments of genocide – mechanisms through which life is reduced to something that can be granted or withdrawn at will.

International law and global institutions have repeatedly failed Gaza. Investigations were delayed or buried. Enforcement mechanisms were ignored. The media manufactured consent, portraying Gaza as a security threat rather than a besieged and starved people.

It must be said clearly: the use of starvation as a weapon of war and the imposition of collective punishment are illegal. These crimes leave enduring scars, especially on children whose bodies and minds have been permanently damaged by deprivation.

Nowhere is this more visible than in Gaza, where nearly half of the population are children. They are growing up amidst deprivation so severe that it stunts their physical development and fractures their sense of safety and possibility.

For these children, hunger is not an episode but a condition of life. Malnutrition, trauma, and loss have become the fabric of their childhoods. An entire generation has been marked by violence that seeks not only to destroy the present, but to extinguish the future – the future of Gaza itself.

Second, the criminalization of aid and the work of the Global Sumud Flotilla.

The missions of the Global Sumud Flotilla and the Freedom Flotilla Coalition have always been humanitarian. Our vessels carry food, medicine, and human witnesses. Under international law, humanitarian aid and civilian vessels are protected. Yet the flotilla missions have been criminalized over and over again.

After the *Conscience* was bombed in Malta in May, we sailed with a small vessel called the *Madlin*, carrying just 12 people. We carried only aid. Yet we were attacked with chemical agents, intercepted in international waters, kidnapped, and imprisoned.

Despite these challenges, we returned as promised with 42 vessels and 462 people from across the globe. Organizing such a mission in only two months is a testament to the power of collective action. What was first a single boat mobilized the world.

Doctors, engineers, human rights defenders, students, lawyers, and journalists united under the banner of global solidarity and resistance.

The Global Sumud Flotilla was again attacked at sea. Drone strikes targeted dozens of boats, first in Tunisian waters, then in international waters near Greece. This was not only a breach of the law of the sea, but a demonstration of impunity. The occupying power pursued a civilian humanitarian initiative across borders, attacking in national and international waters without restraint.

Many of us were taken to Ketziot in the Negev desert, a prison notorious for torture and inhumane treatment. We endured conditions designed to break human dignity: beatings, sleep deprivation, psychological violence, sexual assault, dogs in the corridors and cells, tight handcuffs, blindfolds, and snipers' lasers fixed on our foreheads.

These are blatant violations of international human rights law.

The walls bore blood, bullet holes, and the names of Palestinian hostages, especially from Gaza, who had possibly endured months, years, decades of imprisonment and torture. What we lived for a week was just a fraction of what Palestinian hostages endure for years.

It must be clear: the attacks and interceptions did not stop us. They only strengthened our resolve.

The Global Sumud Flotilla mobilized millions worldwide through demonstrations, student occupations, dockworkers' strikes, and global pressure. Military vessels from Italy, Spain, and Türkiye were mobilized – not out of goodwill, but because states feared the anger of their citizens.

This was the work of the people, not of governments that remain complicit by maintaining ties to the Zionist entity.

Our actions may have accelerated ceasefire negotiations, but our missions are not over. The siege continues. The genocide continues. Aid remains criminalized.

Third, law, colonialism, and the duty of conscience.

International humanitarian law, the Fourth Geneva Convention, the Rome Statute, and customary law exist to protect human life. Collective punishment, deliberate deprivation of essentials, and attacks on humanitarian actors are explicitly prohibited.

Yet these laws are ignored when political and economic interests outweigh human life. This failure is not accidental. It is deeply rooted in colonialism, apartheid, and global capitalism.

The Zionist entity's siege, illegal blockade, and attacks are not isolated acts. They are part of a broader settler-colonial project of dispossession and domination, serving to maintain Western and white supremacy in the Middle East.

These crimes are enforced and enabled by the United States, which provides military, political, and economic support. But the United States is not alone. European states – particularly Germany, where I'm from – bear a profound historical and moral responsibility. Germany, invoking its own past crimes, has chosen not to prevent genocide, but to justify and materially and morally support another. Through arms sales, diplomatic protection,

and the repression of solidarity movements, Germany has become a central pillar sustaining Israeli apartheid and genocide. Its historical guilt has been weaponized to shield a colonial regime and silence those who stand with the oppressed.

This is not a conflict between equals. It is imperial domination rooted in colonial logic and white supremacy. And all of this is sustained by Western powers that continue to view Palestinians, Muslims, and Arab life as expendable.

Sailing vessels unarmed into international waters under siege is dangerous. But we are aware of the risks our missions hold, and we continue because our lives are not more valuable than the lives of Palestinians. *Sumud* – steadfastness – is our guiding principle: the refusal to normalize injustice, starvation, and genocide.

We ask this jury to recognize, in legal and moral terms, what has occurred and what persists:

- that the deliberate use of starvation, the blockade, the criminalization of aid, and systemic attacks on civilians constitute crimes under international law;
- that those who enable or conceal these crimes, including the occupying power and its imperial backers, must be held accountable;
- and that inaction is complicity.

This is not merely a legal argument. Laws exist to protect life, not to shield impunity. The people of Palestine are not statistics. They are human beings whose protection is our collective responsibility.

And this is why Tribunals like this one matter. When governments fail, when international courts remain silent, it is civil society – survivors, witnesses, and people of conscience – who must act. Tribunals or flotillas are not symbolic. They are an assertion of people's justice, of the right and duty to document, to speak, and to resist. They are the living expression of global solidarity against colonial violence.

And finally,

We stand with the Palestinian people. We stand against colonialism, apartheid, and imperial domination. We stand for global solidarity and for humanitarian principles that cannot be negotiated or compromised. And we will continue to resist.

Thank you.

## The Hind Rajab Foundation

### Jake Romm

*Writer, Human Rights Lawyer, and U.S. Representative of Hind Rajab Foundation*

To the conveners and to the jury, thank you for allowing me to speak today on behalf of the Hind Rajab Foundation. My name is Jake Romm, and I am here in my capacity as an expert on pursuing accountability in national courts for Israeli crimes in Gaza. I imagine that many in the room will already be familiar with our work, but for those who may not be, allow me to make a brief introduction. The Hind Rajab Foundation was established in 2024 by several volunteer lawyers and activists determined to use both national and international justice systems to hold Israeli soldiers to account for their war crimes, crimes against humanity, and genocide in Gaza. Our strategy is twofold: first, we file requests for prosecution in national courts against what we call "traveling soldiers." These are IDF soldiers traveling abroad, often between tours in Gaza. Such prosecutions depend upon the principle of universal jurisdiction, as jurisdiction here is established by a

soldier's physical presence within a state. The second tier involves cases against dual nationals. Here, we file requests for prosecution in soldiers' own countries, and thus jurisdiction in these cases is uncontroversially based on the principle of nationality, allowing us to move more slowly and deliberately. Our incredible research team is capable of tracking the Israeli military as it commits crimes across Palestine. We know where and when these crimes are occurring, and we know who is committing them. Based on this research, we compile extensive dossiers of evidence and build the prima facie legal cases, which we then present to prosecutors in the relevant national jurisdictions. Crucially, our work focuses on the rank and file Israeli soldiers. While it is true that the commanders and government officials who authorized and oversee the genocide do bear responsibility for the atrocities in Gaza, these atrocities are committed directly by the soldiers on the ground, by the pilots flying the bombing raids. The choice to focus on the rank and file, to cast as wide a net as possible, is not motivated by a desire for "easy wins," as if there were such a thing in the present environment. The culture of impunity that undergirds the daily atrocities committed in Gaza permeates all levels of the Israeli military and society. This is readily apparent from the brazenness and glee with which Israeli soldiers document and publish their crimes on social media. This is why international mechanisms, though welcome, are not and ought not be the primary actors in bringing about an end to the genocide. International justice as we have seen, moves slowly and suffers from a lack of resources and from vulnerability to political meddling. Instead, action must be territorialized, states must make themselves sites of accountability. This is why our work focuses on national courts, where we have already enjoyed some success. Investigations into individual soldiers have been launched in Peru, Brazil, Romania, and elsewhere. In July, Belgian authorities arrested and interrogated two visiting IDF soldiers in response to one of our filings; and although the Belgian authorities ultimately released the soldiers, the arrests and the firm invocation of universal jurisdiction were steps in the right direction. There has yet to be a conviction, but this is an iterative process. Each request for prosecution is more than just a legal document, it is also a way to create a record and a narrative. In each filing, we charge individuals with both war crimes and genocide as a way of situating each discrete violation within its proper context. The destruction of civilian property, particularly dwellings, for instance, is one of the primary modes by which Israel is rendering the Gaza Strip uninhabitable. It thus must also be understood as the constituent act of genocide of "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction." That is, the charge of war crimes, though heinous and serious, fails to capture the severity and totality of what has occurred in Gaza. The law is reactive and cognizes only discrete harms, but the crime of genocide, unlike war crimes, is *necessarily systemic in nature*, it is a crime which implicates the whole of the perpetrating society. Further, the recognition of what has taken place in Gaza as a genocide places affirmative legal obligations on States in addition to those of the Geneva Conventions and other treaties. As our work has proceeded over the past two years, States, initially reluctant to collaborate, have become more willing to pursue accountability. Indeed, just this week, the HRF cemented a formal collaboration agreement with Europol, the European Union body responsible for supporting member states' investigations into the most serious international crimes. Every day, the world becomes smaller for Israeli perpetrators. There are a number of factors contributing to this development, but one is the simple work of naming which a legal filing accomplishes. Each charge pins the perpetrator to their deed,

creates an indelible link between the individual and the crime, and because the individual acts as a cog within the Israeli military, the state is pinned to the deed as well. As more and more filings are submitted, evidence against individuals creates, in a pointillist fashion, a composite picture of the totality of Israeli criminality in Gaza, a picture which becomes overwhelming in its urgency. The political case against Zionism is bolstered by the legal cases against its enforcers, and vice versa. The law is clear, and the tools necessary for state action have long been available—the problem is only one of political will. Like working a muscle, states become more comfortable and familiar with the long dormant tools at their disposal the more they're compelled to use them, and the more states so compelled, the more they are collectively able to articulate and enforce a vision of international law which truly applies to the weak and the powerful alike. Political will stems from popular mobilization: from organizations like ours, from Tribunals like this, from people of conscience like those gathered here and around the world, who *do what states will not*, who demonstrate that accountability is not only possible, *it is necessary, it is non-negotiable*. The recent ceasefire—which Israel has already begun to violate—makes this pressure even more urgent. There is a risk that states will use this pause in the killing to return to the status quo, thus paving the way for the inevitable resumption of the genocide. It is incumbent on all of us, however, to keep up the pressure such that there will be no return: because for the people of Palestine, the status quo means only dispossession, displacement, death. Jean Paul Sartre stated at the 1967 Russell Tribunal for the Vietnam War, from which this Tribunal draws inspiration: “This crime [of genocide] is perpetrated under our eyes every day, making accomplices out of those who do not denounce it.” His words ring just as strongly today, but he did not go far enough. Even those who denounce the crimes in Gaza will still be complicit if they do not couple that denunciation with concrete action. Action, and nothing less, is our demand, and that must be the demand of this jury as well. The genocide in Gaza is a world-historical crime, a moral stain on the international community that can never be cleaned. To borrow again from Sartre, the group that the Israelis and their backers are trying to destroy by means of the Palestinian people is the whole of humanity, is the very *idea* of a life in common. We are that humanity, we must construct a life in common free from colonial domination and all that it entails, and we must use whatever means we have available to end this genocide, once and for all. Thank you.

### **The Boycott, Divestment, Sanctions (BDS) Movement (online)**

**Jamal Juma**

*Steering Committee Member of the Gaza Tribunal, Secretariat Member of BDS National Committee*

This year marks the 20th anniversary of the Boycott, Divestment and Sanctions (BDS) Movement – a movement born out of the horrific killing of Palestinians during the second Intifada, the assassination of activists and political leaders, Jenin refugee camp massacre in 2002, and the acceleration of Israel's settler-colonial project (The apartheid Wall). From the construction of the 800 km apartheid wall to the fragmentation of Palestinian communities into isolated ghettos, hundreds of military checkpoints, more than 500 colonies and outposts and 1400km of apartheid roads, the need for a coordinated, principled, and global response became undeniable.

Over two decades, BDS has grown into a vibrant Global, Palestinian-led, anti-apartheid movement, uniting activists, academics, trade unions, churches, legal organizations,

and grassroots groups across more than 120 countries. It stands today as one of the broadest social justice coalitions of the 21st century, rooted in the principles of equality, freedom, and justice.

With the moral authority of a popular Palestinian consensus, BDS has influenced states' decisions to impose targeted sanctions on Israel. It has played an indispensable role in pressuring some of the world's largest investment funds to divest from companies and banks that enable Israel's atrocity crimes. It has galvanized the collective power of unions, associations, and other grassroots formations representing tens of millions of workers, farmers, students, artists, academics, and justice organizers to *make* local governments as well as colonial Western academic and cultural institutions divest or break ties with apartheid and its complicit institutions.

Even Israeli economic experts now acknowledge this shift. Affirming the role the BDS movement has played<sup>100</sup> in the Israeli economy's “spiral of collapse<sup>101</sup>,” as 130 leading Israeli economists describe it, in September: The Chairman of the Israeli Export Institute recently stated that “BDS and boycotts have changed Israel's global trade landscape.” He added, “Economic boycotts and BDS organizations present major challenges, and in some countries, we are forced to operate under the radar.” According to S&P, Israel's projected GDP growth for 2024 stands at 0%, while approximately 60,000 businesses have closed amid growing global isolation.

Amid the intensified genocidal assault on Gaza and global attention on Gaza, the BDS Movement has succeeded in shifting the discourse around Israel from “traditional diplomacy and complicity” to one of accountability, divestment and sanctions, reframing Israel's regime as one of settler-colonialism, apartheid, and military occupation. This shift is not merely rhetorical – it is reflected in the decisions of universities, cultural institutions, and unions that have paused or ended relationships with complicit entities. millions stood up to say that complicity is not an option.

In the face of horror, the movement transformed outrage into organized power,-- solidarity into tangible pressure, ---and despair into determination – proving that the global conscience, when mobilized, can still shake the foundations of oppression, and the settler colonial apartheid regime and anyone dare to be complicit with it.

At the governmental level, the influence of BDS is increasingly visible. Over the past two years, several governments – particularly in the Global South – have taken bold steps: freezing cooperation agreements, reviewing arms trade, and reassessing diplomatic relations with Israel.

City councils and parliaments across Europe, Africa, and Latin America have debated motions declaring themselves Apartheid-Free Zones and adopting ethical procurement policies, reflecting a growing global alignment with the principles of human rights and international law.

While a cease-fire may momentarily pause the genocide in Gaza, it cannot alter the deeper structures of occupation, apartheid, and genocidal intent. Without meaningful

<sup>100</sup> <https://bdsmovement.net/ShutDownNation-Global-Divestment-Economic-Strain-Accelerating-Collapse-Of-Israelis-Economy>

<sup>101</sup> <https://bdsmovement.net/ShutDownNation-130-Top-Israeli-Economists-Israelis-Spiral-of-Collapse>

accountability – legal, economic and political – the conditions for repeated war crimes and genocide will remain intact. Pauses in bombing cannot substitute for systemic justice and that so called “peace”, built on impunity will continuously collapse under a regime of genocide.

For two decades, the BDS movement has embodied strategic, nonviolent resistance and collective moral courage. Today, our task remains urgent:

to intensify pressure on states, corporations, and institutions that enable Israel’s crimes;  
to uphold international law in practice, not just principle;  
and to ensure that our collective struggle leads to freedom, justice, and the right of return for the Palestinian people.

I will end with the Palestinian civil society reacts to the Trump-Netanyahu genocidal plan in response to the illegal, colonial Israeli-US “Trump plan,” Palestinian civil society insists on full Palestinian rights and calls for escalating BDS pressure to end all state, corporate and institutional complicity with Israel’s regime of settler-colonialism, military occupation, apartheid, and genocide.

Even if a ceasefire is reached, the genocide, the famine, the repercussions of the annihilation of Gaza will not end. Solidarity is more needed than ever, and it begins with ending complicity, which is a moral and legal obligation. The Palestinian consensus asks of the global solidarity movement, particularly trade unions and mass movements, as well as people of conscience to:

- Respect and advocate for the comprehensive rights of the Palestinian people (at the very least the three rights listed in the historic BDS Call of 2005); and
- Isolate Israel’s regime of oppression by ending all state, corporate and institutional complicity with it.

Together, we can and must disrupt all complicity in Israel’s “final solution” for the Indigenous people of Palestine. Together we can dismantle Israeli apartheid just as South African apartheid was dismantled. Anything less would be a failure of humanity.

## The Oslo Solidarity

**Charlotte Qvale**

Artist

**Dr. Mads Gilbert**

Medical Doctor

Dear guests,

Mads and I are here today on behalf of our small organization called *The Oslo Solidarity*. When I got to know Mads two years ago, I was desperate. It had become clear that a man-made Israeli catastrophe was taking place in Gaza. And like almost everyone else, I knew I had to do something, but I had no idea what.

So, I joined the traditional solidarity movement. I started going to demonstrations, and for a while, I found some comfort there.

But at a point, I was standing outside the Norwegian Parliament as the politicians were about to vote on the recognition of Palestine. We were a couple of hundred activists

screaming for the recognition, but they didn’t listen to us then. What we were doing had no effect at the time.

I’m not in any way saying that traditional solidarity activism doesn’t have an impact, but I believe we have to be more inventive, and we must speed things up.

And I’m an artist. I make music. A big part of my job is to give messages wings, to make them fly. I have a platform and some people listen to my voice, but I felt that I lacked knowledge. So I joined forces with Mads...

And I would ask if our friends could please stop the talking and have quiet in the room. It would be very nice, thank you. Or close the doors.

So while Charlotte is an artist, I am a medical doctor and a scientist. On my part, I had been doing the traditional solidarity activism since the popular protests against the Vietnam War when I was a young medical student.

At some time I felt a need to fill the void between the slogans and the harsh realities of uncaring people, of colonial powers not really giving a damn about the consequences. So for me, evidence became a new weapon of solidarity, to gain more power.

From my first war-surgery solidarity mission to Beirut in 1981 and ’82 – which was a horrible eye-opener – and until now, I have been obsessed with gathering as much evidence as possible and producing scientific studies on the effects of armed colonialism in general and Israeli settler-colonial brutality in particular, and their use of myriads of devilish weapons developed to kill and maim the oppressed people who dare resist and fight.

But my friends, knowledge alone has no wings and may be left behind in dusty rooms and libraries and in discourses between quiet scholars. I felt, as the famous Australian journalist John Pilger once said: “*I am not a voice for the voiceless. I’m just amplifying those whom the powers, with intention, are making voiceless.*”

So we started our work with a solidarity stunt project where we actually covered about 100 statues in the famous Oslo Vigeland sculpture park with keffiyehs. And sometimes, you know, plans may not have such clear objectives, but they give us energy to create new alliances – new alliances across uncharted land – and such alliances help us discover unseen possibilities.

We can’t just work with people who are like me – with doctors and scientists – but we need to cross borders and value the differences as new power for solidarity.

Or as I say in a slightly less complicated way: Mads knows something I don’t, and I know some things he doesn’t. Our different ways of seeing things can be a huge asset if we join forces. There is no inherent contradiction between art and science; on the contrary, they can be complementary.

So we had this new idea in the thick of the darkness surrounding us all from the horrors of Gaza: could art and science be new allies in voicing and lifting the knowledge to many more people, to amplify the resistance of the Palestinian people?

So we – a small, odd group of an artist, a medical scientist, a music producer (he’s not here) and a master of political science (she’s not here) – decided to establish *Oslo Solidarity*, a name very deliberately chosen, with a goal to re-establish the name of Oslo, our city, as a real metaphor for solidarity, not a term associated with false negotiations and backstabbing the Palestinians.

We wanted to see if new expressions could mobilize new people and groups in addition to the traditional street marchers and slogans.

It is a fact that the majority of the population on this planet is against the oppression and the killing of innocent people. And the solidarity movement for Palestine has grown very strong these last two years. But we need the rest of the world to join.

We believe that one way of increasing the mobilization speed can be to work together with people or groups who have different skills and experiences than yourself. In our case, that means mixing our knowledge and networks of art and science.

Exactly. So what did we do? We did several things.

First of all, we created *The Oslo Conversation*, which was a new space for open dialogue on stage between leading key scholars, Palestinians, an experienced moderator, and a large public presence. This was a 90-minute conversation between Dr. Mustafa Barghouti, the Jewish historian Professor Ilan Pappé, myself, and a Norwegian member of the Norwegian Parliament's Foreign Affairs Committee.

The event went from idea to reality precisely because we merged our networks. My colleagues were on stage; Charlotte's colleagues produced the whole performance. None of this could have been pulled off alone, and the hall was packed.

And we also organized *New Year's Promises to Gaza*, a large solidarity concert with Norway's most renowned artists on stage in January 2025. We raised 75,000 dollars, and we donated the net funds directly to the Palestinian Medical Relief Society.

The storyline during the concert was the Palestinian voice of Dr. Khalil in Gaza, sharing his daily life at work, when displaced, and when at home.

And we established the *Artists' Choir for Palestine* in order to offer artists – who may be both shy and individualistic – a group or a scene to express their solidarity together. Since the establishment in April 2024, we've been singing every week: on streets, in tramway stations, for NGOs and ministries, to encourage good people to use any available peaceful tool to work for justice in Palestine.

So why is solidarity important, and why do we need various expressions?

Solidarity is not an act of charity. It is an act of unity between people fighting towards the same goals on different grounds. As was said by the late first president of the Free Mozambican Republic, the Palestinian struggle against colonialism, inhumanity, racism and genocide is *our* struggle, because we are one humanity. And who knows who's next to be attacked and occupied by the colonizers?

Solidarity is poor man's arms against oppression and apartheid. We own it – but only if we use it actively.

Solidarity strengthens the just struggle in occupied Palestine and the armed resistance, as it does for any people resisting occupation. We can all be influential agents of change. We are all needed. We all have a voice and a talent. But you have to use it, because time is a critical factor.

We need much more variety in the expression of solidarity if we shall mobilize the silent majority who are in favor of, and really support, the Palestinian struggle. Many new forms of active solidarity are needed to engage.

So what have we achieved, and what lessons have we learned?

Well, art is different from traditional activism, and we need other platforms. Singing instead of shouting has turned out to be just as effective, and for many people this non-aggressive, friendly form of protesting is easier to take part in.

We've raised awareness and substantial amounts of money which are transferred directly to Palestinian NGOs, not Western ones – which raises a new important discourse. We've changed from always donating to the Western relief industry to now always supporting the Palestinian NGOs.

And joining forces seems to be an instrumental key to make things happen. Find someone who knows something you don't, and get things done together.

So dear friends, let us close this small talk and invite you to join us to see a final example of this combined work of science, music and art. We will present to you a final example – the *Winterbird Project*.

Actually, the Winterbird Project is a joint effort combining the poem and the translation of the poem by the Palestinian author Najwan Darwish, who lives in al-Quds, in Jerusalem;

A video from Gaza, from Rafah, made by a very professional video artist whose name we cannot tell you because of security reasons;

The composer of the music and the vocals is Charlotte, and the music producer is Måns Lund from Sweden. So, truly an international joint effort to find a new way of expressing our solidarity.

And you will now hear the song.

How many bedrooms do I need

to get a bit of sleep,

to get a bit of sleep?

How many chairs

to sit myself down?

How many roads

to walk back to you,

my distant country?

This time

I've gone,

and I'm not coming back.

Your job now

is to slip out,

lovesick and afraid.

Come in search of me.

It's time

to go.

I'm not coming back

to sleep.

I'm sick

and afraid.

I'm concerned.

## World BEYOND War (video)

### David Swanson

Author, Activist, Journalist, and Executive Director of World Beyond War

...But governments could do even more. Here are 14 things they could do, things that many of us have been demanding they do individually and collectively through *Uniting for Peace* in the General Assembly for many months now, since we shifted our focus in this particular part of our anti-genocide efforts from demanding a genocide case in the International Court of Justice, achieved through the decency of the government of South Africa.

Imagine a large block of governments – or all governments, or all but Israel and its most fervent accomplices – being compelled to do these things:

1. Arrest Israeli or any other officials facing arrest warrants from the International Criminal Court.
2. Prosecute Israeli criminals under universal jurisdiction.
3. Establish a complete embargo on weapons or weapons parts to or from Israel, and to or from any nation not upholding such an arms embargo on Israel.
4. End diplomatic relations with Israel.
5. End financial transactions, trade, and travel to and from Israel.
6. Train and send unarmed civilian defense teams, food, medicine, doctors, and aid workers to Palestine.
7. Develop a major public educational campaign about the genocide in Gaza and the propaganda that has facilitated it.
8. Support a *Uniting for Peace* action through the UN General Assembly to implement worldwide numbers 3 through 7 above and to do steps 9 through 12 as follows:
9. Economically sanction Israeli war criminals.
10. Expel Israel from the United Nations.
11. Recognize the nation of Palestine.
12. Move UN meetings and headquarters out of the United States.
13. Break off military relations with, and expel from your nation, troops belonging to any government that is not upholding an arms embargo on Israel.
14. Halt membership or support for weapons-dealing institutions that do not uphold an arms embargo on Israel – the Abraham Accords, the North Atlantic Treaty Organization (NATO), etc.

*Uniting for Peace* is a means for the General Assembly to circumvent the veto-crippled Security Council if two-thirds of nations choose to do so. Were they to do so and pass a significant share of the 14 measures I've just listed, the genocide would end and the world would be remade in various ways. The collapse of NATO would be more than a side note.

Were the world to pass all 14 measures and act on them, vastly more people would need to gain a deeper understanding of what some of them mean, in particular the one mentioning unarmed civilian defense teams. No amount of seminars, websites, online courses, and articles – short of buying a corporate media outlet – seems capable of

changing the fact that almost no one will ever know what that means.

There is an introduction to the concept, with an interesting list of successes, that you can find at [worldbeyondwar.org/list](http://worldbeyondwar.org/list). And there, of course, we have spent years failing to get a *Uniting for Peace* action off the ground.

But that project has now been made vastly more difficult by various individuals and organizations, with the absolute best intentions, proposing that such a step include the use of an armed military force. Many have a bit carelessly thrown their support behind such an idea for some very weak reasons, including:

1. The proposal is sometimes worded so vaguely that one can tell oneself that it's a proposal for an unarmed protection team as long as one doesn't read too closely or click too many links.
2. Numerous ideas more likely to succeed, more likely to be approved by governments, and more likely to have desirable results when acted on, have thus far failed – and therefore it's time to try something else, even if it's a bad idea. Yeah, not a good argument.
3. There's a false idea, newly minted, that one cannot do for peace at all without doing a military intervention. Nonsense.
4. Lots of other good people are supporting this, so even if it seems a bit crazy, one must support them regardless, especially if they are Palestinians.

As if we are not grown adults, capable of amicable disagreement, with a moral responsibility to point out when a train is running off a track.

### Anatolian Civil Society Platform

#### Metin Doğan

Activist

Esteemed members of the jury – I think it's too late for them – and conscientious people from all corners of the world who follow us, I salute you with Islamic words: peace be upon you.

I came here to speak about the terrorist state and its members who commit genocide and massacre, acts that make us ashamed of our humanity. Even as we speak, we have platforms supporting the Palestinian resistance consisting of organized civil society organizations in all cities of Anatolia. And there is an Anatolian Civil Society Platform as a superstructure that unites this platform, the Anatolian Civil Society Platform. Throughout my speech, I will refer to this platform as ASP.

In fact, civil society organizations present in every city were active before the October 7 attacks. They rarely came together and were barely able to communicate. However, after October 7, civil society organizations across cities united around the common issue of Gaza. These platforms that formed in the cities later created ASP. In other words – this is so important – in other words, Gaza became the unifier of the ummah, and Gaza became the unifier of humanity.

At times, various events were organized. Sometimes everyone in the city joined these organizations. Sometimes only children took part. At other times, the joiners were only healthcare workers. In fact, we must thank Gaza. We realized that we are much more than we thought. Gaza told this to us.

As Zionist Israel continued to kill civilians, the crowd standing against it grew larger. People with different worldviews, religions, and ethnicities united in the face of the genocide. From the Far East to America, people all around the world revolted. They resisted the genocide. Despite Israel's shameful stance, the rest of the world has made Gaza the center of its life.

But first of all, before talking about the children, women, and civilians innocently killed by Zionists, we need to talk about their reasons for killing them. We must learn and we must think about their reasons to kill children and women and civilians.

They claim that the land of Palestine belonged to their ancestors 3,000 years ago. They are asserting a right to these lands. I want to empathize: if we accept this claim – if we say that they are telling the truth – then 5 million United States citizens would have to leave the entire continent to the Native Americans and return to Europe. If we accept this claim as true, then we, the Turks, would have to leave Anatolian lands and return to the steppes of Asia. There is no chance we can accept this claim as correct.

The lands they claim belong to them are the lands they were expelled from 3,000 years ago, and these lands belong to Palestinians and Gazans. One hundred years ago Theodor Herzl and his associates devised a plan and began systemic genocide after 1948. These genocides, ignorance, and torture began to be carried out by a so-called state. It's important – by a so-called state. And in the last two and a half years, it has become a lawless act with no regard for human rights.

They thought that by killing Gazans, they could make them give up. They thought that by killing, they could intimidate the peoples of the world. They will never succeed in this.

There are millions in Anatolia who wholeheartedly support the Gazans. Every association and foundation that is a member of ASP will support this resistance until their last breath. Over the past two and a half years, more than 2,000 associations and foundations have organized almost daily actions, press statements, and marches.

Most recently, they launched the flotilla from the Mediterranean toward Gaza's territorial waters. They strove to break the blockade and deliver food and medicine to Gaza. Perhaps our activists on the ships could not embrace Gazans physically, but they made consistent people everywhere see Israel.

And now the Sumud continues its journey on land. The Sumud is moving now on land. How is it doing this? How do they make it? Every activist – young or old, children or adults, women or men – are holding panels and conferences around the world to expose Israel's activities. And their slogan is the same: we will organize new flotillas and new land convoys. We will continue the resistance until Gaza and Palestine are free. ASP will continue to uphold its claim to end oppression, which is the common denominator of all humanity.

Each of our volunteers will continue their work with this awareness. For this reason, we fully support the meaningful work done by the Gaza Tribunal. All associations stand behind this Tribunal. And on behalf of our community – dear jurists and the people in the salon – there is one more problem.

Dual citizens and dual passport holders who fought in the ranks of Israel are as guilty as those who govern the state of Israel. They violated international law, killed Gazan women, children, and civilians. They must be prosecuted. I ask that you place this issue on your agenda. There are lots of people who are living with us in our countries – for

example in Turkey, Istanbul – and they are also going to Israel and fighting, and they will come back after the war. They think they can, and our people – the Turkish people – do not accept this. They must also be a subject of this Tribunal.

We are not tired. Yes, we want the war to stop – not because we are exhausted or will give up, but because we want hope for all humanity. We know that the Zionist ideology, whose history is full of such massacres and which killed even its own prophets without mercy, will not be reformed. But at least we can make sure the guilty are punished.

Free Palestine and a free world are possible. The Gaza Tribunal will show the United Nations and the European Court of Human Rights the way to penalize war. For this reason, I thank all members of the Gaza Tribunal. And I hope – as the last sentence – I hope to read the final declaration of this court together on the free shores of Gaza. I extend my respect to all of you. Thanks a lot.

### **Worldwide Lawyers Association (WOLAS)**

*Hasan Basri Bülbül*

*Assistant Professor of International Law*

*Hüseyin Dişli*

*WOLAS Board Member*

Distinguished colleagues and dear participants, today we are going to speak about global legal solidarity with the Palestinian people, which is itself a call for global coordination for Palestinian liberation.

When we speak of Palestine today, we speak of an ongoing Israeli genocide in Gaza and 77 years of uninterrupted Nakba, 77 years of incremental genocide, apartheid, dispossession, and the systematic denial of the most basic human rights and freedoms. Throughout these decades, international law and the international community that claims to uphold it – including the UN – has failed the Palestinian people.

Thus, our concern is not merely what the law is, but what law ought to become in a world that cannot and must not forgive, forget, or unsee the atrocities inflicted upon the Palestinian people. The central question before us is: what should be the role of lawyers, legal scholars, and legal communities in the struggle for Palestinian liberation?

To speak of global legal solidarity is to reimagine the law itself, not as a static instrument of state power but as a living terrain of resistance. International law, as many critical scholars remind us, was not broken by empire; it was built for it. Yet, it can be turned against its origins through coordinated critical practice.

Lawyers committed to Palestinian liberation must conceive of themselves globally as a single, coordinated legal organism, developing incremental victories, interlocking cases, and complementary strategies across jurisdictions to form a coherent and cumulative legal movement. Fragmentation has proven fatal. The proliferation of uncoordinated, substandard filings that end in publicity rather than progress give the appearance of activity while undermining real accountability. Solidarity must therefore be deliberate and studied, anchored in coordination, shared standards, and political clarity.

We must build a global legal infrastructure capable of serving Palestinian liberation, not merely addressing or representing Palestinian suffering.

So the first pillar of solidarity is accountability. But accountability must move beyond

litigation as a ritual of punishment; it must become an architecture for truth, restitution, and transformation. Strategic and offensive litigation against perpetrators of genocide and war crimes remains indispensable. Yet legal action must also target the structures that sustain those crimes – the corporate networks, financial flows, and diplomatic shields that enable Zionist impunity.

As articulated in the Gaza Tribunal legal sessions, accountability must be infrastructural, designed to dismantle criminal networks globally under frameworks like joint criminal enterprise-style liability. We must pursue comprehensive documentation of all Palestinian injuries. We must integrate reparations into every accountability framework. We must develop centralized evidence-tracking systems. We must expand universal jurisdiction filings.

Accountability must also seek societal catharsis, acknowledging that justice is not only about punishing crimes but dismantling their causes. Genuine liberation demands that law pierce the surface of violence to expose its ideological roots: genocidal tendencies, racial supremacy, colonial property regimes, and imperial immunity.

Distinguished colleagues, members of the Tribunal, and comrades in justice, my colleague Hasan has delivered the first part of the speech and I will continue from where he left off. He mentioned the first pillar of solidarity as accountability, under which I would like to add just a statement, which is that after the advisory opinion of July 2024, no lawyer should collect only criminal testimonies or evidence. Because as granted in the advisory opinion, Palestinians have a right to reparations, and any lawyer or any member of the legal profession conducting this work from now on should not neglect collecting civil claims – any material loss that Palestinians have suffered, that they have sacrificed.

As the second pillar of legal solidarity, we consider protection – both as legal defense and as a solidarity infrastructure across Gaza and the occupied territories. The Palestinian legal community itself is under annihilation. This is not rhetoric; this is a material annihilation, coordinated and deliberate.

In Gaza, the legal infrastructure has been systematically erased. According to the report of the Palestinian Bar Association a few months ago: their headquarters in Gaza flattened; more than 215 lawyers killed; 220 injured; 97 law offices destroyed; courts completely suspended; over 3,400 lawyers displaced, thousands living in tents or makeshift shelters; their archives incinerated, their families grieving.

Lawyers are not there only to protect their individual or corporate clients, but also to protect and defend the rights of their nation and people. To destroy Palestinian lawyers is to destroy the very capacity for self-determination and liberation.

Therefore, global legal solidarity must prioritize protection of Palestinian plaintiffs and legal workers who face surveillance, prosecutions, arrests, and assassination for pursuing justice or simply supporting their people – and they are being prosecuted with accusations of terrorism. We should provide them with international legal accompaniment. Foreign lawyers appearing beside Palestinian clients will create a literal shield, reducing risks through visibility.

Another angle under this is capacity building: capacity building of the Palestinian legal community. We must channel resources, funding, and international partnerships to rebuild law facilities, courts, and legal archives in Gaza and across occupied Palestine. We must support employment, training, and protection of Palestinian lawyers, judges,

law students, and scholars, many of whom are unemployed, displaced, or endangered, yet possess magnificent skills. Defending the defenders globally is a must. We must oppose the US sanctions that criminalize Palestinian human rights organizations and ICC officials. These sanctions constitute a legal counterinsurgency – an assault on the very idea of accountability.

Protection, however, is not charity; it is a core struggle. As Noura Erakat has argued yesterday, the Genocide Convention omits the cultural and political destruction and legal destruction, yet these are integral to genocide's totalizing aim. Protecting Palestinian legal institutions and community is therefore an act of anti-genocidal resistance for self-determination.

The third pillar is legal diplomacy: the use of law as a diplomatic weapon, and diplomacy as a vehicle for law. Our collective efforts must merge legal expertise with political coordination. This includes diplomatic briefings and informal bloc coordination, tailoring legal memorandums to friendly states to Palestine, advising them on litigation, sanctions, and multilateral defense strategies.

We must mobilize diplomatic blocs to enforce arms and trade embargoes against Israel, invoking obligations under ICJ rulings. Dignified self-reliance and mass organizing is a must. Therefore, it is essential that interstate initiatives and international civil initiatives should be supported by the legal profession, by providing legal frameworks and models to turn these alliances into an economic alliance that is autonomous, self-reliant, and immune from colonial sanctions.

Without building these economic protection mechanisms, states' and civil societies' capacity to take concrete actions will be doomed to be limited.

We should also advocate for the reinstatement of Resolution 3379 equating Zionism with racism, which, as you know, was revoked later on. This is a cornerstone for redefining global anti-racism norms. We should work toward legislation across multiple jurisdictions based on this definition and identify open support for Zionism as a form of hate-based discrimination. Legal diplomacy is not symbolic lobbying. It is counter-hegemonic coordination, transforming international law from a theater of impunity into a field of resistance.

To conclude, friends, the task before us is immense – and clarity is power. The destruction of Gaza's legal community, criminalization of international advocacy, and the global campaign to erase Palestinian agency all testify to one truth: justice itself is under siege. When lawyers are killed for defending victims, when judges are sanctioned for issuing warrants, when law is punished for seeking justice, then the very promise of law stands in ruins.

But ruins are also foundations. From them, we can build a legal order grounded in solidarity, in decolonial politics and ethics, and in the inviolable dignity of every people. Global legal solidarity with Palestine is not an act of charity; it is a defense of law and justice itself – of its possibility, its purpose, and its future.

Our duty is clear: to hold the criminals to account; to protect the defenders; to coordinate across borders; to train, mobilize, and unite – and to do all this not as fragments, but as a coordinated movement, as if a global legal organism acting for the liberation of Palestine and the Global South. For when Palestine is liberated, law – especially international law – will finally begin to mean justice.