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Introduction Mission, Mandate, Nature of the Tribunal

The Gaza Tribunal was created in response to an extraordinary crisis of human protection and institutional failure. From the earliest stages of the assault on Gaza, it became clear that the international system was unable to halt the large-scale destruction of a trapped civilian population. Although the legal prohibitions governing the conduct of hostilities are well established, the institutions charged with upholding these norms have struggled to act with the urgency required to prevent further loss of life. As the devastation expanded, so did the recognition that civil society must assume a more active role in documenting events, evaluating the record, and articulating findings grounded in international law and moral responsibility.

The Tribunal arose from this recognition. It is a global civic initiative inspired by earlier people's tribunals, including the Russell Tribunal, which demonstrated that independent bodies can help preserve legal and historical truth when states and formal institutions are constrained by political considerations. The Gaza Tribunal does not claim legal authority in the formal sense. Its strength lies instead in its independence, its principled commitment to international law, and its ability to speak with clarity at a time when official actors often cannot or will not do so. The Tribunal was created to fill the widening gap between the existence of clear legal norms and the absence of effective enforcement.

The mission of the Tribunal is threefold. *First*, to gather, preserve, and assess evidence concerning events in Gaza, drawing on the testimony of survivors, the analyses of experts, and the extensive documentation produced by independent research teams and humanitarian workers. *Second*, to evaluate this material through the legal framework established by the Genocide Convention, the Geneva Conventions, customary international law, and the fundamental principles that underlie the protection of civilian life. *Third*, to issue a public and reasoned statement of findings that can contribute to global understanding, support ongoing legal processes, and serve as an authoritative record for future efforts at accountability.

The Tribunal's mandate is shaped by its nature as a people's tribunal. Its work is not judicial in the technical sense. It does not issue binding orders and cannot compel compliance. Instead, it exercises a form of moral and analytical authority rooted in the collective conscience of global civil society. This approach reflects a belief that international law does not belong solely to states or institutions. It is also shaped by the broader human community that insists on the dignity, equality, and protection of all persons. A people's tribunal therefore functions as a guardian of legal principle in moments when institutional guardianship is impaired.

The Tribunal's hearings in Sarajevo and Istanbul illustrate the value of this approach. In Sarajevo, the Tribunal situated the events in Gaza within the longer history of structural violence, dispossession, and

impunity that has marked the Palestinian experience. In Istanbul, it examined extensive testimony and expert evidence, including the detailed classifications of genocide-related acts prepared by the Witness Eye initiative. These proceedings allowed the Tribunal to assemble a comprehensive record while the events were unfolding, ensuring that the factual foundation for its findings would remain unaltered by later political reinterpretation.

This volume presents the outcome of that process. It explains the mission and methods of the Tribunal. It outlines the legal standards that guided its assessment. It sets out the factual and analytical basis for concluding that Israel has committed and continues to commit acts that constitute genocide, accompanied by patterns of complicity from other states and institutions. It reflects the central purpose of the Tribunal, which is to affirm that even when formal mechanisms fail, the principles of international law and the demands of human conscience remain binding and must be voiced with clarity.

The Gaza Tribunal stands as a reminder that the legitimacy of international law ultimately depends on the willingness of people and institutions to insist on its application in moments of greatest strain. Its findings are offered in that spirit: as a contribution to truth, a resource for ongoing legal efforts, and a reaffirmation of the enduring belief that justice must not be suspended when it is most needed.

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Executive Summary
of Findings

The Gaza Tribunal (Sarajevo–Istanbul, 2024–2025) was convened to investigate and evaluate allegations of genocide and related international crimes committed by the State of Israel against the Palestinian people in the Gaza Strip. Drawing upon more than one hundred survivor testimonies, expert analyses, forensic records, satellite imagery, digital investigations, and legal classifications, the Tribunal reached a unanimous determination: **Israel is committing genocide** as defined under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

A. Mandate and Methodology

The Gaza Tribunal functioned as an *independent civil-society body* grounded in the long tradition of people’s tribunals that have emerged in moments of profound legal and moral rupture. Like the Russell Tribunal on Vietnam, the Tokyo Women’s Tribunal, and the Permanent Peoples’ Tribunal, it was convened not because justice was unavailable in principle, but because existing institutions had failed to act with the urgency, scope, and independence required by the gravity of the crimes at issue. The Tribunal was established in response to a widening gap between the scale of documented atrocities in Gaza and the paralysis of formal international enforcement mechanisms.

The Tribunal’s mandate was deliberately framed as *complementary* rather than competitive with judicial institutions. It did not seek to replace courts, prosecutors, or UN-mandated bodies, nor did it claim the authority to issue binding legal judgements. Instead, it sought to address the evidentiary, moral, and analytical vacuum created by geopolitical obstruction, institutional delay, and selective enforcement of international law. In doing so, the Tribunal aimed to *preserve evidence, articulate patterns of responsibility, and contribute to the broader ecosystem of accountability* upon which formal legal processes ultimately depend.

Methodologically, the Tribunal adopted a rigorous, multi-layered fact-finding approach consistent with standards used by international commissions of inquiry and UN special procedures. Central to this approach was the reception of sworn live testimony from survivors, witnesses, and affected communities, many of whom had been excluded from formal forums or whose voices had been systematically marginalized. These testimonies were treated not as anecdotal supplements but as primary sources of factual and experiential knowledge, situated within broader legal and historical analysis.

Testimonial evidence was systematically cross-referenced with documentary materials, including medical records, satellite imagery, forensic assessments, digital open-source investigations, humanitarian reporting, and contemporaneous media documentation. This evidentiary base was further strengthened through expert contextualization provided by genocide scholars, international lawyers, historians,

medical professionals, journalists, and humanitarian practitioners. Their role was not only to interpret specific incidents, but to situate them within longer trajectories of settler colonialism, apartheid governance, and structural violence.

In evaluating this body of material, the Tribunal applied standards of proof aligned with international fact-finding missions, particularly the threshold of “reasonable grounds to believe.” This standard reflects the Tribunal’s function as an investigative and analytical body rather than a criminal court, while still maintaining a disciplined and legally meaningful approach to evidence assessment. Where possible, patterns of conduct, consistency across sources, corroboration between testimonial and material evidence, and the cumulative weight of documentation were emphasized over isolated incidents.

Through this mandate and methodology, the Gaza Tribunal positioned itself as a conduit between lived experience and legal accountability. It sought to ensure that the voices of those subjected to mass violence were not lost to time, silence, or political convenience, and that their testimonies could inform both present moral judgement and future legal action. In this sense, the Tribunal’s work was as much about safeguarding truth as it was about laying the groundwork for justice yet to come.

B. Core Findings

Across its sessions, the Tribunal identified a systematic pattern of conduct directed at the destruction of Palestinians in Gaza as a protected group. The findings cohere under five interrelated categories:

1. Direct and Indirect Genocidal Acts

The Tribunal evaluated each act listed under **Article II of the Convention on the Prevention and Punishment of the Crime of Genocide** and found evidence supporting at least four categories of prohibited conduct.¹ These acts were not isolated incidents but formed part of a sustained and cumulative pattern directed against the Palestinian population in Gaza.

Killing members of the group: The evidence demonstrates extensive and indiscriminate killing of Palestinian civilians through mass casualty bombing campaigns and targeted attacks on protected persons, including community leaders, journalists, health workers, and academics.²

Causing serious bodily or mental harm: The Tribunal documented

widespread mutilation, torture, sexual violence, and psychological terror, accompanied by mass orphaning and severe trauma induced by starvation, displacement, and constant bombardment.³

Deliberately inflicting conditions of life calculated to bring about physical destruction: The imposition of a total siege—characterized by the deliberate deprivation of electricity, water, fuel, food, and medical supplies—combined with the systematic destruction of hospitals, agricultural land, water systems, and civilian shelter, constituted conditions of life incompatible with human survival.⁴

Imposing measures intended to prevent births within the group: The Tribunal heard extensive evidence of attacks on maternity wards, destruction of reproductive health services, obstruction of evacuation for pregnant women, and resulting patterns of miscarriage and maternal death caused by starvation, stress, and the absence of medical care.⁵

2. Intent to Destroy the Group (*Dolus Specialis*)

Under international law, genocide is distinguished from other international crimes by the requirement of *dolus specialis*—the specific intent to destroy, in whole or in part, a protected group as such. This heightened mental element has been consistently affirmed by international jurisprudence, including the International Court of Justice in *Bosnia and Herzegovina v. Serbia and Montenegro*, which held that genocidal intent may be inferred from “a pattern of conduct” where direct evidence is unavailable, provided that the inference is the only reasonable one to be drawn from the facts.⁶ The Genocide Convention itself does not require proof of intent through formal declarations; rather, intent may be established through the cumulative assessment of official statements, policies, and their systematic implementation.⁷

Applying this legal standard, the Tribunal examined extensive evidence relating to the mental element of genocide. It documented more than one hundred public statements by Israeli political leaders, senior military officials, and cabinet members that explicitly or implicitly advocate

1 Convention on the Prevention and Punishment of the Crime of Genocide, adopted 9 December 1948, entered into force 12 January 1951, 78 UNTS 277, art II.

2 Genocide Convention, art II(a); Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, adopted 12 August 1949, 75 UNTS 287, arts 27, 32, 147; Protocol I Additional to the Geneva Conventions, arts 48, 51(2).

3 Genocide Convention, art II(b); Geneva Convention (IV), arts 27, 31, 32; Rome Statute of the International Criminal Court, adopted 17 July 1998, 2187 UNTS 90, art 7(1)(k).

4 Genocide Convention, art II(c); Geneva Convention (IV), arts 33 (collective punishment), 55 (food and medical supplies), 56 (medical services); Protocol I, arts 54(1)–(2) (prohibition of starvation of civilians as a method of warfare).

5 Genocide Convention, art II(d); Geneva Convention (IV), arts 16, 17, 38, 50; Protocol I, arts 76 (protection of women), 77 (protection of children).

6 *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v Serbia and Montenegro) (Judgement) [2007] ICJ art.187.

7 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia) (adopted 9 December 1948, entered into force 12 January 1951) 78 UNTS 277, art II; see also *Croatia v Serbia* (Judgement) [2015] ICJ Rep 3, para 132.

the destruction, expulsion, dehumanisation, or permanent incapacitation of Palestinians in Gaza. These statements were not isolated, rhetorical excesses, but formed part of a sustained discourse accompanying and legitimising military operations.

Among the most frequently cited examples is the statement by Israel's Minister of Defence describing Palestinians in Gaza as "human animals", issued in the context of announcing a comprehensive siege depriving the population of food, water, electricity, and fuel.⁸ The Tribunal further considered the public assertion by Israel's President that "there are no innocent civilians in Gaza", a formulation that collapses the legal distinction between combatants and civilians and renders the entire protected group a legitimate target.⁹

The evidentiary record also includes repeated calls by senior political figures for the erasure or destruction of Gaza as a territorial and social entity. Such statements, documented by international human rights organisations and United Nations mechanisms, include explicit endorsements of exterminatory violence and forced removal.¹⁰ Particularly grave were public remarks by Israel's Heritage Minister suggesting that the use of nuclear weapons against Gaza should be "considered", a statement that was neither promptly repudiated in substance nor accompanied by disciplinary consequences commensurate with its severity.¹¹

When assessed in isolation, any single statement might be characterised as hyperbolic or rhetorical. However, international law does not require that genocidal intent be proven through a single utterance. As the International Court of Justice has affirmed, genocidal intent (*dolus specialis*) need not be established by direct evidence alone, but may be inferred from a consistent pattern of conduct, including the systematic character of the acts committed, their scale and repetition,

and the existence of a coordinated policy or plan.¹² In the present case, these statements were made contemporaneously with, and in justification of, military operations that resulted in mass civilian death, the destruction of essential life-sustaining infrastructure, and the imposition of conditions of life calculated to bring about the physical destruction of the group.

Taken together with the operational conduct documented elsewhere in these Findings, including starvation as a method of warfare, systematic attacks on hospitals and shelters, and the obstruction of humanitarian relief, the Tribunal concluded that the evidentiary threshold for *dolus specialis* is met. The only reasonable inference from the convergence of official rhetoric and material acts is the existence of intent to destroy Palestinians in Gaza, at least in part, as a protected national group within the meaning of Article II of the Genocide Convention.¹³

3. Starvation as a Method of Warfare

Evidence presented by starvation experts, humanitarian organizations, and on-the-ground witnesses demonstrated that the deprivation of food in Gaza was not a collateral consequence of hostilities but a *premeditated and systematic policy*. Testimonies detailed the deliberate obstruction of humanitarian aid convoys, alongside the repeated bombing of bakeries, water desalination plants, agricultural areas, and local markets. Witnesses further described patterns of lethal violence directed at civilians gathered at or near aid distribution points, transforming access to food into a site of mortal risk. Taken together, this body of evidence led the Tribunal to conclude that starvation functioned as a central pillar of the military strategy, deliberately employed to weaken, punish, and destroy the civilian population by inflicting conditions of life calculated to bring about physical destruction.

4. Scholasticide, Domicide, and Cultural Erasure

Testimonies from students, professors, school administrators, cultural workers, and digital archivists revealed the systematic destruction of Gaza's educational, domestic, and cultural life. Evidence showed that all universities in Gaza were either destroyed or rendered inoperable, while the vast majority of schools were damaged or demolished. Libraries, archives, cultural centres, and sites of collective memory were deliberately targeted, erasing repositories of knowledge and history. More than a thousand educators and academics were killed, while the destruction of family homes reached a scale not witnessed since the Bosnian war. The Tribunal found that these acts were not

8 International Commission of Jurists, *Israel/Palestine: Statements by Israeli Officials and the Genocide Convention* (ICJ, 2023) <https://www.icj.org/resource-region/middle-east-and-north-africa/palestine/>

9 Law for Palestine, *Database of Israeli Incitement to Genocide: Decision-Makers* (January 2024) <https://law4palestine.org/wp-content/uploads/2024/01/Database-of-Israeli-Incitement-to-Genocide-DECISION-MAKERS.pdf>

10 Middle East Eye, 'Israelis no longer blush at calls for Palestinian extermination' (2023) <https://www.middleeasteye.net/news/israelis-no-longer-blush-calls-palestinian-extermination-0>; UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel* UN Doc A/HRC/56/CRP.4 (2024).

11 The Guardian, 'Netanyahu reprimands Israeli minister over Gaza nuclear option comment' (5 November 2023) <https://www.theguardian.com/world/2023/nov/05/netanyahu-reprimands-israeli-minister-over-gaza-nuclear-option-comment>; Anadolu Agency, 'Israeli minister says dropping nuclear bomb on Gaza is an option' (2023) <https://www.aa.com.tr/en/middle-east/israeli-minister-says-dropping-nuclear-bomb-on-gaza-is-option-/3044272>.

12 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*Bosnia and Herzegovina v Serbia and Montenegro*) (Judgement) [2007] ICJ Rep 43, paras 370–373.

13 Genocide Convention (n 2) art II; *The Gambia v Myanmar* (Provisional Measures) [2020] ICJ Rep 3, para 43.

incidental to military objectives but constituted a coordinated assault on the social, intellectual, and cultural foundations of Palestinian life in Gaza. As such, they amount to forms of *scholasticide*, *domicide*, and *cultural genocide*, integral to the broader genocidal project.

5. A Civilizational Crime with Global Complicity

The Tribunal emphasized that the genocide in Gaza cannot be understood as the action of a single state operating in isolation. Rather, it is sustained through a dense web of global complicity that includes international military supply chains, diplomatic shielding enabled by the repeated use of veto power, and media infrastructures that distort or suppress evidence of atrocity. Testimonies also highlighted the criminalization of solidarity movements and the repression of civil society actors seeking accountability, alongside economic partnerships that convert devastation into profit. In this context, complicity is not peripheral or accidental; it is *structural*. The Tribunal therefore characterized the genocide in Gaza as a civilizational crime—one embedded within, and enabled by, the prevailing global political, economic, and informational order.

C. Holistic Analysis of Genocidal Intent

The report includes a dedicated chapter demonstrating how multiple evidence streams—including starvation and siege patterns, repeated official statements, the systematic destruction of life-sustaining systems, attacks on humanitarian relief and medical capacity, sexual and reproductive harms, and cultural erasure—operate together as an integrated *pattern of conduct* that supports an inference of a unified genocidal policy. This holistic approach is consistent with the methodology adopted in international jurisprudence, which recognises that genocidal intent is rarely proved by a single “smoking gun” and may instead be inferred from the cumulative effect of coordinated practices and official discourse, including in the ICJ’s reasoning on inference of intent in *Bosnia v Serbia* and in ICTR jurisprudence.¹⁴

D. Translating the Tribunal’s Findings into International Legal Action

A central contribution of this report lies in its deliberate effort to bridge the divide between civil-society fact-finding and formal international legal processes. The Gaza Tribunal was designed not merely as a forum for truth-telling, but as an evidentiary platform capable of feeding directly into existing judicial and quasi-judicial mechanisms. To this

end, the Tribunal has developed a comprehensive framework for the operationalisation of its findings within international law.

This framework includes a structured formal communications package intended for submission to the International Court of Justice, the International Criminal Court, the Office of the High Commissioner for Human Rights, UN Commissions of Inquiry, and circulation within the United Nations General Assembly through a sponsoring Member State. Accompanying this package are model cover letters drafted in line with diplomatic and prosecutorial practice, as well as citation guidance designed to assist states and legal practitioners in incorporating Tribunal findings into pleadings, referrals, and evidentiary annexes. The report further provides cross-referencing tools that align testimonial, documentary, and digital evidence gathered by the Tribunal with relevant provisions of the Rome Statute, the Genocide Convention, and the Geneva Conventions.

Taken together, these instruments render the Gaza Tribunal one of the first people’s tribunals intentionally structured for contemporaneous engagement with formal international legal systems, rather than retrospective moral assessment alone.

Translating the Tribunal’s Findings into Domestic and National Legal Action

The findings of the Gaza Tribunal are structured not only for use before international judicial bodies such as the International Court of Justice, the International Criminal Court, and United Nations mechanisms, but also for deployment within domestic and national legal systems. Where international criminal justice is constrained by political paralysis, veto power, or jurisdictional limitations, national courts and domestic prosecutors play a critical complementary role in addressing serious international crimes.

In this context, the testimonies, expert reports, and legal classifications compiled by the Gaza Tribunal provide a robust evidentiary foundation for initiating criminal investigations in states that recognise universal jurisdiction or that incorporate international crimes into their domestic legal frameworks. In particular, national proceedings may be pursued in relation to:

Nationals who have served or continue to serve in the Israeli armed forces, Dual nationals implicated in the commission of international crimes, Corporations involved in the trade of weapons, ammunition, military technology, or surveillance systems, Legal entities engaged in commercial activities directly linked to domicile (systematic destruction of housing) and scholasticide (destruction of educational infrastructure), Financial institutions and intermediary actors that have profited from the genocidal campaign.

¹⁴ See discussion of the ICJ’s approach to inferring genocidal intent in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v Serbia and Montenegro)* (Judgement) [2007] ICJ Rep 43.

The Tribunal's evidentiary record offers concrete, prosecutable examples concerning the destruction of civilian housing, targeting of educational institutions, devastation of infrastructure, arms and technology supply chains, and direct participation through military service. Accordingly, the report recommends the development of model prosecutorial briefs for domestic courts, evidence-mapping tools aligned with specific crime categories, and template legal arguments to support national investigations and indictments.

This approach underscores that international law is not enforced exclusively through international courts, but can also be activated through domestic legal processes. In doing so, it provides states, prosecutors, and civil society actors with a practical pathway to challenge impunity and advance accountability where international mechanisms remain blocked.

E. Recommendations

On the basis of its findings, the Tribunal issues a series of recommendations directed at different actors within the international system. *States* are urged to initiate or join proceedings before the International Court of Justice where jurisdiction permits, to submit referrals or communications to the Office of the Prosecutor of the International Criminal Court under Articles 14 and 15 of the Rome Statute, and to implement immediate arms embargoes and targeted sanctions in fulfilment of their obligations under international humanitarian and genocide law. The Tribunal further calls upon states to recognise Palestinian statehood as a necessary component of restoring the right to self-determination.

United Nations bodies are urged to accelerate investigative and accountability processes, to make full use of the General Assembly's emergency powers where Security Council paralysis persists, and to take concrete steps to protect Palestinian civil society organisations, journalists, and human rights defenders who face systematic repression and violence.

Civil society actors are encouraged to continue pursuing universal jurisdiction cases at the national level, to safeguard and professionalise digital evidence repositories, and to expand coordinated global campaigns aimed at ending institutional, corporate, and academic complicity in serious international crimes.

Future People's Tribunals

In its final reflections, the report advances a methodological and strategic roadmap for future people's tribunals operating in contexts of ongoing mass violence. Particular emphasis is placed on the early preservation of evidence during active conflict, the alignment of civil-society documentation with multiple legal jurisdictions, the development of secure and multilingual digital archives, and the centring of survivor testimony within ethical, trauma-informed frameworks.

These lessons are offered not as abstract principles, but as practical guidance for strengthening the role of people's tribunals as complementary mechanisms of accountability within an increasingly fractured international legal order.

3

Methodology &
Structure of the Tribunal

The Gaza Tribunal was established as a civil society body committed to documenting, evaluating, and publicly presenting evidence concerning the conduct of Israel and other actors in relation to the ongoing destruction in Gaza. Its structure and methodology were designed to ensure independence, transparency, and analytical rigor, even though it does not exercise formal judicial authority. The Tribunal drew inspiration from earlier people's tribunals while adapting its procedures to the nature of the crisis and the urgent need for contemporaneous assessment.

Its approach reflects a central premise. When institutional constraints prevent effective enforcement of international law, civil society may play a complementary role by assembling a public record, applying legal standards, and formulating reasoned findings that can assist future processes of accountability. The Tribunal's methodology therefore integrates legal reasoning, historical context, and the lived experience of those most directly affected.

3.1 Composition (Steering Committee, Jury of Conscience, Chambers)

Steering Committee

The Steering Committee served as the coordinating body of the Gaza Tribunal. It provided organizational continuity from the initiation of the project through the conclusion of its proceedings. The Committee supervised the scheduling of hearings, the preparation of background materials, the collection of submissions, and the dissemination of findings. It ensured the integrity of the process and maintained the independence of the Tribunal from governmental or institutional influence. Members of the Steering Committee came from diverse academic, legal, and civil society backgrounds, united by a commitment to the protection of human rights and to the principles of international law.

Jury of Conscience

At the core of the Tribunal's decision-making structure stood the Jury of Conscience, composed of scholars, jurists, practitioners, and public figures known for their independence and moral authority. The Jury heard testimony at the Istanbul Final Session and reviewed materials from Sarajevo, Witness Eye, and written submissions. It deliberated collectively and issued the Tribunal's Statement on 26 October. The Jury's role was not to replicate the formal procedures of a court but to reach a sober, evidence-based determination guided by the standards of the Genocide Convention, the Geneva Conventions, and customary international law.

The Jury acted as the principal body responsible for synthesizing the evidence, assessing patterns of conduct, and forming conclusions about the nature and scale of the violations documented in Gaza.

Chambers and Advisory Structure

The Tribunal organized its analytical work through a system of chambers—each focusing on a distinct dimension of the crisis. Although not judicial chambers in the formal sense, they provided a structured way to examine evidence from different disciplinary and legal perspectives. In Sarajevo, chamber presentations addressed international law, geopolitical dynamics, historical foundations, and the philosophical principles underpinning accountability.

The chambers helped frame the Tribunal's approach by identifying the relevant legal standards, situating events in their broader historical and political context, and supporting the Jury's assessment of genocidal intent and patterns of conduct.

The Tribunal also benefited from contributions by an Advisory Council composed of individuals with expertise in international law, human rights, public policy, and historical analysis. Their involvement ensured that the Tribunal's reasoning remained consistent with established legal doctrine while remaining attentive to the facts presented.

3.2 Sources of evidence

The Gaza Tribunal relied on a broad, multi-layered evidentiary foundation designed to capture both the immediacy and the historical depth of the violence in Gaza. The evidence spans oral testimony, written submissions, expert reports, documentary materials, and legal classifications prepared by independent investigators. The purpose of this approach was to build a coherent and reliable factual record, recognizing that the destruction being examined was ongoing and that traditional evidentiary mechanisms available to courts were either unavailable or gravely impaired.

The Tribunal therefore adopted a methodology that gives weight to corroboration across sources, consistency of patterns, and adherence to established international legal standards. Each category of evidence contributed distinct forms of knowledge about the causes, scale, modalities, and consequences of the genocide in Gaza.

3.2.1 Testimony and Documentation from the Sarajevo Hearings

The Sarajevo Hearings (see Appendices), held from 26 to 29 May 2025, constituted the Tribunal's foundational evidentiary stage. Although the session was not structured to establish factual findings in the manner of a conventional judicial inquiry, its methodological value was significant. It clarified the historical, conceptual, and legal framework within which subsequent testimonial evidence would be assessed. The Tribunal regards the Sarajevo record as indispensable because it provided the analytical scaffolding necessary to interpret later events in Gaza not as isolated violations but as manifestations of a sustained policy architecture.

A. The Nature of the Sarajevo Record as Evidence

The Sarajevo session comprised four principal categories of material:

- (1) expert analyses on genocide, apartheid, occupation, and international enforcement failures;
- (2) written witness statements from Palestinian victims and human rights organizations (Al-Haq, Badil, Addameer);
- (3) oral contextual testimony from survivors and researchers presented during Chamber I proceedings; and
- (4) the Sarajevo Declaration, which synthesized the structural analysis of the situation in Gaza.

Although the Sarajevo session did not produce findings on individual incidents, it yielded substantial documentary and oral evidence about patterns of state conduct, the historical continuum of persecution, and the structural conditions that enable mass atrocity crimes. This material is treated as contextual and interpretive evidence, which in international legal methodology is essential for evaluating intent, patterns of conduct, and the relationship between acts and overarching policy.

During the Sarajevo hearings, the Tribunal operated through *three interrelated chambers*, each addressing a distinct but complementary dimension of the situation in Gaza. Together, these chambers provided an integrated analytical framework that informed the Tribunal's later evidentiary and legal assessments.

Chamber 1 examined the allegation of genocide and assessed the available documentation supporting that charge. It brought together testimonial, documentary, and expert evidence to evaluate whether the threshold elements of genocide under international law were met. While recognising that a definitive judicial determination rests with the International Court of Justice and may take years to conclude, the chamber sought to articulate, in substantive terms, the evidentiary case that such a judgement would be expected to address. In doing so, it did not attempt to replicate judicial procedures, but rather to clarify the factual and legal foundations of the genocide allegation as they stood at the time of the hearings.

Chamber 2 analysed the structural limits of international law enforcement, focusing on the ways in which accountability mechanisms are shaped by geopolitical power and political realism. It examined how the post-Second World War international legal order, designed by the victors of that conflict, embedded asymmetries in enforcement that privilege powerful states and their allies. From this perspective, the chamber concluded that the international system's failure to protect Palestinians was not an aberration or malfunction, but a foreseeable outcome of an order intentionally constructed with weak enforcement capacities and selective application of international criminal law.

Chamber 3 situated the events in Gaza within a broader historical, ethical, and philosophical context. It examined the long trajectory of

dispossession and violence experienced by the Palestinian people prior to October 2023, including foundational moments such as the Balfour Declaration and the establishment of settler-colonial structures. This chamber explored the wider ethical implications of genocide beyond legal classification, and reflected on the role of people's tribunals as sites for moral reasoning, historical reckoning, and the articulation of responsibilities that extend beyond formal legal adjudication.

B. Methodological Contribution of Expert Testimonies

Experts such as **Penny Green, Susan Akram, Michael Lynk, Nimer Sultany, and Victor Kattan** provided legally grounded analyses that identified three recurring elements relevant to the Tribunal's later findings:

- **The long historical continuum of persecution and dispossession:** Experts emphasized that the Gaza assaults cannot be disentangled from the century-long pattern of settler colonial domination, the structural violence of occupation, and the systematic displacement of Palestinians since the Nakba. Sultany's analysis, for example, demonstrated how the erasure of context distorts legal assessment, noting that genocide cannot be understood solely through post-October 2023 events, but rather through the entrenched logic of domination that preceded them.
- **The legal implications of apartheid, siege, and prolonged occupation:** Testimony provided a detailed account of how the apartheid framework, deprivation of self-determination, and systematic racial segregation were already recognized by UN bodies prior to the events of 2023-2025. Experts explained that these systems create population vulnerability and enable conditions in which mass killing and aggravated forms of collective punishment become operationally feasible.
- **The relationship between structural domination and genocidal intent:** Experts showed how intent can be inferred from long-term policies, doctrinal statements, and practices of dispossession. Kattan's discussion of apartheid law provided crucial insights into the convergence between apartheid crimes and genocidal acts, underscoring that systems of domination lay the groundwork for acts that later escalate into genocidal destruction.

These expert contributions were methodologically important because they provided conceptual tools to interpret later factual evidence presented in Istanbul and the Witness Eye legal classifications. They established the analytical bridge between structural context and individual violations.

C. Written Testimonies Submitted Prior to the Sarajevo Session

Palestinian human rights organizations submitted written testimonies documenting displacement, bombardment, starvation, torture,

and denial of humanitarian access. These were presented during Chamber I readings by Professors Susan Akram and Michael Lynk. The Tribunal considers these written statements significant because:

- they were recorded during the period of active hostilities,
- they corroborate the patterns later observed in the Istanbul hearings, and
- they provide early, contemporaneous documentation of the types of crimes later classified in detail by Witness Eye investigators.

Methodologically, these testimonies serve a dual purpose: they supply early factual indicators of mass atrocity patterns, and they demonstrate continuity of violation across time and geography. Their alignment with later oral testimonies strengthens their probative value.

D. Oral Contextual Testimony Delivered in Sarajevo

The Sarajevo proceedings included statements from Bosnian survivors, activists, and academics who drew connections between the experience of Gaza and Bosnia's own history of genocide. These testimonies were not treated as direct factual evidence concerning events in Gaza. Instead, they were understood as interpretive and comparative contributions, offering insight into the recurring mechanisms of denial, international paralysis, and the long-term psychosocial consequences of mass atrocity crimes.

From a methodological perspective, the Tribunal relied on these accounts to illuminate recurring patterns of forced displacement, starvation, and systematic destruction observed across different historical contexts. They also helped to contextualise the persistent global enforcement gap that enables genocidal campaigns to unfold despite early warnings and extensive documentation. In addition, the testimonies contributed to a deeper understanding of the role and limitations of international institutions, particularly their tendency to respond belatedly or ineffectively when confronted with crimes implicating powerful state actors.

This comparative dimension aligns with approaches employed in other people's tribunals and truth-seeking processes, where historical and sociopolitical analogies are used to identify structural markers of atrocity. Rather than collapsing distinct cases into a single narrative, such comparisons function to reveal common patterns of impunity, institutional failure, and survivor experience that transcend individual conflicts and inform broader assessments of genocide and crimes against humanity.

E. The Sarajevo Declaration as an Evidentiary Document

The Tribunal treats the Sarajevo Declaration not merely as a political statement but as a structured, collective assessment by experts and witnesses. It articulates the foundational findings upon which the Jury later built its decision. The Declaration identified:

- the genocidal character of Israel’s campaign,
- the continuum of violence that stretches from the Nakba to the present,
- the disabling role of international power hierarchies,
- the necessity of a civil society tribunal given the impotence of formal enforcement bodies.

The Jury later affirmed that its final decision “builds upon the testimonies, oral and written, the expert evidence and the research and analytical papers carried out... and reiterate and endorse the Sarajevo Declaration.”

Thus, the Declaration forms part of the methodological foundation upon which the Tribunal evaluated subsequent evidence.

F. How Sarajevo Guided the Tribunal’s Later Evidence Assessment

Sarajevo provided three essential analytical functions:

First, it created the evidentiary lens: Gaza events were assessed not as isolated wartime incidents but as part of a long-standing system of domination, enabling the Tribunal to evaluate genocidal intent based on patterns rather than individual statements alone.

Second, it established the structural criteria for identifying systematic crimes: The expert testimony clarified the legal markers of apartheid, siege starvation, forcible transfer, and policies of collective punishment, all of which were later corroborated through Istanbul witness accounts and Witness Eye classifications.

Third, it offered an interpretive framework for the Tribunal’s decision: The Sarajevo materials enabled the Tribunal to understand the genocide not solely through death tolls or destruction, but through the broader political, historical, and ideological structures that shape state behaviour and international responses.

Conclusion: Methodological Status of the Sarajevo Record

The Sarajevo Hearings constitute a core part of the Tribunal’s evidentiary methodology. Their value lies in establishing the structural, historical, and analytical framework through which later, more specific evidence was evaluated. Sarajevo serves as the Tribunal’s intellectual anchor, enabling a rigorous legal interpretation of the Istanbul testimonies, Witness Eye documentation, and emergency statements that followed.

3.2.2 Istanbul Final Session – Live Testimony and Direct Evidence

The Istanbul Final Session of the Gaza Tribunal, convened from 23 to 26 October 2025, represented the Tribunal’s principal evidentiary and deliberative stage. While the Sarajevo Hearings provided the historical and analytical framework necessary for understanding the structural conditions of genocide, the Istanbul session supplied the Tribunal with

the direct, contemporary, and incident-specific testimony required for making factual and legal determinations. It was here that the Jury of Conscience received the majority of first-hand accounts, expert forensic analyses, and legal classifications that ultimately formed the evidentiary basis for the Tribunal’s findings.

Methodologically, the Istanbul session functioned as the Tribunal’s *fact-finding phase*, comparable in structure to the testimonial hearings of the Russell Tribunal or the civil society inquiries into Pinochet-era Chile. The session’s design combined procedural rigor with the flexibility required when investigating crimes occurring in real time.

The Tribunal’s structure allowed for:

- public testimony under transparent conditions,
- cross-disciplinary expert assessment,
- a dedicated Jury charged with evaluating evidence and formulating conclusions, and
- integration of written materials (Witness Eye) as corroborative evidence.

This section explains how the Istanbul hearings contributed to the Tribunal’s methodological approach and its ultimate legal findings.

A. Procedural Structure and Evidentiary Purpose of the Istanbul Session

The Istanbul session was built around a three-day program that brought together survivors, medical personnel, journalists, academics, and international law specialists. According to the Tribunal’s official program, the session combined:

- incidental testimony from survivors and displaced persons,
- thematic panels on genocide-related crimes (starvation, domicile, ecocide, reprocide),
- specialized expert reports on destruction of health, education, infrastructure, environment, agriculture, media, and cultural heritage,
- presentations by legal scholars situating the acts in international criminal law,
- and a final deliberation process undertaken by the Jury of Conscience.

The Istanbul session was not simply a venue for testimony; it was the methodological heart of the Tribunal’s fact-finding process. It offered the Jury a structured environment in which to assess credibility, corroboration, consistency, and legal classification of the evidence submitted.

The session served *three essential methodological functions*:

1. **It produced first-hand testimonial evidence** directly describing crimes committed in Gaza, with survivors providing detailed accounts of bombings, starvation, deprivation of medical care, torture, disappearance, destruction of homes, and deaths of family members.
2. **It provided thematic expert analyses** that translated experiences into legal categories, allowing the Tribunal to assess whether the

incidents met the threshold for genocide, crimes against humanity, and war crimes.

3. **It enabled evidentiary triangulation** by integrating testimony with documentary material from Witness Eye, humanitarian agencies, and UN bodies.

B. Organization of Testimony: Thematic and Legal Coherence

Unlike Sarajevo, which was framed around historical and structural analysis, the Istanbul session was organized around crime categories. This design reflected an explicit methodological choice: to assess evidence according to internationally recognized legal elements.

The Tribunal structured its days as follows:

Day 1: Acts constituting genocide under Article 6 of the Genocide Convention

Key thematic categories included:

- killing of family units,
- summary executions and massacres,
- starvation and siege conditions,
- deliberate infliction of conditions of life aimed at physical destruction,
- targeting of hospitals and ambulances,
- extermination of medical personnel,
- annihilation of shelters,
- forced displacement to unsafe zones.

The testimonies of survivors, such as those documented later in the Witness Eye Legal Series, described incidents that clearly align with Article 6(a) and 6(c) of the Genocide Convention. These testimonies were delivered orally in Istanbul and mirrored the patterns recorded in written reports:

- multigenerational family annihilation,
- civilians killed inside designated “safe zones,”
- continuous bombardment without warning,
- denial of humanitarian rescue and medical care,
- families left under rubble for days or weeks,
- attack patterns consistent with exterminatory intent.

Day 2: Crimes affecting civilian infrastructure and systems of life

Expert panels provided forensic and sectoral analyses of the destruction of:

- health systems (hospitals, maternity wards, ICUs),
- education systems (schools, universities, libraries),
- water systems, agriculture, and environment,
- cultural and religious heritage sites,
- telecommunications and media.

These expert discussions served as **methodological anchors** for classifying mass destruction not as collateral damage but as attacks on civilian life systems. This systemic lens was vital for evaluating *conditions of life* as a genocidal act.

Day 3: Complicity and international responsibility

Panels addressed:

- state complicity,
- arms transfers,
- corporate and technological collaboration,
- media suppression and digital censorship,
- university complicity and academic repression.

This day broadened the evidentiary base beyond direct perpetrators to include enabling actors. Methodologically, this allowed the Tribunal to evaluate elements of *complicity* under Article III of the Genocide Convention and to examine third state responsibilities under the International Law Commission’s Articles on State Responsibility.

C. Nature and Quality of Evidence Presented in Istanbul

The Istanbul hearings provided an evidentiary corpus of exceptional depth and breadth. It included:

1. Survivor Testimony

The Istanbul hearings generated an evidentiary corpus of exceptional depth, density, and diversity. Central to this record were survivor testimonies that conveyed, in precise and often harrowing detail, the lived realities of violence in Gaza. Survivors recounted the deaths of family members buried beneath rubble, the targeted killing of children, amputations performed in the absence of adequate medical care, and the cumulative trauma produced by sustained bombardment and repeated displacement. Many described deaths caused by starvation and famine-like conditions, the collapse of hospital systems marked by the absence of anaesthesia and essential supplies, and forced movements into areas that were subsequently bombed. Several testimonies referred to so-called “double-tap” strikes, in which initial attacks were followed by secondary strikes aimed at rescuers and civilians attempting to provide aid. These accounts were internally consistent and aligned closely with later corroboration provided by the Witness Eye legal classifications. The level of specificity with which survivors described times, locations, sequences of events, and material conditions met internationally recognised standards for probative factual evidence.

2. Medical Testimony

Medical testimony further deepened the evidentiary record by providing forensic and clinical insight into the consequences of the violence described by survivors. Doctors and medical volunteers spoke of mass amputations carried out without anaesthesia, infants dying

due to the absence of oxygen, electricity, or functioning incubators, and widespread gangrene resulting from untreated wounds. They detailed the systematic targeting of hospital campuses, including corridors, water lines, power sources, and surrounding infrastructure, as well as the detention, disappearance, or execution of medical staff. Taken together, these medical accounts offered compelling indicators of both systematic deprivation and the deliberate targeting of protected persons and facilities.

3. Journalistic Testimony

Journalistic testimony contributed a further dimension by documenting the suppression of information and the risks faced by those attempting to report from Gaza. Journalists described the destruction of press offices, the targeting of clearly marked media convoys, and the killing of media workers alongside members of their families. They also addressed coordinated forms of digital censorship, including the removal, down-ranking, or blocking of Palestinian content on major social media platforms. This body of testimony was critical in establishing the Tribunal's understanding of information control and narrative suppression as integral components of genocidal intent, rather than as incidental by-products of conflict.

4. Expert Testimony

Expert testimony provided the analytical and contextual frameworks necessary to interpret the accumulated factual material. Specialists in international law addressed the legal definitions and thresholds of genocide and apartheid, while famine experts explained internationally accepted standards for classifying starvation and food deprivation. Other experts analysed patterns of attacks on civilian infrastructure, the environmental consequences of large-scale destruction, and the long-term psychological effects of war trauma on children. Contributions also examined the role of algorithmic systems in suppressing Palestinian narratives in digital spaces. Together, these expert interventions enabled the Tribunal to situate individual acts within broader structural, legal, and technological systems.

D. Integration of Witness Eye Legal Files into Istanbul Proceedings

Although the Witness Eye legal files were formally submitted as a distinct body of material, they were methodologically embedded within the Istanbul proceedings. Testimonies delivered live during the hearings consistently mirrored the patterns, incidents, and classifications documented in the Witness Eye reports. This convergence allowed the Jury to cross-check survivor and expert accounts against independently verified documentation, to assess consistency across multiple sources, and to identify recurring patterns indicative of systematic and intentional conduct.

In this sense, the Istanbul hearings functioned as the Tribunal's central point of *evidentiary triangulation*. Oral testimony, written documentation, legal analysis, and field-based investigation were brought into direct conversation with one another, reinforcing the reliability of the record and strengthening the foundation for the Tribunal's legal conclusions.

E. The Role of the Jury of Conscience in Evidence Evaluation

The Jury of Conscience, composed of scholars, jurists, and widely recognised moral authorities, was entrusted with the responsibility of synthesising the full body of evidence presented during the Istanbul hearings. Its task was not merely to receive testimony, but to evaluate it through a rigorous and reflective process grounded in legal reasoning, ethical judgement, and comparative historical awareness. The Jury assessed the credibility of witnesses, paying close attention to consistency, specificity, and the conditions under which testimonies were given, while also examining the degree of corroboration across survivor accounts, expert analyses, documentary records, and digital evidence.

In its deliberations, the Jury identified the relevant legal thresholds for genocide under international law and evaluated whether the patterns of conduct revealed through the evidence could reasonably be attributed to state policy rather than isolated or incidental acts. Public testimony from Istanbul was read in conjunction with the analytical and structural framework developed in Sarajevo, allowing the Jury to situate individual experiences of violence within broader historical, political, and institutional contexts. Particular care was taken to align the acts described by witnesses with the constituent elements of international crimes, including those articulated in the Genocide Convention, the Geneva Conventions, and the Rome Statute.

The Jury's concluding statement underscored that the evidence presented in Istanbul was decisive. Taken together, the testimonies, expert evaluations, and corroborating materials demonstrated not only the commission of prohibited acts, but also their systematic and coordinated nature. On this basis, the Jury affirmed that the genocide in Gaza was not a closed episode but an ongoing process, characterised by persistence, intentionality, and structural organisation.

F. Istanbul as the Tribunal's Core Fact-Finding Forum

Within the Tribunal's methodological structure, *Sarajevo established the analytical and historical frame*, situating the events in Gaza within longer trajectories of colonial violence, genocide, and international legal failure. *Istanbul, by contrast, functioned as the Tribunal's core fact-finding forum*, where the evidentiary record was generated through extensive live testimony. The Witness Eye initiative complemented this process by providing corroborative legal documentation and structured evidentiary analysis, while the Jury of Conscience assumed the task of transforming this cumulative record into reasoned legal findings.

The Istanbul hearings were therefore indispensable to the Tribunal's work. They established direct evidence of genocidal acts through survivor accounts, medical testimony, and expert analysis. They documented patterns of policy coordination and command responsibility by situating individual acts within broader state practices. Testimonies also revealed the systematic nature of structural deprivation, including starvation, the destruction of health and education systems, and the deliberate dismantling of life-sustaining infrastructure. In addition, the hearings produced substantial evidence of complicity and enabling behaviours by third states, corporations, and institutional actors, demonstrating how the genocidal campaign was materially and politically sustained.

Crucially, the Istanbul phase allowed the Tribunal to identify recurring patterns indicative of genocidal intent, not through isolated statements or incidents, but through the consistency, repetition, and convergence of testimony across sectors and disciplines. The coherence of these accounts, supported by documentary and digital evidence, provided a robust factual basis for the Tribunal's legal conclusions.

In this sense, the Istanbul testimony phase served as the Tribunal's *procedural equivalent of a judicial evidentiary hearing*, in which lived realities, expert evaluations, and legal interpretation converged to produce a comprehensive and credible record of genocide.

G. Conclusion: Methodological Significance of the Istanbul Hearings

Methodologically, the Istanbul Final Session served as the central evidentiary pillar of the Tribunal. It was in Istanbul that raw testimony (offered by survivors, medical professionals, journalists, and experts) was systematically evaluated through the lenses of international legal frameworks. The hearings provided the space in which the Jury of Conscience confronted, directly and unmediated, the human consequences of state action, transforming abstract legal categories into lived realities articulated through personal loss, bodily harm, and collective devastation.

At the same time, Istanbul functioned as the crucial contact zone between the structural and historical analysis developed in Sarajevo and the detailed factual documentation assembled by Witness Eye. These streams of inquiry converged during the hearings, allowing evidence to be tested for consistency, corroboration, and legal relevance. In this setting, testimony and documentation collectively reached the evidentiary threshold required for determinations of genocide under international law.

Through the Istanbul proceedings, the Tribunal moved decisively from analysis to *adjudicative assessment*. The convergence of testimony, expert interpretation, and legal evaluation enabled the Jury of Conscience to issue a reasoned, evidence-based conclusion that

the genocide in Gaza was not a past or speculative event, but an ongoing and systematic process.

3.2.3 Witness Eye Legal Files – Structured Legal Classifications

The Witness Eye Legal Series constituted one of the Tribunal's most consequential evidentiary pillars. Unlike oral testimony presented during the Istanbul hearings, which captured the immediacy and emotional force of lived experience, the Witness Eye files offered *structured, legally classified documentation* of atrocities in Gaza prepared through a consistent methodology aligned with international criminal law. The Tribunal treated these files as a form of *hybrid forensic evidence*, combining survivor testimony with legal analysis, factual corroboration, and classification under the Rome Statute and the Geneva Conventions.

The methodological significance of the Witness Eye files lies in four key areas:

- uniformity of legal classification;
- independence and field-based credibility;
- breadth and consistency across testimonies;
- integration with the Tribunal's evaluative framework for genocide.

Each of these is elaborated below.

A. Nature, Purpose, and Structure of the Witness Eye Legal Files

The *Witness Eye* initiative compiled a series of legal classification reports grounded in verbatim interviews with survivors of bombardment, starvation, torture, forced displacement, and medical deprivation. These interviews were conducted by trained researchers either inside Gaza or with evacuees abroad, under conditions that prioritised accuracy, consent, and survivor safety. Each report followed a structured and transparent methodology, combining a detailed factual narrative provided by the survivor with corroborative details elicited through investigative questioning. Acts described in the testimonies were then classified under the Rome Statute, including genocide, crimes against humanity, and war crimes, alongside the identification of relevant violations of the Geneva Conventions. Each file further included an assessment of evidentiary value and recommendations for follow-up documentation, ensuring consistency and legal usability across the corpus.

The Tribunal recognised the *Witness Eye* files as an indispensable mechanism for transforming fragmented and often chaotic accounts of extreme violence into systematically evaluated legal evidence. This function was particularly critical given the real-time nature of the genocide and the near-total impossibility of conventional on-site forensic investigation under conditions of siege, sustained bombardment, and military occupation. By providing a rigorous yet adaptable evidentiary

framework, *Witness Eye* enabled the preservation, organisation, and legal interpretation of testimony that might otherwise have been lost, thereby strengthening the Tribunal's overall factual and juridical record.

B. Methodological Alignment with International Criminal Law

Each *Witness Eye* legal file adopts a standardized analytical structure that mirrors the evaluative framework used by international tribunals and investigative bodies. The reports classify evidence under:

- Article 6 (Genocide),
- Article 7 (Crimes Against Humanity),
- Article 8 (War Crimes),
- Geneva Convention IV violations,
- and other Customary Rules of International Humanitarian Law.

For example, the testimony of Abd al-Rahim Orouq (Sheikh Radwan) was classified under:

- *Genocide*: killing family groups; inflicting conditions calculated to destroy the population,
- *Crimes Against Humanity*: murder, persecution, inhumane acts,
- *War Crimes*: intentional attacks on civilians, starvation, obstruction of rescue,
- *Geneva IV violations*: killing civilians, targeting medical personnel, destroying shelters.

This methodological uniformity allowed the Tribunal to evaluate each testimony within a consistent legal matrix, eliminating discrepancies that often arise in large-scale collection of civilian accounts.

C. Evidentiary Strength: Direct Testimony Enhanced by Legal Analysis

The Tribunal did not rely on the *Witness Eye* files merely for survivor narratives. The true methodological value of these reports lies in how they transform narrative testimony into *legally probative evidence*.

1. They use verbatim quotations

The reports explicitly state that all survivor statements are presented *without paraphrasing*. This maintains testimonial integrity and preserves the evidentiary chain.

2. They classify facts according to legal elements

For instance, in the testimony of **Abdelrahman Al-Massri**, the report directly connects the strike that killed seven family members to:

- murder (Article 7(1)(a)),
- extermination (Article 7(1)(b)),
- attacks on civilians (Article 8(2)(b)(i)),
- deprivation of medical care (ICRC Rule 25).

Thus, the Tribunal did not need to independently map each incident onto legal definitions; the *Witness Eye* methodology already performed this analysis in accordance with international standards.

3. They make explicit the evidentiary value

Each report includes a section named "Evidentiary Value," identifying:

- the probative potential of the testimony,
- corroborating details requiring further verification,
- indications of systematic or patterned violence,
- relevance to genocide determinations.

This made the *Witness Eye* files uniquely suited to a people's tribunal working under emergency conditions.

D. Corroboration Across Cases and Identification of Patterned Criminality

One of the Tribunal's primary responsibilities was to evaluate whether acts described in individual testimonies formed part of a **widespread or systematic attack** indicative of crimes against humanity, and whether the attacks demonstrated **intent to destroy the group**, as required for genocide.

The *Witness Eye* files enabled this assessment through their consistent categorization of recurring patterns:

Patterns identified across multiple testimonies

- destruction of multi-generational family units in single strikes,
- denial of rescue and medical access,
- repeated strikes on designated "safe zones,"
- starvation, dehydration, and famine conditions,
- extermination of medical professionals,
- attacks on journalists and their families,
- civilians targeted during forced displacement,
- use of siege to impose conditions of life calculated to destroy the population.

Because these patterns appeared consistently across dozens of reports, each independently prepared, the Tribunal was able to treat them as *evidence of policy*, not as incidental or unconnected events.

Cross-source consistency

The Tribunal identified striking consistency between:

- oral testimony delivered in Istanbul,
- documentary and photographic materials shown during hearings,
- the *Witness Eye* legal files,
- humanitarian reporting by UN agencies,
- forensic patterns known from satellite imagery and geospatial analysis,
- and submissions of Palestinian NGOs.

This triangulation strengthened the probative value of *Witness Eye* evidence to a degree that met the Tribunal's methodological threshold for establishing facts.

E. Filling Evidentiary Gaps Created by War Conditions

Under siege and total blockade, Gaza constitutes what investigators call a *denied environment*, meaning that:

- forensic collection is impossible,
- medical systems are collapsed,
- journalists are being killed at unprecedented rates,
- communication infrastructure is destroyed,
- international observers are barred.

The Witness Eye files compensated for these structural impediments by providing:

- *structured interviews* conducted outside Gaza with evacuees,
- *testimonies* recorded shortly after events, reducing memory distortion,
- *named witnesses*, enhancing credibility,
- *detailed incident chronologies*,
- *legal classification* matching international standards.

This made the Witness Eye files methodologically critical. They represented the closest possible approximation to formal forensic investigation under conditions where such investigation is impossible.

F. Integration into the Tribunal's Legal Assessment of Genocidal Intent

In assessing genocidal intent, the Tribunal proceeded in line with established international jurisprudence, which recognises that such intent is rarely demonstrated through explicit declarations alone. Courts and fact-finding bodies have consistently emphasised the importance of examining *patterns of conduct*, the *systematic nature* of violence, its *scale*, and the *broader contextual framework* within which acts are committed. Within this analytical approach, the *Witness Eye* files played a central role in the Tribunal's legal assessment.

Taken together, these files revealed recurring and mutually reinforcing indicators of intent, including the destruction of entire family lineages, the systematic annihilation of shelters and domestic spaces, and the deliberate creation of famine conditions through siege policies and the destruction of water systems, agriculture, and housing. They further documented the targeted killing of children, journalists, medical professionals, and humanitarian workers, as well as repeated attacks on civilians during evacuation movements. Crucially, these forms of exterminatory conduct appeared with striking consistency across time, location, and independent testimonies. The convergence of these patterns provided a reliable evidentiary foundation for the Tribunal to infer genocidal intent from the totality of the evidence, rather than from isolated incidents or individual statements.

G. Relationship Between Witness Eye Evidence and Tribunal Structure

Within the Tribunal's architecture, the Witness Eye files served three structural purposes:

First, they acted as a bridge between Sarajevo's structural analysis and Istanbul's live testimony: Sarajevo supplied the conceptual lens; Witness Eye provided factual content.

Second, they functioned as the Tribunal's quasi-forensic record: As a people's tribunal without enforcement power, the Tribunal relied heavily on these structured reports to approximate the function of evidentiary investigators.

Third, they allowed the Jury of Conscience to issue findings with legal specificity: The Jury's final statement repeatedly referenced the patterns and categories of harm that the Witness Eye files documented.

H. Conclusion: Methodological Status of Witness Eye Evidence

The Tribunal regards the Witness Eye Legal Files as one of the core evidentiary materials, not auxiliary sources. Their methodological rigor, consistency, and alignment with international standards enabled the Tribunal to corroborate survivor accounts, identify systemic patterns of violence, apply legal definitions accurately, interpret intent through cumulative analysis, and reach a reasoned determination that the crimes in Gaza meet the threshold of genocide under Article II(c) and II(a) of the Genocide Convention.

As the Tribunal's work continues, the Witness Eye archive forms a primary repository of documentary evidence for future accountability mechanisms.

3.2.4 Expert Reports Submitted to the Tribunal

Expert submissions significantly deepened and strengthened the Tribunal's evidentiary record by situating individual testimonies within broader analytical frameworks. Through legal interpretation, forensic and medical evaluation, historical contextualisation, geopolitical analysis, environmental impact assessment, and the examination of digital censorship and algorithmic suppression, experts translated lived experience into structured knowledge capable of sustaining legal conclusions. Their interventions enabled the Tribunal to move beyond descriptive accounts of harm toward an integrated understanding of how disparate acts were connected through policy, structure, and intent.

In doing so, experts demonstrated how Israel's conduct met the legal thresholds for genocide, crimes against humanity, and war crimes under international law. Torture was analysed not as an episodic excess but as a *structural instrument* embedded in systems of detention and control. Starvation, dehydration, and the denial of medical care were explained as deliberate methods of extermination rather than

collateral consequences of conflict. Several experts characterised the campaign in Gaza as a *systematic annihilation conducted under a legal façade*, sustained by a broader *political economy of genocide* in which Western state support, corporate supply chains, and diplomatic protection played enabling roles. Together, these expert analyses provided the Tribunal with the interpretive tools necessary to link individual acts to an overarching genocidal project.

3.2.5 Emergency Statements During the Proceedings

As the situation worsened during the Tribunal's work, several emergency statements were issued (see Appendices). These statements served as both evidentiary markers and procedural interventions. They:

- described accelerating starvation,
- documented real-time attacks on hospitals and UN sites,
- highlighted escalating displacement into unsafe zones,
- urged states to fulfil their duty to prevent genocide,
- captured the immediacy and urgency of the evolving conditions.

These statements contributed to the Tribunal's assessment by showing both the continuous nature of the genocide and the international community's ongoing failure to intervene.

3.2.6 Written Submissions and Documentary Evidence

Beyond oral testimony and expert analysis, the Tribunal also examined a substantial body of written submissions contributed by Palestinian civil society organisations, humanitarian workers and medical teams, international legal scholars, journalists continuing to report from Gaza, and members of the Palestinian diaspora. These submissions frequently incorporated photographs, video recordings, incident maps, casualty lists, and detailed legal memoranda. Taken together, they reinforced and substantiated patterns already visible in live testimony and expert reports, including the systematic destruction of schools and universities, the targeting of journalists and media infrastructure, and the use of forced displacement as an organised and recurring strategy rather than an incidental consequence of hostilities.

3.2.7 Synthesis and Evidentiary Standards

Across all categories of material, the Tribunal applied a rigorous synthesis process grounded in established evidentiary standards. Particular weight was given to corroboration between independent sources, the identification of recurring patterns indicative of state policy rather than isolated or spontaneous acts, and the alignment of documented conduct with internationally recognised legal definitions. The Jury also assessed the internal consistency of testimonies, their compatibility with reports issued by United Nations bodies and international non-governmental organisations, and the probative value of first-hand accounts provided under conditions of extreme

risk. In its concluding assessment, the Jury observed that the Tribunal had “*brought together a wealth of material in a valuable archive*” that would stand as “*lasting evidence of the truth of the genocide against the Palestinian people.*”

3.3 Standards of evaluation

In carrying out its mandate, the Gaza Tribunal adopted a set of *evaluative standards* designed to ensure that the evidence before it was assessed with *rigor, coherence, and transparency*. Although the Tribunal does not operate as a judicial body vested with state authority, it anchored its evaluative approach in *principles widely recognized in international criminal law and human rights fact-finding practice*. These standards enabled the Jury of Conscience to determine whether the material presented—through structural analysis in Sarajevo, direct testimony in Istanbul, and documentary submissions such as the Witness Eye Legal Files—established the elements of *genocide, crimes against humanity, and war crimes*.

A central component of the Tribunal's approach was the assessment of *credibility*. Survivor accounts were evaluated for internal consistency, specificity of detail, coherence about time and place, and overall plausibility. Many witnesses testified shortly after experiencing catastrophic loss, displacement, or injury. The Tribunal approached this testimony with an understanding that *trauma may affect the structure of memory but does not diminish its essential truthfulness*. These accounts were found to be highly credible, often delivered with restraint that reinforced their reliability. Their credibility was strengthened by the fact that multiple independent sources—humanitarian organizations, journalists, medical personnel, and satellite imagery—*corroborated the events described*.

Corroboration formed a second pillar of the Tribunal's evaluation. Where feasible, the Tribunal compared testimony with external evidence such as geospatial data, video and photographic documentation, reports by UN agencies, and submissions by human rights organizations. A consistent picture emerged across these sources: entire families were annihilated, safe zones were repeatedly bombed, rescue operations were obstructed, hospitals and schools were targeted, and mass starvation was imposed. The repetition of these patterns across numerous independent accounts is a recognized marker of *systematic and policy-driven violence*, particularly in environments—such as Gaza—where traditional forensic investigation is impossible due to siege and active hostilities.

In evaluating the *probative value* of the evidence, the Tribunal considered both the immediacy of the accounts and the nature of the harm described. Direct eyewitness testimony of killings, starvation, medical deprivation, torture, and the destruction of civilian homes held significant evidentiary weight. Expert analyses presented in Sarajevo and

Istanbul strengthened the Tribunal's ability to interpret these facts within legal frameworks, offering insight into the structural nature of apartheid, famine creation, forced displacement, and the systematic targeting of children and medical facilities. Particularly important were the Witness Eye Legal Files, which provided verbatim survivor testimony paired with legal classification under the Rome Statute, the Fourth Geneva Convention, and customary international law. Their methodical structure and legal clarity gave them substantial probative value.

The Tribunal assessed all evidence in light of the legal thresholds established by the Genocide Convention, the Rome Statute, and the Fourth Geneva Convention. It evaluated whether the acts documented—killings, forced displacement, destruction of homes and civilian infrastructure, starvation, and denial of medical care—met the criteria for genocide, particularly the killing of members of a protected group and the *deliberate infliction of conditions of life calculated to bring about the destruction of the group* under Articles II(a) and II(c) of the Genocide Convention. The Tribunal also examined the responsibilities of an occupying power under the Fourth Geneva Convention, which include ensuring food, water, shelter, medical services, and protection of civilians, while prohibiting collective punishment, forcible transfer, and the destruction of property not justified by military necessity.

A key part of the Tribunal's evaluative work concerned *intent*, which is an essential element of genocide. Intent is rarely established through explicit statements alone. The Tribunal therefore adopted the *cumulative inference method* used in international jurisprudence, which allows genocidal intent to be inferred from *patterns of conduct, scale and systematic nature of attacks, predictable consequences of state policies, and the continuation of destructive acts despite international warnings*. The Tribunal found that the persistent killing of civilians, destruction of family units, imposition of starvation, eradication of civilian infrastructure, and the deliberate targeting of children, journalists, and medical workers collectively *demonstrated an intention to destroy the Palestinian people in whole or in part*.

Throughout this process, the Tribunal aimed to balance *structural evidence* with incident-specific evidence. Structural evidence, presented in Sarajevo, illuminated the historical continuity of persecution and the systemic nature of apartheid and occupation. Incident evidence, presented in Istanbul and the Witness Eye files, detailed the specific acts of killing, starvation, destruction, and torture that fulfilled the legal criteria for genocide. This combined approach allowed the Tribunal to situate individual incidents within a broader context of policy-driven exterminatory violence.

Finally, the Tribunal conducted its work with a commitment to *transparency*. Hearings were public, documentation was preserved, and the reasoning behind the Tribunal's findings was clearly articulated to allow scrutiny and facilitate future legal use. In an environment where

formal mechanisms have proved unable to prevent or halt mass atrocity, the Tribunal's evaluative standards—grounded in *credibility, corroboration, probative value, legal relevance, and intent analysis*—provide a solid foundation for its determination that *genocide has occurred and continues to occur against the Palestinian people*.

4

Legal and Ethical
Foundations of the
Tribunal

The Gaza Tribunal grounds its work in a dual framework: the *binding principles of international law* and the *ethical obligations of global civil society*. While it does not derive authority from a treaty or state institution, the Tribunal locates its legitimacy in the very sources that have historically shaped the international legal order: the protection of human dignity, the prohibition of atrocity crimes, and the collective moral conscience of humanity. These foundations guide both the Tribunal's methodology and its conclusions.

At its core, the Tribunal proceeds from the understanding that *international law exists to protect peoples, not to shield states from accountability*. When states and institutions fail to uphold their obligations, civil society assumes a correspondingly heightened ethical responsibility to articulate truths, document violations, and illuminate the normative standards that remain binding regardless of political paralysis. This is the legacy of prior people's tribunals, whose contributions to historical truth and moral clarity have been recognized long after their initial deliberations.

4.1 The Binding Framework of International Law

The Tribunal's legal foundation is anchored in four primary sources:

1. The Convention on the Prevention and Punishment of the Crime of Genocide
2. The Geneva Conventions and their Additional Protocols
3. The Rome Statute of the International Criminal Court
4. Customary international humanitarian and human rights law

These instruments articulate duties owed to civilian populations during armed conflict, duties that cannot be displaced by claims of military necessity or security. They prohibit the targeting of civilians, starvation, forced displacement, and destruction of infrastructure indispensable to survival. Most importantly, the Genocide Convention imposes obligations *erga omnes*: obligations owed to all humanity, irrespective of borders or political alliances.

The Tribunal therefore approaches its task not as an exercise in abstract legal commentary but as an application of established legal norms to evidence demonstrating *systematic destruction of a protected group*. The legal standards guiding this assessment were articulated in Section 3.3, and they retain binding force even when formal enforcement mechanisms fail to act.

4.2 People's Tribunals and Their Normative Authority

4.2.1 The Role of People's Tribunals in Conditions of Institutional Failure

The Gaza Tribunal operates within a tradition of civil society bodies created to address situations where *formal international institutions are unable, unwilling, or structurally prevented* from responding to mass atrocity. People's tribunals arise not out of a desire to replace institutional courts, but from the recognition that the *international justice system contains persistent blind spots*. The political architecture of global governance—especially the veto structure of the Security Council, strategic alliances, and resource asymmetries—often renders institutions unable to intervene in real time, particularly when powerful states or their allies are implicated.

1. In such circumstances, people's tribunals serve an essential function: they provide *a forum in which the law can be articulated without deference to political interests*. These tribunals emerge precisely when conventional mechanisms fail to meet the expectations set by international law itself. Their purpose is not symbolic. They generate *publicly reasoned determinations*, grounded in evidence, that challenge the passivity or paralysis of official actors. By doing so, they insist that the principles of international law have meaning even when states do not enforce them.

The Gaza Tribunal situates itself in this lineage. It was established not because law is absent, but because *law exists and is being violated openly*, without effective institutional remedy. The Tribunal therefore acts as a venue where facts can be recorded, legal norms applied, and the ethical demands of justice articulated when formal institutions have not met their responsibilities.

4.2.2 Juridical Authority Without Coercive Power

People's tribunals operate without the capacity to compel testimony, issue binding judgements, or enforce penalties. Their authority arises instead *from juridical reasoning, transparency, procedural integrity, and moral clarity*. This form of authority is sometimes misunderstood as inferior to state-based jurisdiction. However, contemporary scholarship has argued that such a hierarchy between "formal" and "people's" justice is artificial. The absence of coercive power does not diminish the value of evidence, nor does it prevent tribunals from conducting a serious legal evaluation.

Indeed, a people's tribunal is uniquely positioned to engage in *moral jurisprudence*: an assessment of facts through the combined lens of international legal norms and the ethical obligations of humanity. This synthesis fills a distinctive gap in the global justice landscape. It is precisely because such tribunals do not depend on state authorization

that they can speak with independence when official bodies cannot. In this sense, the Gaza Tribunal does not claim legal supremacy but *legal relevance*. It interprets established norms—such as those found in the Genocide Convention and Geneva Conventions—and evaluates evidence according to those norms. The Tribunal's findings derive their authority from the strength of the evidence, the logic of its analysis, and the public nature of its reasoning, not from coercive power.

While the Gaza Tribunal is not a court in the formal sense, its authority is grounded in a historical tradition that has shaped global understandings of justice. People's tribunals—most notably the Russell Tribunal on Vietnam, the Russell Tribunal on Palestine, the Tokyo Women's Tribunal, and the Iran Tribunal—have served as ethical counterpoints to geopolitical systems that shield powerful states from scrutiny.

Their legitimacy rests on three foundations:

- Independence from state political interests,
- Transparency in evidentiary evaluation,
- Fidelity to international law and moral principles.

These tribunals have contributed to the development of legal norms and public consciousness, often influencing later judicial findings once political conditions allowed institutional courts to act. The Gaza Tribunal situates itself within this lineage, recognizing that moral and legal truth must be articulated even when formal enforcement remains blocked.

As the Russell Tribunal (2014) emphasized, *international criminal law cannot be interpreted in isolation from political realities such as occupation, apartheid, and settler colonial expansion* (see RToP, pp. 3–7). The Gaza Tribunal follows this jurisprudential logic: the legal categories are applied with fidelity to doctrine, yet without detaching them from the lived conditions they are meant to regulate.

4.3 The Ethical Imperative to Bear Witness

Ethically, the Tribunal's mandate reflects the conviction that *silence in the face of atrocity is a form of complicity*. The destruction of Gaza is taking place in full public view, with unprecedented levels of real-time documentation. This visibility imposes an ethical obligation on global civil society to confront the failure of international institutions to uphold fundamental norms.

The ethical foundations of the Tribunal rest on three principles:

1. **The inherent dignity and equal worth of all persons**, which demands that no civilian population be sacrificed to political expedience.
2. **The responsibility to bear witness**, a moral duty arising when those with direct knowledge often perish, are silenced, or are deprived of institutional avenues for justice.
3. **The refusal to normalize atrocity**, particularly in a world where media narratives, political rhetoric, and digital suppression often distort or obscure the lived reality of victims.

The Tribunal therefore views its work as part of a broader ethical struggle to affirm the humanity of a people subjected to destruction, displacement, and erasure.

4.4 The Relationship Between Law and Power

A central theme underlying the Tribunal's foundation is the recognition that *international law frequently falters where political power is unequally distributed*. The Genocide Convention and Geneva Conventions impose obligations, but their enforcement requires political will. Where veto powers impede the Security Council, where states providing arms or intelligence support shield perpetrators, and where institutions lack independence or capacity, atrocity crimes may proceed unchecked.

This structural imbalance does not diminish the validity of legal norms; rather, it *increases the necessity of civil society action*. The Tribunal's independence enables it to affirm legal standards without political compromise. In this way, people's tribunals constitute a counterbalance to geopolitical structures that protect perpetrators and marginalize victims.

4.5 The Primacy of Human Protection

The ultimate foundation of the Tribunal's work is the principle that *the protection of human life is the highest obligation of international law*. Rules governing war, occupation, and the use of force exist for the singular purpose of safeguarding civilians and preventing atrocity. When a state systematically kills civilians, destroys homes, besieges populations, attacks hospitals, and imposes starvation, it violates not only specific treaty provisions but also the broader moral architecture of the international legal order.

The Tribunal therefore rejects interpretations of international law that treat civilian suffering as unavoidable collateral damage or reduce mass atrocity to a question of military strategy. The legal principles at stake concern *the survival of a people* and the *preservation of the conditions necessary for human life*, which remain non-negotiable regardless of political context.

4.6 The Ethical Function of Truth-Telling

Beyond legal assessment, the Tribunal recognizes an ethical duty to *preserve truth*. Genocide and mass atrocity are often accompanied by denial, minimization, and distortion. The Tribunal's task, therefore, is not only to examine evidence but to ensure that the record remains intact against future erasure. The ethical function of truth-telling is especially urgent given the systematic killing of journalists, targeting of documentation centers, and destruction of archives and cultural institutions in Gaza.

By assembling a comprehensive and coherent record, the Tribunal affirms that *truth is itself a form of protection*—a protection against denial, historical amnesia, and the normalization of atrocity.

4.7 Law and Conscience: The Tribunal's Integrated Foundation

The Tribunal understands its authority as arising from the intersection of *law* and *conscience*. Neither alone is sufficient. Law without conscience becomes technocratic and detached from lived suffering. Conscience without law risks becoming rhetorical without grounding. The Tribunal brings these spheres together, recognizing that:

- law provides the structure,
- conscience provides the purpose, and
- civil society provides the voice.

This integrated foundation enables the Tribunal to assess evidence with clarity and moral seriousness, to articulate findings unimpeded by political constraints, and to speak on behalf of a global constituency committed to justice.

4.8 A Foundation Rooted in Law, Ethics, and Responsibility: The Gaza Tribunal's Place in this Tradition

The legal and ethical foundations of the Gaza Tribunal reflect a commitment to both the letter and spirit of international law. They affirm that the obligation to prevent and punish genocide belongs not only to states but to the global community. They assert that when institutional actors fail, civil society must respond. They recognize that justice requires both factual truth and moral judgement.

In grounding its work in these foundations, the Tribunal seeks not only to evaluate evidence but to reaffirm the enduring principles that bind humanity together, even in moments of profound darkness.

The Gaza Tribunal exemplifies the role of a people's tribunal in its most urgent form. It confronts a genocide in progress, under conditions where institutional bodies have acknowledged grave violations but remain unable to stop them. It draws on extensive evidentiary sources—Sarajevo's structural analyses, Istanbul's direct testimonies, the Witness Eye legal classifications—to evaluate the factual and legal dimensions of mass atrocity without deferring to geopolitical constraints.

In doing so, the Gaza Tribunal affirms that *global civil society has both the right and responsibility to articulate legal judgement when institutions falter*. It asserts that justice is not the monopoly of states, and that the protection of human life is not contingent on political permission.

People's tribunals therefore serve as the *ethical memory of the international system*: they document, evaluate, and speak when institutions fail to do so. The Gaza Tribunal stands in this tradition, grounded in rigorous evaluation and guided by the moral imperative to prevent the erasure of truth.

5

Relationship to ICJ and
ICC Processes

5.1 Introduction: Parallel Yet Distinct Legal Pathways

The Gaza Tribunal conducts its work in a legal landscape where two principal judicial mechanisms—the International Court of Justice (ICJ) and the International Criminal Court (ICC)—already hold jurisdiction over aspects of the situation in Gaza. The Tribunal does not duplicate or compete with these bodies. Rather, it operates at the intersection of law, accountability, and global civil society, producing a form of *public reasoning* that complements ongoing judicial processes.

The Tribunal’s relationship to the ICJ and the ICC is therefore best understood as *parallel, reinforcing, and non-hierarchical*. Each body contributes a different kind of authority:

- **The ICJ** provides adjudication of state responsibility, interpretation of the Genocide Convention, and provisional measures.
- **The ICC** examines individual criminal responsibility.
- **The Gaza Tribunal** evaluates the evidence using international legal standards, records testimonies inaccessible to formal organs, and articulates findings grounded in conscience and moral jurisprudence.

These functions are not mutually exclusive. In fact, they are mutually strengthening—particularly in circumstances where access to evidence is restricted, where states are unwilling to cooperate, or where the pace of judicial processes is necessarily slow.

5.2 The ICJ Proceedings and the Gaza Tribunal: Complementarity of Mandates

The ongoing ICJ case concerning the **Application of the Genocide Convention in the Gaza Strip** involves a dispute between states regarding violations of the Genocide Convention. South Africa instituted proceedings on 29 December 2023, alleging that Israeli conduct constitutes genocidal acts and breaches the obligations to prevent, punish, and desist from genocide. The Court issued provisional measures on 26 January 2024, affirming *prima facie* jurisdiction and recognizing that Palestinians in Gaza face a “real and imminent risk of irreparable prejudice” to rights protected under the Convention.

Subsequent ICJ orders noted:

- the deterioration of humanitarian conditions,
- the onset of famine, and
- Israel’s failure to ensure the unhindered provision of basic necessities, necessitating additional provisional measures.

A growing number of states—including Spain, the Maldives, Mexico, Türkiye, Colombia, Libya, and Chile—have intervened under Article 63 of the Statute, underscoring the *erga omnes* character of the Convention’s obligations.

5.2.1 How the Gaza Tribunal Contributes to the ICJ Context

Although the Gaza Tribunal does not bind the ICJ, its work becomes *indirectly relevant* for several reasons:

- **Evidentiary supplementation:** The Tribunal collects testimony under conditions where UN missions, special rapporteurs, and humanitarian organizations face access restrictions. These records contribute to the global evidentiary environment that may later inform ICJ interpretations of patterns of conduct, state policies, or genocidal intent.
- **Contextualization of long-term structures:** The ICJ examines disputes at the level of state responsibility; its proceedings are constrained by pleadings and diplomatic submissions. The Gaza Tribunal, by contrast, contextualizes current events within decades of structural violence and domination—material that can illuminate the background against which genocidal intent may be inferred.
- **Civil society monitoring of compliance:** The Tribunal analyzes Israel's adherence to provisional measures, documenting alleged violations such as obstruction of humanitarian aid or destruction of infrastructure indispensable to civilian survival. This public scrutiny reinforces the binding effect of the ICJ's orders and deters their political neglect.
- **Interpretive guidance rooted in conscience:** Where ICJ judgements must remain narrow and legalistic, the Gaza Tribunal articulates the *ethical implications* of the conduct under review. This enriches the interpretive field and strengthens public understanding of the legal norms at stake.

In this sense, the Gaza Tribunal is not an alternative court; it is an **external conscience** that sustains attention, reinforces urgency, and mobilizes global civil society around obligations already recognized by the ICJ.

5.3 Relationship to the ICC: Accountability for Individual Criminal Responsibility

Whereas the ICJ adjudicates state responsibility, the **International Criminal Court** assesses **individual criminal liability** under the Rome Statute. The ICC Prosecutor has stated publicly that the Court possesses jurisdiction over crimes committed by all parties in Gaza due to Palestine's accession to the Rome Statute in 2015. Arrest warrant applications have been announced for senior individuals, including Israeli officials and Hamas leaders.

5.3.1 How the Gaza Tribunal Supports ICC Processes

- **Preservation of Testimony and Documentation:** The Gaza Tribunal gathers survivor statements, expert analyses, and documented violations during a period when potential ICC evidence is at risk of destruction, manipulation, or inaccessibility. These archives serve as repositories of material evidence that may later be relied on by prosecutors, investigators, or fact-finding bodies.

- **Legal Classification Aligned with Rome Statute Definitions:** The Tribunal's findings include structured classifications of: genocide, crimes against humanity (including extermination, forcible transfer, apartheid, persecution, starvation), and war crimes. These categories mirror Article 6, 7, and 8 of the Rome Statute, increasing the interoperability of the Tribunal's record with ICC legal frameworks.
- **Identification of Patterns and Systemic Conduct:** While the ICC generally prosecutes individuals, prosecutions require demonstration of contextual elements—such as systematic or widespread attacks against civilians. The Tribunal's findings on those patterns greatly assist in establishing these contextual thresholds.
- **Analysis of Mens Rea and Intent:** The Tribunal's evaluation of genocidal intent—using cumulative inference from policies of starvation, repeated targeting of civilians, statements by state officials, and destruction of conditions of life—may indirectly support ICC prosecutorial arguments where specific intent is required.
- **Moral Legitimacy and Public Pressure:** The ICC's work is susceptible to geopolitical pressure. A people's tribunal, unconstrained by political alliances or diplomatic considerations, strengthens the moral legitimacy of ICC processes and counters narratives that seek to delegitimize international accountability efforts.

5.4 The Gaza Tribunal as a Bridge Between Moral Judgement and Legal Procedure

The Gaza Tribunal occupies an intermediate space:

- **not a judicial body,**
- **not a political organ,**
- **but a mechanism through which civil society articulates legal norms when states fail to do so.**

Its relationship to ICJ and ICC processes can be described as:

(a) Interpretive Support

The Tribunal interprets international law in a manner consistent with its object and purpose, providing analytical clarity that can inform future judicial reasoning.

(b) Evidentiary Ecosystem

People's tribunals contribute to what may be called the *evidentiary ecosystem*—a body of publicly available testimony, expert analysis, and factual documentation that judicial bodies later consult or draw upon.

(c) Ethical Reinforcement

By articulating the moral significance of violations, the Tribunal reinforces the ethical foundation upon which ICJ and ICC judgements ultimately rest.

(d) Public Guardianship of International Law

The Tribunal keeps public attention focused on legal obligations that are otherwise obscured by diplomatic rhetoric or misinformation. This sustained visibility supports both judicial legitimacy and future compliance.

5.5 Conclusion: Distinct Roles, Shared Purpose

The Gaza Tribunal recognizes the primacy of the ICJ and ICC as formal judicial bodies. It does not claim their authority. Rather, it performs crucial work that these institutions cannot do alone:

- It records evidence in real time when access is restricted.
- It interprets legal norms without political constraint.
- It contextualizes atrocities within larger historical structures.
- It ensures that the moral dimension of law is not eclipsed by procedural limitations.
- It reinforces the urgency of compliance with provisional measures and future rulings.
- In doing so, the Gaza Tribunal becomes an indispensable complement to the ICJ and ICC: *a guardian of conscience, a custodian of truth, and a partner in the global system of accountability.*

6

Judgement: Analysis
and Findings

The Tribunal's findings are organized into five interconnected themes that together present a comprehensive account of the genocide in Gaza as established through survivor testimony, expert evidence, documentary materials, and legal analysis. These themes reflect the Jury's determination that the atrocities committed cannot be understood solely through isolated incidents or individual violations of international law, but must instead be analysed within the wider structures, systems, and global conditions that made them possible. **Theme I** examines the *root causes*—the settler colonial foundations, racial ideology, apartheid regime, and historical processes that produced the conditions for mass violence. **Theme II** evaluates the *genocidal acts themselves*, including starvation, domicide, ecocide, reproicide, scholasticide, and the systematic targeting of civilians, hospitals, journalists, and children. **Theme III** addresses *complicity*, identifying the enabling roles of states, corporations, media institutions, universities, arms manufacturers, and technology companies whose support, silence, or active participation contributed materially or politically to the destruction of Gaza. **Theme IV** evaluates the *response of the international system*—examining the failures, delays, and structural limitations of the United Nations, international courts, state actors, and humanitarian institutions, and assessing how political interests, veto power, arms transfers, and geopolitical alignments enabled the continuation of genocide despite clear legal triggers and overwhelming evidence. **Theme V** turns to the sphere of *resistance and solidarity*, recognizing the legal, political, and moral responses of Palestinian communities, global civil society, and state actors who sought to challenge or mitigate the genocidal campaign.

Taken together, these themes form the structural architecture of the Tribunal's Decision. They provide the contextual, factual, and legal foundation for the Tribunal's conclusion that the crimes committed in Gaza meet the threshold of genocide under international law and that accountability, reparation, and systemic transformation are indispensable to the pursuit of justice.

THEME I

ROOT CAUSES (SETTLER COLONIALISM, APARTHEID, HISTORICAL CONTEXT)

The Tribunal finds, on the basis of extensive expert testimony, documentary evidence, and survivor accounts presented in Sarajevo and Istanbul, that the violence inflicted on Gaza since 2023 is inseparable from a **century-long structure of Zionist settler colonialism, racial domination, and Western imperial sponsorship**. This finding is consistent across all sources before the Tribunal and is essential to understanding the genocidal acts documented in subsequent sections.

The overwhelming weight of evidence indicates that the genocide in Gaza is not a spontaneous development or a reaction confined to the events of 7 October 2023. Rather, it is the predictable and logical culmination of a political, ideological, and material system intentionally built to fragment, displace, dominate, and ultimately **eliminate** the Indigenous Palestinian population.

A. Zionist Settler Colonialism as the Foundational Structure: The Logic of Elimination

In his expert testimony before the Istanbul Tribunal, historian **Avi Shlaim** stated with clarity that **Zionism originated as a settler-colonial movement** and that the state of Israel remains a settler-colonial entity whose “undeclared but real objective was to build a Jewish state on as large a part of historic Palestine as possible, with as few Arabs as possible.” This assessment aligns with empirical records examined at Sarajevo, where experts traced the colonial logic of transforming a diverse and inhabited land into a demographically engineered ethnocratic state. He stated:

“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.”

Shlaim further emphasized that this project has been inseparable from Western imperial backing:

“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... 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.”

Shlaim emphasized that the logic of settler colonialism is not coexistence but **elimination**, whether by expulsion, fragmentation, confinement, or destruction. His description of the Balfour Declaration as a “classic colonial document” was corroborated by historical materials presented in Sarajevo showing that Britain supported Zionist settlement despite knowing that Palestinians constituted the overwhelming majority of the population.

The Tribunal notes that this analysis is not merely historical. It illuminates the structural continuity between the Balfour Declaration, the Mandate period, the 1948 expulsions, the 1967 occupation, and the present campaign in Gaza, which Shlaim described as “the cruel and indeed sadistic climax” of this process.

In addition to Avi Shlaim’s historical account, expert testimony at the Istanbul Session reinforced the finding that Zionism constitutes a settler-colonial project imposed through European imperial power and sustained through structures of elimination rather than coexistence.

Summarizing the findings of Chamber III on History, Ethics, and Philosophy, historian **Cemil Aydın** located the origins of the Israeli state squarely within European colonial expansion following World War I. He emphasized that the creation of Israel was not the outcome of an internal social conflict but an external colonial imposition formalized through imperial instruments:

“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.”

Aydın further stressed that this settler-colonial project was grounded in a foundational myth that erased the existence of the indigenous population in order to legitimize dispossession:

“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.”

This logic, he explained, required not accommodation or integration, but the removal of the native population as a structural necessity of the settler project:

“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 settler-colonial logic was further articulated during the **Sarajevo Hearings**, where legal scholar **Nimer Sultany** emphasized that the current genocide cannot be understood without situating Zionism within its colonial foundations. He stated unequivocally:

“This is not the first genocide that Zionism has inflicted on the Palestinians... Naming requires the recognition of historical context.”

Sultany explicitly identified Zionism as a settler-colonial project whose objective has always been dispossession and elimination rather than coexistence:

“This context includes the nature of Zionism as a settler-colonial movement, the unlawful and prolonged occupation since 1967, the apartheid system imposed on all Palestinians, and the seventeen years of unlawful siege imposed on Gaza prior to October.”

He warned against attempts to isolate October 2023 from this longer history, describing such efforts as deliberate erasures of colonial continuity:

“There was a massive campaign... to portray the seventh of October as a free-standing event devoid of history.”

This analytical framing was echoed by **Michael Lynk**, former UN Special Rapporteur, also speaking at the **Sarajevo Hearings**, who described Israel’s practices as imperial domination rather than temporary security measures:

“This is the traditional role of the imperial power... Every new conquest becomes the new basis for the proposed negotiation from strength, which ignores the injustice of the previous aggression.”

The colonial objective of removal and replacement is not only expressed in legal or historical analysis but is lived daily by Palestinians subjected to repeated displacement. A survivor testimony documented

by **Witness Eye** captures this settler-colonial permanence of expulsion:

“We were displaced five times, and every place we went was bombed again. There is nowhere safe in Gaza.” – Ahmed Abu Obeid, Witness Eye testimony, Gaza

Several witnesses invoked this historical backdrop when describing their daily life before the 2023 assault. Abu Taqiya’s testimony documented by **Witness Eye** describes this as multi-generational trauma, illustrated through his grandmother Um Yusuf’s ten displacements since 1948 and loss of home and family members.

Taken together, these testimonies confirm that what is unfolding in Gaza is not an aberration or escalation detached from history, but the contemporary expression of a settler-colonial project premised on removal, fragmentation, and destruction. As one Witness Eye survivor summarized with devastating simplicity:

“This is extermination. This is real genocide.” – Asmaa Al-Batsh, Witness Eye testimony

This perception of Gaza as a forever-targeted population emerges directly from the logic Shlaim identifies: a system seeking maximum land with minimum Palestinians.

B. Racism and Racial Hierarchies as the Ideological Engine: Zionism as a Racial Project

During the Istanbul Hearings, expert **Lana Tatour** delivered a detailed analysis demonstrating that Zionism has functioned not only as a nationalist movement but as **a racial ideology embedded in Western colonial and imperial thought**. Tatour urged the Jury to recognize that genocide cannot be separated from the **racial classification** that marks Palestinians as inferior, uncivilized, or threatening. She testified:

“There is a consensus in the international human rights community that Israel’s actions in Gaza amount to genocide... 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.” – Lana Tatour, Istanbul Hearings

Her testimony highlighted:

- The long history of anti-Arab and anti-Palestinian racism,

- The consistent depiction of Palestinians as “less human,”
- The language of Israeli leaders describing Palestinians as “human animals,” “monsters,” and “children of darkness,”
- The explicit calls for a “second Nakba.”

Tatour situated this racism within a long historical continuum of racialization, emphasizing that genocidal discourse in 2023 did not emerge in a vacuum:

“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].’ 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.” – Lana Tatour, Istanbul Hearings

She further traced how Zionism historically relied on racial hierarchies to legitimize dispossession and elimination, and explicitly articulated how racial inferiority is weaponized to justify elimination:

“Racism, racialization, and racial classification and hierarchization are thus core to the Zionist movement, ideology, and practice... 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.” – Lana Tatour, Istanbul Hearings

This ideological racism was not presented solely as discourse but as a lived structure of violence. Tatour emphasized that racial dehumanization enables genocide even when it is globally visible:

“It is this deep-seated racism that allows this genocide to continue, despite it being live-streamed.” – Lana Tatour, Istanbul Hearings

She concluded with a stark formulation that directly links race, ideology, and action:

“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.” – Lana Tatour, Istanbul Hearings

Her testimony mirrored numerous Istanbul accounts in which survivors described how soldiers and officials spoke of Palestinians as non-human. One Witness Eye file cites a soldier shouting at a crushed family: “You are animals; you do not deserve to live.” Another survivor told the Tribunal:

“We have heard members of the Israeli command leadership, so members of the IDF, members of the Knesset, the Prime Minister, the President, making absolutely clear that they see Palestinians as less than human, as more like animals, and therefore as killable in a way that other human beings are not.” Witness Eye testimony

As Tatour warned that it is precisely this racial ideology that allows a live-streamed genocide to unfold with minimal consequences:

“It is this deep-seated racism that allows this genocide to continue, despite it being live-streamed... What we are witnessing in Gaza is race at work; it is Zionism at work.” – Lana Tatour, Istanbul Hearings

The Tribunal accepts that the **racialization of Palestinians** as lesser beings, or even non-humans, is a central precondition for the genocidal acts described in later sections. The Istanbul witness testimonies corroborated Tatour’s analysis. One mother recounted hearing soldiers shouting, “You are not human. You do not deserve life,” echoing numerous Witness Eye files in which soldiers referred to Palestinians as “animals” or “things.”

The Tribunal finds that this pervasive dehumanization is not incidental but reflects a **structural racial ideology**, enabling acts of extermination by defining the targeted population as expendable.

C. Zionist Settler Colonialism as the Source of Recurring Crimes: The “System” Behind the Crimes

Expert **Jeff Halper** urged the Tribunal to “look up” from individual crimes and address the **systemic source**: Zionist settler colonialism as a political structure. Halper emphasized that crimes such as domicide, indiscriminate killings, starvation, and forced displacement arise from a broader project of **Judaization**, which he defined as the replacement of the Indigenous population with a settler one.

Halper provided historical evidence showing how the project of “transfer”—i.e., expulsion—was discussed extensively by early Zionist leaders, including David Ben-Gurion and Yosef Weitz. The Tribunal notes that this historical record is consistent with the ongoing Nakba framework presented by other experts. He explained:

“The crimes of which Israel is accused... 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... 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.” – Jeff Halper, Istanbul Hearings

Halper explicitly warned against treating the crimes in Gaza as discrete or self-contained:

“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.” – Jeff Halper, Istanbul Hearings

Halper described the Zionist project as one of **Judaization** and **de-Arabization**:

“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... Genocide, cultural and physical, is built into the settler project.” – Jeff Halper, Istanbul Hearings

He recalled early Zionist planning for “transfer,” quoting Yosef Weitz’s insistence that “there is no room in the country for both peoples... Not one village must be left, not one tribe.” Halper then connected this history directly to current attempts to remove Gaza’s population:

“Today... Israel is openly negotiating with a number of countries... 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.” – Jeff Halper, Istanbul Hearings

The Tribunal also considers Halper’s evidence on domicide directly relevant to later findings in Theme II. His documentation showed that **house demolition has been a central instrument of Zionist control** for decades, and the destruction of Gaza’s homes—nearly 70–80% destroyed according to several Istanbul experts—must be understood in continuity with this long-standing practice.

As Halper stated:

“Genocide is built into the settler project.”

Halper stressed that this eliminatory logic is not incidental but foundational, linking settler colonialism directly to genocide:

“Settler colonization... 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.” – Jeff Halper, Istanbul Hearings

In this framing, genocide is not a deviation from Zionist practice but its logical outcome. Halper concluded with a formulation that directly links structure to outcome:

“The verdict regarding Israel’s operations in Gaza... must all relate not only to specific criminal policies and actions taken by Israel but also to the criminal system that spawned them.” – Jeff Halper, Istanbul Hearings

The Tribunal finds that Halper’s testimony establishes a clear analytical bridge between historical settler-colonial practices and the

contemporary destruction of Gaza. His evidence demonstrates that mass displacement, domicile, and the rendering of Gaza uninhabitable are not episodic excesses but **manifestations of a long-standing colonial system** structured around replacement and elimination. When read together with survivor testimonies describing repeated displacement and demands to “leave Gaza forever,” the Tribunal concludes that the crimes committed in Gaza are expressions of an entrenched **settler-colonial project rather than isolated or exceptional acts**.

D. Apartheid as Denial of Self-Determination: Fragmentation and Domination of Palestinians as a People

In her testimony, **Rania Muhareb** detailed how Israeli apartheid constitutes a **denial of Palestinian self-determination**, a violation repeatedly affirmed by UN bodies. She stressed that apartheid is not an isolated policy but a system of:

- territorial fragmentation,
- racial domination,
- population transfer,
- suppression of political expression,
- and enforced inequality across all parts of historic Palestine.

Rania Muhareb situated Israeli apartheid within the wider law of self-determination, stating:

“Apartheid is a colonial system of domination. It is fundamentally a denial of the right to self-determination... It is an institutionalised regime of systematic racial oppression and domination, prohibited as a peremptory norm of international law.”
– Rania Muhareb, Istanbul Hearings

She underscored that Israel’s apartheid regime targets the **Palestinian people as a whole**, through displacement, fragmentation, persecution, torture, and other inhuman acts, and that this regime is “embedded in the ideology of Zionism as a racially exclusive settler colonial project.”

Drawing on decades of UN documentation, she reminded the Tribunal that:

“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.” – Rania Muhareb, Istanbul Hearings

Muhareb underscored that Israeli apartheid targets the Palestinian people as a collective, through a combination of displacement, fragmentation, persecution, and inhuman acts. She testified that these practices are not incidental but structurally embedded:

“Israel’s brutal apartheid regime has oppressed and dominated the Palestinian people since the start of the Nakba in 1948.” – Rania Muhareb, Istanbul Hearings

She explained that this regime is inseparable from Zionist ideology itself:

“These [acts]... are embedded in the ideology of Zionism as a racially exclusive settler colonial project in Palestine.” – Rania Muhareb, Istanbul Hearings

Muhareb emphasized that apartheid targets the **Palestinian people as a whole**, regardless of geographic location. This was vividly demonstrated in Istanbul, where witnesses from Gaza repeatedly described a life of total enclosure. One doctor stated:

“They controlled our land, sea, air, bodies, medicine, movement, and even how much electricity we could use. This was our normal.”

Her testimony directly linked apartheid structures to the intensification of genocidal conditions: apartheid creates the **infrastructure of domination** through which genocide becomes materially and bureaucratically feasible. The Tribunal notes that multiple Istanbul witnesses described their lives in Gaza before the genocide in terms that match Muhareb’s legal description: a people subject to **systematic domination, enclosure, and denial of political voice**, living under a system of racial rule that made them permanently vulnerable to mass killing.

This understanding was reinforced during the **Sarajevo Hearings**, where experts warned against treating apartheid as territorially limited or temporally bounded. One Sarajevo intervention described how Palestinians are rendered politically invisible through fragmentation:

“Palestinians and Arabs and Muslims more generally are rendered peoples without history, peoples without ethical or political importance.” – Sarajevo Hearings

The same testimony explained that Zionist colonial governance relies on hierarchical racial ordering:

“The Zionist project in and over Palestine developed as an openly colonialist project... when European empires routinely segregated humanity into a hierarchy of superior and inferior races.” – Sarajevo Hearings

The lived reality of apartheid as total domination was repeatedly confirmed by **Witness Eye** testimonies from Gaza. One account described the comprehensive nature of control exercised over Palestinian life:

“Israel wanted to restore an old paradigm: controlling not just every aspect of life in Gaza, but the very psyche and soul of every Gazan... to remind Palestinians of their place—that of lesser beings, with worthless lives and no agency.”— Witness Eye

Another Witness Eye testimony explicitly described enclosure as a permanent condition rather than a temporary emergency:

“They sought to instill fear, impose servitude, and remind Palestinians of their place.”— Witness Eye

Taken together, these testimonies demonstrate that apartheid is not merely a background condition but a **governing structure that produces permanent vulnerability**. The Tribunal finds that **apartheid** creates the **legal, spatial, and bureaucratic infrastructure** through which **genocidal violence becomes materially and administratively possible**. The systematic fragmentation, domination, and denial of political voice described by witnesses across Gaza align precisely with the legal characterization offered by Muhareb: apartheid as a denial of self-determination imposed upon a people as a whole.

E. Nakba as a Continuous Structure: The Nakba as a Legal and Historical Framework

Legal scholar **Rabea Eghbariah** argued that the Nakba should be recognized as a **continuous structure**, not a past event. He traced:

- The expulsions of 1948,
- The military rule of Palestinians from 1949–1966,
- The occupation of 1967,
- The Sabra and Shatila massacres of 1982,
- The siege on Gaza since 2006,
- and the present genocide.

Eghbariah insisted that these events form a **single, coherent project of domination**, not fragmented episodes. He urged the Tribunal to understand the genocide in Gaza as the **third major phase** of this continuous Nakba. He testified:

“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... The term Nakba... has undergone a metamorphosis; it has evolved from an event of mass expulsion and land theft into a brutally sophisticated structure of oppression.” – Rabea Eghbariah, Istanbul Hearings

Eghbariah argued that:

“Even if the genocide in Gaza ends, the Nakba continues... Simply put, the Nakba never ceased, and the genocide in Gaza is inextricable from this ongoing Nakba.” – Rabea Eghbariah, Istanbul Hearings

He noted that Nakba and genocide intersect:

“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.” – Rabea Eghbariah, Istanbul Hearings

Crucially, Eghbariah asked the Tribunal to treat Nakba as a **legal concept** that captures the totality of the Palestinian experience:

“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... The crime of Nakba, understood not as an event but an ongoing structure, captures what the other legal categories, even when correct, leave fragmented.” – Rabea Eghbariah, Istanbul Hearings

His testimony was reinforced by dozens of Istanbul accounts from survivors who identified themselves as third- or fourth-generation refugees. One witness stated:

“My grandmother fled in 1948. My mother fled in 1967. I fled in 2023. They never stopped pushing us out.” – Survivor testimony, Istanbul Hearings

Similar intergenerational continuity was documented through Witness Eye, which recorded how displacement is experienced not as an interruption but as a permanent condition:

“They wanted to erase entire generations.”– Witness Eye testimony

The Tribunal accepts Eghbariah’s argument that Nakba constitutes a conceptual bridge linking **settler colonialism, apartheid, ethnic cleansing, and genocide**. The Tribunal finds this framing indispensable. It confirms that the genocide in Gaza is the **most devastating manifestation of a continuous Nakba**, not an isolated episode. Istanbul testimonies from multi-generational refugee families give this concept concrete human form.

F. Western Imperialism and the Devaluation of Palestinian Life: Dehistoricization and Racial Ordering

Historian **Ussama Makdisi** provided critical insight into why Palestinian suffering is minimized in Western political discourse. He explained how, since the 19th century, Western Christian and Jewish Zionist movements shared a racial worldview that erased Indigenous Palestinians from moral consideration. In his words, Palestinians were rendered “a people without history,” a rhetorical maneuver that justified colonial intrusion. Makdisi traced how this devaluation persisted even after the Holocaust. Western support for Israel became a form of **post-war moral self-rehabilitation**, in which Palestinians were sacrificed for a Western narrative of renewal. This ideological history helps explain the impunity Israel enjoys today. He testified:

“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.”

Makdisi showed how post-war Western “humanism” was rebuilt at Palestinian expense. Crucially, he situated Western support for Israel after 1948 within a broader project of post-war moral reconstruction. He argued that Western states used Israel as a site through which to reconstitute their own sense of humanism after the Holocaust, while simultaneously excluding Palestinians from that moral horizon:

“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... Palestinians, however, did not figure in this moral calculus.”

This analysis resonates strongly with Witness Eye testimonies, several of whom expressed disbelief that states which “speak of human rights” continued to deliver weapons and diplomatic cover as their children starved and burned. This dynamic was reflected in other testimonies. Numerous survivors reported disbelief that Western governments could continue supplying arms despite watching children die live on screens.

“They saw us starving. They saw us buried. They saw our children dying. And they sent more weapons.” – Witness Eye testimony

The Tribunal finds that this convergence of expert analysis and survivor testimony establishes a clear pattern: **Palestinian life is systematically devalued within dominant Western political and moral frameworks**. This devaluation is historically produced through imperial narratives, sustained through racialized hierarchies of humanity, and operationalized through diplomatic protection, arms transfers, and the refusal to enforce international law.

The Tribunal concludes that **Western dehistoricization and racial ordering** are not merely discursive failures but material enablers of genocide. By rendering Palestinian lives expendable within a hierarchy of human worth, Western imperial power has helped create the conditions of impunity under which the destruction of Gaza has been carried out.

G. Capitalism, Corporate Structures, and Material Incentives: Economic Structures Feeding Genocide

Economist **Yanis Varoufakis** presented evidence that genocide has become materially profitable within global capitalist networks, especially within weapons production and emergent “cloud capital” technologies. He explained that Israel’s financial markets expanded during the genocide, driven by:

- the doubling of Israel’s defense budget,
- increased investment flows from global arms manufacturers,
- and the real-time testing of AI-driven surveillance, targeting, and biometric systems on Palestinians.

Varoufakis testified and attributed this directly to the integration of Israel’s military economy into global corporate and financial circuits:

“The jury should want to keep in mind that genocide pays... thousands of Israeli companies are intertwined with American, European, Korean mega-corporations... 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.” – Yanis Varoufakis, Istanbul Hearings

He explained that Israel's financial markets expanded during the genocide, even as civilian life in Gaza was systematically destroyed:

“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%.” – Yanis Varoufakis, Istanbul Hearings

Varoufakis further situated these dynamics within a longer history of colonial capitalism, warning the Tribunal that economic interests have consistently enabled genocidal violence:

“History teaches us that economic interests have been key drivers and enablers of colonial enterprises and often of the genocides they perpetrated.” – Yanis Varoufakis, Istanbul Hearings

He further warned that Gaza is a **real-time laboratory** for emergent forms of “cloud capital,” in which violence itself becomes a site of technological experimentation:

“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... could not be happier with the genocide.”

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. Ibtihal Aboussad In Istanbul, survivors described exactly this environment: skies full of drones, precision targeting of families and aid convoys, biometric scans, and total digital monitoring. Varoufakis concluded:

“What is happening in Palestine... 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.”

The Tribunal finds Varoufakis's testimony central to understanding that Gaza's destruction is not only ideological but also **materially incentivized** through transnational corporate and technological platforms. Istanbul testimonies confirmed this dynamic: survivors repeatedly described drones, facial-recognition technologies, automated targeting systems, and AI-assisted strikes. One paramedic stated:

“We were being watched every second. The sky was always full of drones. They knew where every person was.”

At the Istanbul Hearings, this analysis was echoed in broader reflections on global capitalism. In the **Sarajevo Public Assembly recap**, Penny Green underscored that Palestine has exposed the structural fractures of the global economic order:

“Palestine has exposed the fissures and the fractures that so glaringly divide our capitalist world.” – Penny Green, Istanbul Hearings

She further described how Gaza reveals entrenched global hierarchies:

“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.” – Penny Green, Istanbul Hearings

The Tribunal finds that **global economic structures and technology corporations** are not neutral observers but form part of the material infrastructure sustaining and profiting from the genocide. These testimonies establish that the genocide in Gaza is embedded within transnational economic and technological systems that actively profit from destruction. The Tribunal finds that global capitalism, arms manufacturing, and advanced surveillance technologies are not neutral backdrops but constitute a **material infrastructure that sustains and accelerates genocidal violence**.

The Tribunal concludes that the devastation of Gaza cannot be understood without confronting the **economic incentives, corporate entanglements, and technological experimentation** that feed it. The genocide is not only enabled by ideology and impunity but also by a global system in which destruction itself has become profitable.

H. Convergence of Expert Testimony with Lived Evidence

All expert testimony presented to the Tribunal converges on the same conclusion: **the genocide in Gaza is the outcome of a long-standing**

settler colonial project characterized by racial domination, enforced fragmentation, territorial dispossession, siege, apartheid structures, and imperial support.

Istanbul survivors provided the empirical lived reality of these systems. Witness Eye files corroborate the structural dynamics, showing patterns of:

- mass killing,
- starvation,
- medical deprivation,
- destruction of homes and infrastructure,
- targeting of refugee populations,
- forced displacement,
- and dehumanizing practices.

When these patterns are placed within the historical and ideological framework provided by experts, the genocidal nature of the acts becomes unmistakable.

I: Conclusion of Theme I: Root Causes

Taken together, the expert testimonies and survivor accounts establish that the violence inflicted upon Gaza emerges from a long-standing political and ideological system rather than from any isolated moment of conflict. The evidence demonstrates that Zionism has historically functioned as a settler colonial and racial project whose central objective has been to secure maximum control over the land with a minimum presence of its Indigenous Palestinian population. This project has given rise to what multiple experts describe as an ongoing Nakba—an enduring structure of expulsion, fragmentation, and confinement that has shaped Palestinian life for more than seven decades. The Tribunal heard extensive testimony showing how this process has operated through cycles of displacement, denial of return, targeted destruction, and the systematic confinement of Palestinians into shrinking and militarized enclaves.

The Tribunal further finds that apartheid is not an ancillary feature of this system but one of its principal mechanisms. The regime of racial domination, territorial fragmentation, and denial of self-determination imposed upon Palestinians constitutes a permanent architecture of control. Nowhere is this more visible than in the siege of Gaza, where an entire population was subjected to restrictions designed to regulate every aspect of civilian life—including movement, electricity, water, food, medicine, and the possibility of economic survival—long before the genocidal assault began. This structural violence was repeatedly confirmed by Istanbul survivors who described their lives as marked by enclosure, dependency, and deliberate de-development.

The evidence also shows that these structures have been sustained and strengthened by Western imperial and economic systems that

consistently devalue Palestinian life. Experts demonstrated how political alliances, diplomatic shielding, arms transfers, and corporate partnerships have enabled Israel to perpetrate widespread violence with relative impunity. Survivor testimonies underscored this dynamic, often expressing profound disbelief at the continued supply of weapons and political support to Israel even as mass starvation, bombardment, and civilian death unfolded in real time.

Finally, the Tribunal recognizes that new forms of capital, digital surveillance technologies, and AI-assisted targeting systems have become deeply entangled with the conduct and continuation of the atrocities. Expert testimony revealed how Gaza has served as a laboratory for testing emerging technologies, and how the genocide itself has been integrated into transnational economic circuits that profit from warfare and population control. Survivors' descriptions of omnipresent drones, biometric monitoring, and AI-guided strikes confirmed the on-the-ground manifestation of these technological systems.

In light of this cumulative evidence, the Tribunal concludes that the genocide in Gaza cannot be viewed as an exceptional rupture within an otherwise lawful order. Rather, it represents the logical culmination of the settler colonial, racial, apartheid, imperial, and economic structures that have governed the lives of Palestinians for generations. These root causes form the contextual and evidentiary foundation for the Tribunal's later findings on genocidal intent and on the specific genocidal acts documented in the hearings and submissions.

The Tribunal concludes that:

- The violence against Gaza arises from a **settler colonial system** seeking the elimination or displacement of Palestinians.
- This system is driven by a **racial ideology** that dehumanizes Palestinians and renders their destruction permissible.
- The structure of **apartheid** provides the political and territorial framework enabling systematic domination.
- The **Nakba is continuous**, forming the historical backbone of Palestinian destruction from 1948 to the present genocide.
- **Western imperial and corporate structures** have materially sustained, legitimized, or profited from these processes.
- These root causes collectively establish the **contextual and ideological foundation of genocidal intent**.

This foundation underpins the Tribunal's forthcoming findings in Theme II regarding the specific genocidal acts perpetrated in Gaza.

THEME II

GENOCIDAL ACTS (STARVATION, DOMICIDE, ECOCIDE, REPROCIDE, SCHOLASTICIDE, ATTACKS ON CIVILIANS, MEDICAL SYSTEMS, JOURNALISTS, CHILDREN, ETC.)

A. Starvation as a Method of Extermination

The Tribunal finds, based on extensive testimonial, documentary, and expert evidence, that Israel **deliberately used starvation as a method of warfare and as a genocidal instrument against the Palestinian population of Gaza** between 2023–2025. The scale, duration, and intentional design of this starvation campaign meet the legal thresholds under Article II(c) of the Genocide Convention (“deliberately inflicting conditions of life calculated to bring about the physical destruction of the group”), Article 54 of Additional Protocol I (prohibition on starvation of civilians), and Article 8(2)(b)(xxv) of the Rome Statute (war crime of starvation).

The Tribunal concludes that starvation in Gaza was not incidental, collateral, or an unintended byproduct of hostilities—it was **planned, enacted, maintained, and defended** as a strategic tool of population destruction.

1. Starvation “By Design”: Blockade, Denial of Aid, and Engineered Famine

From the earliest stages of this genocidal campaign, starvation emerged as a central instrument of violence. On 9 October 2023, Israeli Defense Minister Yoav Gallant declared a “**complete siege**”—“**no electricity, no food, no fuel.**” As expert witness **Hilal Elver**, former UN Special Rapporteur on the Right to Food, testified in Istanbul:

“This was not an act of war against combatants, but an assault on civilians... Israel has used hunger as a weapon for years—first as a tool of control, and later as a genocidal instrument after October 2023.”

Her chronology, grounded in UN food security data and IPC classifications, documented a collapse in caloric intake, destruction of food infrastructure, attacks on aid convoys, and repeated violation of ICJ orders mandating humanitarian access. She described the Gaza famine as:

“the most deliberate and efficient starvation campaign of the 21st century.”

Istanbul witness **Hani Almadhoun**, Senior Director of Philanthropy at UNRWA USA and co-founder of the Gaza Soup Kitchen, confirmed the same pattern through lived experience:

“My family and colleagues have seen firsthand how impossible it has been to get even minimal aid into Gaza... because the occupation has intentionally and consistently blocked it. They are being starved. They are watching neighbours starve.”

His testimony demonstrated both the structural denial of food and the cruelty of its orchestration. Israeli authorities repeatedly used images of meager meals distributed by his kitchen to claim “there is no famine,” despite widespread starvation. Almadhoun described this as:

“the audacity of the occupation: to starve an entire population, then twist our resilience into a claim that we are the liars.”

The Tribunal notes that this manipulation—the use of Palestinian survival efforts as propaganda—was documented in multiple Witness Eye files, including WE-Starvation-07 and WE-Starvation-13, where Israeli officials used carefully staged images of aid to deny hunger while simultaneously imposing lethal restrictions on aid entry.

2. Systematic Destruction of Gaza’s Food System

The evidence clearly shows that Israel did not merely restrict food; it **destroyed Gaza’s capacity to feed itself**, rendering long-term famine inevitable.

According to Elver:

“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.”

Satellite imagery and humanitarian documentation submitted to the Tribunal (Sarajevo dossier, Annex 4) confirm:

- Gaza’s **last operating flour mill was destroyed by Israeli strikes** in November 2023.
- All major **bakeries in northern Gaza ceased functioning** due to bombardment and fuel denial.
- Over **90% of agricultural land** was destroyed by mid-2025.
- Fishing ports and irrigation networks were repeatedly targeted.
- Livestock populations were decimated due to lack of fodder and water.

These findings match multiple Witness Eye legal classifications, such

as WE-FoodDestruction-02, which found “**clear evidence of intentional destruction of objects indispensable to civilian survival.**”

An Istanbul doctor testified that entire families were surviving on “**animal feed, boiled weeds, or nothing at all**”, describing children’s bodies “shrinking in front of us.”

The Tribunal therefore concludes that the starvation campaign entailed **both acute deprivation and structural annihilation of food-producing capacity.**

3. Blocking, Attacking, and Manipulating Humanitarian Aid

The Tribunal received overwhelming evidence that Israel systematically obstructed, delayed, diverted, or attacked humanitarian aid, in violation of international law.

As Almadhoun testified:

“Sometimes, all we could offer was bland pasta or soup made from foraged plants... Families walked miles for a meal. Children with arms so thin you could see every bone.”

He reported that civilians gathering around aid centres were repeatedly targeted:

“My 18-year-old cousin, Samhee, was killed at an aid site near Khan Younes... Countless others have vanished under similar circumstances.”

Hilal Elver documented a similar pattern, describing aid distribution points as:

“human slaughterhouses.”

Her testimony referenced the **Flour Massacre** of 29 February 2024, where Israeli forces shot at civilians waiting for bread, killing at least 118 and injuring hundreds more. Witness Eye file WE-TargetingAid-04 contains forensic and testimonial evidence confirming this classification as a direct attack on humanitarian relief.

Israel’s own settlers and extremist groups (Tsav 9) physically blocked aid trucks under military protection. This conduct remained unpunished. Elver noted:

“Humanitarian workers were killed at unprecedented levels... Aid convoys were systematically obstructed. Israel ignored every ICJ order demanding humanitarian access.”

The Tribunal recalls that the **ICJ issued three binding provisional measures orders** between January and May 2024,¹ each mandating unhindered aid delivery. Israel’s **deliberate non-compliance** further demonstrates the intentionality of the starvation policy.

4. Evidence of Starvation in Survivor Testimonies (Istanbul)

Dozens of civilian witnesses before the Istanbul hearings described starvation in intimate, devastating detail.

A mother of three testified:

“My children cried, not from bombs, but from hunger. My baby fainted in my arms. That’s when I understood we were meant to die slowly.”

A medic described:

“Children arrived at clinics with their organs shutting down. Their bodies consumed themselves. We had nothing—no milk, no supplements, no clean water.”

A teacher stated:

“We survived on leaves. We boiled grass. We searched through garbage. The world watched.”

These accounts match the conditions described in WE-Starvation-11 and WE-Starvation-19, which classify starvation in Gaza as “**a widespread, systematic, and intentional act directed against a civilian population.**”

5. Famine as the Predictable and Intended Outcome

By August 2025, famine was formally declared in central Gaza. By September, **640,000 people** were in famine conditions, **1.14 million** in emergency. Food prices had risen 9,900%. More than **132,000 children** suffered acute malnutrition. At least **455 people**, including **151 children**, had died from starvation—not counting unregistered deaths in northern Gaza. Elver described these numbers as:

“the first officially declared famine of the 21st century caused entirely by human intent.”

¹ See Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) - Provisional measures at <https://www.icj-cij.org/case/192/provisional-measures>

Almadhoun summarized the crisis:

“This is not a natural disaster. Gaza was starved by design.”

The Tribunal agrees.

6. Legal Classification: Starvation as a Genocidal Act

The Tribunal determines that starvation in Gaza meets all legal thresholds for **genocide, crimes against humanity, and war crimes.**

Genocide (Article II(c))

Israel deliberately imposed conditions of life calculated to bring about the physical destruction of Palestinians, including:

- Blockading food, water, fuel, and medicine
- Destroying food infrastructure
- Preventing humanitarian aid
- Targeting civilians seeking food
- Creating dependence while eliminating local production

Crimes Against Humanity (Article 7)

Starvation of civilians constitutes extermination and other inhumane acts intentionally causing great suffering.

War Crimes (Rome Statute)

Starvation as a method of warfare is explicitly prohibited. The ICC Pre-Trial Chamber (October 2024, *South Africa v. Israel*) confirmed reasonable grounds to believe Israeli leaders bore responsibility.

7. Tribunal Conclusion on Starvation

The Tribunal concludes:

Israel used starvation as a deliberate, systematic, and coordinated method of population destruction. This constitutes a genocidal act under international law.

Starvation was not collateral damage; not a miscalculation; not an unintended consequence.

It was a **weapon**.

It was **policy**.

It was **genocide**.

B. Ecocide: Systematic Destruction of the Environment as a Genocidal Modus Operandi

The Tribunal finds, based on the extensive expert evidence presented in Istanbul, corroborated by scientific studies submitted to the Sarajevo session and legal analyses contained in the Witness

Eye documentation, that the Israeli military campaign against Gaza involved **the widespread, long-term, and severe destruction of environmental infrastructure** essential to life.

The evidence demonstrates that ecocide in Gaza was not incidental, collateral, or an unintended byproduct of conflict. Rather, it was a **deliberate strategy of warfare** inseparable from the genocidal intent to make Gaza uninhabitable and to destroy the conditions necessary for the survival of the Palestinian population.

This conclusion follows from the fact that environmental destruction in Gaza targeted all basic ecological systems—**land, water, air, biodiversity, soil, agriculture, and marine ecosystems**—on which human life depends. The Tribunal recognizes ecocide as forming part of the “conditions of life calculated to bring about physical destruction” under Article II(c) of the 1948 Genocide Convention.

1. Ecocide as a Longstanding Structure of Colonial Violence

The Tribunal notes that ecocidal practices predate the current assault. Expert **Mazin Qumsiyeh**, a biologist and leading authority on Palestinian biodiversity, testified that environmental destruction is rooted in a colonial project nearly a century old:

“The environmental costs of the colonial occupation began nearly a hundred years ago—draining the Hula wetlands, diverting the Jordan River from 1,350 million cubic meters per year to barely 20, uprooting millions of native trees, introducing invasive species, and destroying resilient ecosystems. I have described this as an ‘environmental Nakba.’”

Qumsiyeh’s evidence demonstrated that **environmental devastation has accompanied each phase of territorial dispossession**, and that the ecological collapse since 2023 is the most extreme manifestation of this ongoing structure.

The Tribunal also takes note of the Sarajevo presentations on environmental apartheid, which emphasized that **Israeli control over land, water, and resources has always been a central instrument of domination**, not merely an environmental side effect.

2. Ecocide Intensified to Unprecedented Levels After October 2023

Qumsiyeh testified that the environmental Nakba “accelerated since 7 October 2023,” producing unparalleled ecological destruction. He identified key domains:

- **Bombing emissions:** Israeli bombardment generated greenhouse gases “greater than those produced by many countries annually.”

- **Systematic destruction of agriculture:** IOF bulldozed orchards, razed greenhouses, burned fields, and poisoned soil.
- **Attacks on biodiversity:** Habitats of IUCN red-listed species were destroyed.
- **Use of prohibited weapons:** White phosphorus, depleted uranium, and other toxic munitions were deployed across civilian areas.
- **Destruction of universities and research centers:** “All higher education institutions in Gaza were destroyed,” eliminating capacity for environmental remediation.
- **Collapse of water systems:** Damage to desalination plants and sewage networks left humans, plants, and animals exposed to catastrophic contamination.

These findings align with multiple **Witness Eye legal classifications** documenting attacks on objects indispensable to civilian survival—water, agriculture, forests, and soil.

One report submitted to Sarajevo (UNEP Rapid Damage Assessment, June 2024) concluded that **85% of water and sanitation systems had collapsed**, leading to the discharge of **108,000 cubic meters of raw sewage daily** into land and sea.

The Tribunal finds that these patterns demonstrate the **intentional targeting of environmental infrastructure** as a strategy to eliminate the conditions of life for Palestinians.

3. Ecocide as Deliberate Strategy: Expert Testimony of David Whyte

The Tribunal received comprehensive expert testimony from **Professor David Whyte**, a leading scholar of climate crime. His evidence placed ecocide within the historical development of environmental warfare and argued that in Gaza, ecocide forms an integral part of the genocide.

He recalled that Richard Falk—President of this Tribunal—had described similar tactics in Vietnam as reflecting a “demonic logic” of counterinsurgency: destroying the environment to destroy the people dependent upon it.

Whyte testified:

“The destruction of environmental infrastructure in Gaza is indivisible from the genocide. The Israeli strategy eradicates the means of existence—land, water, air, biodiversity—and seeks to make Gaza unliveable.”

He emphasized that Article II(c) of the Genocide Convention is directly relevant, because Israel has:

“deliberately inflicted conditions of life calculated to bring about physical destruction of the group.”

Whyte presented extensive evidence on:

a. Targeting of agricultural systems

Satellite data showed that:

- **97.1% of tree crops,**
- **82.4% of annual crops,**
- **95.1% of shrubland, and**
- **89% of grass/fallow land**

had been destroyed by May 2025 (UNEP).

Forensic Architecture documented that attacks consistently followed a pattern:

“After initial damage from aerial bombardment, ground troops arrived and dismantled greenhouses completely, while tractors, tanks and vehicles uprooted orchards and fields of crops.”

b. Water destruction as a weapon of war

Whyte cited UN Special Rapporteurs, Human Rights Watch, and Oxfam, all confirming that Israel **weaponized water**, shutting down Mekorot pipelines, destroying desalination plants, and bombing sewage stations.

The FXB Center at Harvard found that the clustering of bomb sites around water infrastructure had less than a **1% probability** of being random.

c. Toxic contamination of land and air

Whyte testified that heavy metals, depleted uranium, asbestos, white phosphorus, and explosive residues have **contaminated soil for decades**:

“Gaza has been deliberately made into a toxic zone.”

UNEP further reported **61.4 million tons of debris**, including asbestos, heavy metals, medical waste, and unexploded ordnance.

The Tribunal accepts this evidence as demonstrating a **systematic and long-term strategy** aimed at degrading the environment so extensively that human life cannot be sustained.

4. Collapse of Biodiversity and Environmental Health

Qumsiyeh described the destruction of Gaza’s rich biodiversity:

“Most species in Gaza listed in the IUCN Red List lost their habitats. The Wadi wetlands, dunes, and coastline have suffered irreversible damage.”

Satellite data submitted by UNEP and Kent State University showed that **80% of Gaza’s trees** were destroyed in the first year alone.

Soil and water contamination from bombings, destroyed solar panels, chemical leakage, and waste dumping pose long-term health risks, including:

- cancers,
- birth defects,
- respiratory illnesses,
- ecosystem collapse,
- and multi-generational toxic exposure.

These findings correspond to Witness Eye case files documenting **ecocidal harm with long-term consequences for population survival**.

5. Intentionality: “A Gaza That Cannot Sustain Life”

The Tribunal notes that ecocide in Gaza exhibits clear markers of intentionality:

- scale (nearly total destruction),
- duration (two full years of continuous assault),
- targeting patterns (agriculture, water, energy, biodiversity),
- public statements by officials,
- and Israel’s historic use of environmental destruction as a control strategy.

Whyte emphasized the explicit statements of Israeli military and political leaders:

“No electricity, no food, no water, no fuel... We are fighting human animals.” –Yoav Gallant, 9 October 2023

He testified:

“Environmental destruction was not collateral damage; it was the method. Gaza’s environment was targeted so that Gaza’s people would have no future.”

The Tribunal finds that this intent—to make Gaza permanently uninhabitable—constitutes a **genocidal strategy** directed at destroying the Palestinian group in whole or in part.

6. Ecocide and Genocide: An Integrated Crime

Both experts made clear that ecocide is not merely environmental harm but a mode of genocide.

Qumsiyeh testified:

“The destruction of land, water, and biodiversity is inseparable from the destruction of people. Ecocide and genocide are intertwined—one accelerates the other.”

Whyte concluded:

“All life has been deliberately targeted. Gaza has endured a form of warfare designed to destroy the capacity to sustain life itself.”

This matches Sarajevo expert findings that “conditions of life” encompass ecological conditions necessary for survival.

The Tribunal therefore concludes:

Ecocide in Gaza was an integral component of the genocidal campaign, deliberately designed to destroy the environmental foundations of Palestinian life.

7. Legal Determination

The Tribunal determines that Israel’s actions constitute:

a. Genocide (Article II(c))

By destroying water systems, agriculture, soil, air quality, biodiversity, and land—Israel inflicted conditions of life calculated to bring about the physical destruction of Palestinians.

b. War Crimes (Rome Statute, Article 8)

Including:

- attacking objects indispensable to civilian survival;
- causing widespread, long-term, and severe environmental damage;
- targeting humanitarian and environmental infrastructure.

c. Crimes Against Humanity

Through systematic, widespread destruction affecting an entire civilian population.

d. Ecocide (as emerging norm)

Though not codified, ecocide is recognized by international legal scholarship and relevant protocols as a grave crime. The Tribunal affirms that the destruction in Gaza **meets and exceeds** proposed legal thresholds.

8. Tribunal Conclusion

The Tribunal concludes:

Israel committed ecocide in Gaza as part of, and in service of, the broader genocidal campaign against the Palestinian people.

The environmental destruction was:

- systematic,
- long-term,
- severe,
- intentional, and
- calculated to render Gaza uninhabitable.

Ecocide in Gaza is thus both a **crime in itself** and a **method of genocide**, contributing decisively to the destruction of the Palestinian population.

C. Domicide: The Systematic Destruction of Homes, Neighbourhoods, and the Possibility of Life

The Tribunal finds, based on overwhelming testimonial and documentary evidence, that the destruction of homes and the built environment in Gaza was **systematic, deliberate, and executed with the intent to render the territory uninhabitable**.

Domicide—defined as the intentional or reckless mass destruction of homes and the conditions necessary for dwelling—is both a **distinct crime** and a **core component** of the genocidal campaign.

Testimony from survivors, expert analyses presented in Istanbul and Sarajevo, and technical assessments from Witness Eye all converge to show that Israel’s destruction of Gaza’s housing stock was not tied to legitimate military objectives. Instead, the scale, pattern, and ferocity of destruction constitute an attack on the Palestinian people’s **physical survival, cultural continuity, and collective future**.

The Tribunal therefore concludes that **domicide in Gaza is inseparable from genocide**, functioning as one of its central mechanisms.

1. The Human Experience of Domicide: Testimony of Mohamed Al Helou

The Tribunal considers the testimony of **Mohamed Al Helou**, a young journalist from Shuja’iyya and a survivor of the genocidal campaign, to be both highly credible and emblematic of the civilian experience across Gaza.

He described Shuja’iyya—once a dense, vibrant neighbourhood of 100,000 people—as a place erased from the map:

“In the past two years, Israel has destroyed almost everything. Only a few houses remain.”

His home, built by generations of Al Helou family members, sheltered **fourteen people**—siblings, their families, an uncle, and an 85-year-old grandmother. For Palestinians, he emphasized, a home is not a structure but a multigenerational anchor:

“A home is never just four walls. It is where generations live together... where every corner holds a story.”

He recalled ordinary life—coffee from his cousin’s stand, breakfast at Al-Muluk restaurant, school mornings with neighbours—then contrasted them with the aftermath of destruction:

“Shuja’iyya was my home. It was my past and it was my future. When Israel destroyed Shuja’iyya, it destroyed a past, a present, and a future.”

His testimony shows that domicile is a form of **cultural erasure**.

Al Helou described how his family fled before the aerial strike that destroyed their home, which simultaneously **damaged or demolished seventy other homes**. After the destruction, further losses followed:

“My nephew was killed by starvation... My younger brother and my cousin were killed by Israeli snipers while looking for food.”

His testimony directly connects domicile with **subsequent genocidal conditions**—displacement, hunger, exposure, and further targeting.

He described tents as the new landscape of childhood:

“My nephew Akram... has never lived in a house. His entire life has been spent in a tent... What does home mean to a child who has never had one?”

This underscores the intergenerational dimension of domicile: the deliberate denial of a future in which Palestinians can live, belong, and rebuild.

Al Helou concluded:

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

The Tribunal finds this testimony consistent with a broader pattern documented across Gaza.

2. Expert Framework: Domicide as a Distinct and Central Crime

UN Special Rapporteur on Housing, Prof. Balakrishnan Rajagopal, provided a comprehensive analytical framework.

He stated unequivocally:

“Domicide is the most visible, recorded, and unique element of the war on Gaza since 2023.”

He compared the destruction to historical examples—Hiroshima, Nagasaki, Dresden—and concluded:

“The level of destruction in Gaza is more acute than even the worst examples in terms of scale and ferocity.”

This aligns with Witness Eye satellite analysis showing destruction in Gaza “without modern precedent in density or geographic spread.”

Rajagopal emphasized that housing is not an isolated right; it is a **gateway right**:

“Destruction of a home destroys the possibility of enjoying so many other rights... the ability to cook, access water, sanitation, attend school. Housing is a gateway to the right to self-determination because self-determination depends on having control over land.”

He further clarified that domicide directly undermines Palestinian political existence:

“Domicide is an attack on a people and their self-determination.”

The Tribunal accepts this as authoritative.

3. Scale of Destruction: Quantitative Findings

Multiple evidentiary sources—including UN agencies, Gaza Shelter Cluster data, and Witness Eye forensic mapping—confirm the scope of domicide:

- **Over 90%** of Gaza’s housing stock destroyed or damaged.
- **More than 200,000 tons** of munitions dropped—equivalent to **13 Hiroshima bombs**.
- **94% of hospitals, 95% of schools, and 89% of water, sanitation, and hygiene infrastructure** destroyed or damaged.
- Entire neighbourhoods, including Shuja’iyya, Khan Younis, Rimal, Beit Hanoun, Al-Zahra, and Jabalia, “erased from physical and digital maps.”

Rajagopal described northern Gaza as:

“a moonscape that defies belief.”

Witness Eye file WE-Domicide-05 documented areas where **every structure in a 2 km radius was flattened**. WE-Domicide-11 confirmed **systematic demolition with armored bulldozers**, even after aerial bombardment had already neutralized any potential military objective.

The Tribunal finds the scale of destruction to be **deliberate, systematic, and disproportionate**.

4. Patterns Demonstrating Intentionality

a. Destruction far exceeding any military justification

Rajagopal testified:

“The destruction of residential buildings and civilian infrastructure has been disproportionate and unnecessary for any plausible military objective.”

b. Targeting after evacuation

In numerous cases documented by Witness Eye and survivor testimony, buildings were destroyed **after evacuation orders**, indicating punitive intent rather than battlefield necessity.

c. Use of AI systems (Lavender, Gospel, “Where Is Daddy?”)

Rajagopal described how these systems exponentially increased targeting:

“Israel’s use of artificial intelligence... and the overall pattern of mass bombardment show systematic demolition.”

The Tribunal notes that automation does not dilute human responsibility; it amplifies the scale of unlawful destruction.

d. Destruction of buildings associated with Palestinian cultural life

Testimony referenced the destruction of:

- family homes,
- businesses,
- restaurants,
- historic buildings,
- cultural centers,
- religious sites.

These losses amount to **cultural erasure**, a key indicator of genocidal intent.

5. Humanitarian, Cultural, and Psychological Consequences

Rajagopal emphasized:

“A home is a repository of memories, hopes, and aspirations. People mourn when they lose their homes.”

The Tribunal recognizes that domicide produces:

- **psychological trauma**,
- **family fragmentation**,
- **loss of cultural heritage**,
- **collapse of social networks**,
- **exposure to hunger, cold, disease**,
- **gendered vulnerabilities**,

- **intergenerational displacement,**
- **long-term inability to rebuild.**

Testimony from Gaza survivors in Istanbul repeatedly referenced:

- children freezing in tents,
- elderly people dying from exposure,
- newborns growing up without shelter,
- women giving birth in open-air camps.

These consequences are not incidental; they are **intrinsic to domicide as a form of genocide.**

6. Domicide as a Component of Genocide

The Tribunal determines that Israel's destruction of homes constitutes:

Genocide – Article II(c)

Because it inflicts **conditions of life calculated to bring about the physical destruction** of Palestinians, including:

- destruction of shelter;
- eradication of neighbourhoods;
- displacement leading to starvation and exposure;
- denial of the possibility of rebuilding;
- transformation of Gaza into an uninhabitable territory.

Crimes Against Humanity – Article 7

Domicide forms part of a **widespread or systematic attack** on a civilian population.

War Crimes – Article 8

The mass targeting of homes, shelters, and civilian infrastructure constitutes:

- wanton destruction not justified by military necessity,
- attacks on protected objects,
- unlawful displacement.

The Tribunal also notes that domicide is emerging as an independent crime in international law, and that the Gaza case provides a compelling basis for its codification.

7. Conclusion: Domicide as the Architecture of Genocide

The Tribunal concludes:

Israel engaged in a deliberate and systematic campaign of domicide across Gaza, destroying homes, neighbourhoods, and the very possibility of Palestinian life, belonging, and return.

This domicide:

- produced mass displacement,
- denied shelter to over 2 million people,
- erased cultural and historical landscapes,

- destroyed intergenerational homes and heritage,
- and contributed directly to starvation, disease, and death.

It is not an auxiliary feature of the war. It is **one of the core methods of genocide.**

As Al Helou said:

“When Israel destroyed Shuja’iyya, it destroyed a past, a present, and a future.”

As Rajagopal warned:

“Domicide is the main tool of converting occupation to annexation... and of transforming Gaza into an uninhabitable territory.”

And as the Tribunal finds: **Domicide is a central pillar of the genocidal campaign against the Palestinian people.**

D. Attacks on Medical Systems

1. Medical Systems as Life Systems in Genocide

The Tribunal recognises that health systems are not merely technical infrastructure. Hospitals, clinics, ambulances, pharmacies, water and sanitation networks, and the people who staff them constitute the **preconditions for collective survival.** Without them, wounds cannot be treated, births cannot be safely attended, chronic illnesses cannot be managed, and epidemics cannot be contained.

When such systems are deliberately dismantled in the context of an ongoing military campaign, the result is not a collateral “health crisis” but the **weaponisation of sickness and death.** The evidence before the Tribunal demonstrates that Israel has systematically targeted Gaza’s medical system as a central pillar of its genocidal assault, thereby:

- causing serious bodily and mental harm to Palestinians;
- deliberately inflicting conditions of life calculated to bring about the physical destruction of the population in whole or in part; and
- destroying the foundations of public health for present and future generations.

This section draws on the testimony of emergency physician **Dr. Javid Abdelmoneim** (Médecins Sans Frontières), paediatric surgeon **Dr. Taner Kamacı**, emergency physician and scholar **Dr. Mads Gilbert**, systemic family therapist **Gwyn Daniel**, as well as documentation from Palestinian and international organisations, including Witness Eye and the Sarajevo Hearings.

2. Targeting of Civilians and Mass Casualty Attacks

Multiple witnesses described an environment in which civilians were

killed and injured on such a scale and with such regularity that mass casualty incidents became routine.

Dr. Abdelmoneim, who served as MSF medical team leader at Nasser Hospital in Khan Younis from June to July 2024, testified that even in the so-called “safe humanitarian zone”:

“gunships fired on the coastline while drones, helicopters, and jets were constant overhead; explosions shook our windows, and smoke plumes rose across the north, middle, and south simultaneously.”

In a nine-day period in July 2024 at Nasser’s emergency department alone, **four Israeli attacks** produced **162 people killed and 568 injured**, including attacks **inside the declared humanitarian zone**. One strike employed a “double tap,” in which first responders were attacked after arriving on the scene:

“I treated those patients that day, many of them still in their ambulance and first-responder uniforms.”

He described a single mass-casualty scene that, in miniature, reflects the scale of deliberate harm:

“A three-year-old girl... breathing and alert. But when I removed the dressing, her entire left thigh was peeled down to the bone... A woman covered in dust appeared stable... until I took down the dressing and a large piece of bowel emerged... A boy in his early teens... 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.”

These were **seven people out of 730 casualties** over nine days at a single hospital more than a year before this Tribunal; witnesses confirmed that similar scenes have continued wherever there has been no ceasefire.

The disproportionate brutality of the **Nuseirat “hostage rescue”** operation further illustrates the targeting of civilians. Dr. Abdelmoneim testified that on that day:

“The disproportion between the four Israelis rescued and the nearly 980 Palestinians killed and wounded is an affront to humanity. The entire trauma system was overwhelmed from middle area to south.”

From that one operation, Nasser’s trauma unit alone received 19 transferred patients; the last child was discharged 42 days later with an amputated forearm, a brain injury causing memory loss and seizures, and a metal fixator still attached to his femur.

Outside formal battlefields, civilians attempting to live ordinary lives have been met with lethal force. While waiting to cross the Netzarim corridor, Dr. Abdelmoneim witnessed two fishermen running away from the buffer zone, shot from behind—one in the neck, one in the heart. Israeli authorities then denied medical workers permission to retrieve or treat them.

These testimonies corroborate a broader pattern documented by medical NGOs, UN agencies and Witness Eye: **indiscriminate and disproportionate attacks** that treat densely populated civilian areas, including those formally designated as “humanitarian zones,” as legitimate targets, thereby continuously generating mass injury and death that the crippled health system cannot absorb.

3. Systematic Destruction of Hospitals and Medical Infrastructure

Palestinian and international medical witnesses consistently emphasised that Gaza’s hospitals and health facilities were not accidentally caught in crossfire but **systematically degraded and destroyed**.

Paediatric surgeon **Dr. Taner Kamacı**, who worked for 15 days in southern Gaza in March 2024, began by reminding the Jury how physicians define health:

“Health is defined as the state of physical, mental and social well-being of the individual. Now think: how can a people whose homes and streets have been bombed every day for two years; whose electricity, water and bread have been cut off; who have been left without access to medicine, hospitals and ambulances... how can such a people possibly be well physically, socially or mentally?”

Before 7 October 2023, according to figures he cited from Gaza’s Ministry of Health, the Strip had **38 hospitals and hundreds of smaller health units**. Within two years:

“34 of these 38 hospitals were partially or completely bombed and rendered unusable. Of 157 health centres, 103 were completely destroyed. 197 ambulances were directly targeted and destroyed.”

By the time of his mission, in southern Gaza only **two hospitals**—European Gaza Hospital and Al-Aqsa Martyrs Hospital—could still

perform surgery. All emergency and trauma cases from the south were funnelled into these overwhelmed facilities:

“Because only two hospitals had to care for so many emergencies, the emergency departments were crowded 24/7, as you have seen in the videos. Operating rooms were constantly full of wounded. Sometimes even patients needing urgent surgery had to wait for hours.”

Dr. Abdelmoneim confirmed that **evacuation orders** issued by Israel in July 2024 alone closed **13 medical points, 4 primary care clinics and 3 hospitals** in eight days, including MSF’s wound-care clinic in Gaza City and the European Gaza Hospital. Families wheeled injured relatives on hospital beds from one closing facility to another in search of care. From October 2023 to September 2025, MSF was forced to evacuate staff and patients from **24 health facilities** due to Israeli attacks or encirclement. On 25 August 2025, Nasser Hospital—“the only functioning public hospital in southern Gaza”—was hit again in a double-tap strike, killing 21 people including healthcare workers and journalists. At the time of his testimony:

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

Witness Eye and other investigative teams presented corroborating satellite analysis of hospital complexes reduced to rubble; photographic and video evidence of MRI suites, intensive care units, maternity wards and oncology departments left in ruins following ground incursions; and forensic mapping of crater patterns consistent with repeated targeting of hospital grounds.

The Tribunal finds that these attacks, repeated over time and across the territory, cannot be plausibly characterised as isolated accidents. They form part of a **systematic campaign to dismantle Gaza’s hospital network**.

4. Attacks on Healthcare Workers

The Tribunal heard detailed evidence that healthcare workers have been **killed, maimed, arbitrarily detained and disappeared** at an unprecedented rate, despite clear protection under international humanitarian law.

Dr. Abdelmoneim testified that **over 1,700 health workers** have been killed since October 2023 and that MSF alone has lost 15 Palestinian staff. He recalled colleagues receiving word during their shifts that family members had been killed in their homes or while playing outside, a daily reality that turned hospital corridors into spaces of compounded grief.

He described the killing of MSF doctors **Mohamed Abu Nujaila** and **Ahmad Al-Sahar** when Al-Awda Hospital, repeatedly notified to Israeli forces as a functioning medical facility, was struck in November 2023. Days earlier, nurse **Alaa Al-Shawa** was killed when a clearly marked MSF convoy—authorised in advance to evacuate—came under fire; he was shot in the head.

Two years of hospital raids have also produced **arbitrary detention and enforced disappearance** of health workers. On 26 October 2024, during a raid on Kamal Adwan Hospital, MSF surgeon **Dr. Mohammed Obeid** was arrested with 57 others. At the time of testimony he remained in Israeli prison, without charge, severely emaciated and cut off from his family.

Dr. Kamaci, relying on Gaza Ministry of Health data, reported that since 7 October 2023:

“1,722 healthcare workers have been martyred by Israel. 362 health workers have been taken prisoner, and many of them have not been heard from.”

Emergency physician **Dr. Mads Gilbert**, drawing on WHO and UN Health Cluster data, placed this in a longer-term pattern. He noted that in the last two years alone at least **2,415 life-saving personnel—ambulance staff, civil defence and medical staff—have been killed, and 301 health workers remain imprisoned and reportedly tortured**. Over the past 20 years, attacks on healthcare in Gaza and the West Bank have killed or injured **4,243 Palestinian patients and health workers** in more than **6,500 documented incidents**, with virtually no accountability.

These numbers are not abstract. Dr. Gilbert opened his testimony by naming colleagues killed with their families—Drs. Heitham and Samira, murdered with their five children in December 2023; his former student, Dr. Mysara Alarayyas, killed with his entire family in November 2023. The Tribunal notes that such killings remove not only present caregivers but also future generations of specialised expertise that cannot be easily replaced.

The **targeting of health personnel**, both Palestinian and international, thus forms a central element in the destruction of Gaza’s capacity to care for its people.

5. Obstruction of Medical Supplies, Fuel and Evacuation

Beyond bombs and bullets, witnesses detailed a **regime of administrative strangulation** that starved Gaza’s health system of supplies, electricity, fuel and spare parts.

Following the invasion of Rafah in May 2024, Dr. Abdelmoneim described how:

“medical supplies arriving from outside became minimal to non-existent... 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 and orthopaedic trauma wards.”

In the first seven days of July 2024, health services received **less than 9% of required fuel**. This triggered rolling electricity cuts: no water on wards until mid-afternoon, no power in in-patient areas, no sterilisation services, and repeated blackouts in operating theatres. Six surgeries were cancelled in a single day because staff could not operate without electricity.

He explained that Israeli procedures for approving essential supplies were “inefficient, arbitrary and marred by blockages and delays”: since October 2023, only **two-thirds of MSF’s requests** for medical and logistical items were approved, with average response times of **83 days** for medical and **64 days** for logistics. Some items took more than **300 days**. The result was preventable infections; wound-infection rates reached **18%** in six MSF clinics.

Dr. Kamacı described complementary practices from his vantage point:

“Israel not only blocks the entry of medical supplies and drugs from outside into Gaza; it also bombs or burns the existing medicine depots inside Gaza. The main medical supply warehouse in Khan Younis, located under Nasser Hospital, was set on fire when the Israeli army besieged the hospital.”

Because anaesthetics, analgesics and antibiotics were largely unavailable, he reported that:

“at least 15,000 people, 4,000 of them children, have lost at least one limb in these two years. Hundreds of them, including many children, had their arms or legs amputated while still conscious, without anaesthesia drugs. Many women had to undergo caesarean sections without anaesthesia. After surgery, patients suffered severe pain and their wounds became infected for lack of painkillers and antibiotics.”

In the paediatric ward of European Gaza Hospital, he was struck by the number of children with chest drains:

“These were illnesses that could have been resolved with simple antibiotics. But because antibiotics were unavailable, infections spread to the lungs, causing fluid accumulation that had to be

drained with chest tubes. I had to operate on two of those children myself because their lungs were completely compressed.”

Evacuation itself became impossible or deadly. With ambulances destroyed or targeted, many wounded were transported:

“on horse-carts or donkey-carts... intestines perforated, limbs torn off, brought to the emergency room on an animal cart.”

The cumulative effect is not a natural “collapse” of a health system but a **deliberate dismantling through siege, obstruction and destruction of essential inputs**.

6. Ambulances and First Responders Deliberately Targeted

Attacks on ambulances and first responders recur across testimonies and across decades.

Dr. Abdelmoneim described a “double tap” strike in which first-responder teams at a bombing site were hit by a second attack; he personally treated medics still wearing ambulance uniforms. He also noted repeated attacks on clearly marked convoys, including the MSF vehicle in which nurse Alaa Al-Shawa was killed.

Dr. Kamacı reported that **197 ambulances** had been “directly targeted and destroyed.” Because so many were hit, desperate families resorted to transporting critically injured patients in private cars or animal-drawn carts, greatly delaying treatment:

“I witnessed people with perforated intestines or severed limbs being brought on a horse cart into the emergency room.”

Dr. Gilbert provided historical and statistical context. He recalled working with Palestinian medics during the 1982 Israeli invasion of Lebanon, when ambulances and hospitals were already being systematically targeted. A 1982 commission of inquiry, on which current Tribunal President Richard Falk served as vice-chair, documented such attacks in Beirut, showing that the pattern long predates the present genocide.

Using WHO’s “Attacks on Healthcare” dashboard, Dr. Gilbert showed that between October 2023 and 2025 there were **2,853 killed or wounded patients and healthcare workers in Gaza** as a result of attacks on healthcare—“four per day, or one every six hours.” Looking back 20 years, the same database records over **6,500 attacks** on healthcare in the occupied Palestinian territory.

He reminded the Tribunal of a massacre in March 2025 in which **15 paramedics were executed**, a crime that has yielded no arrests, prosecutions or even official suspects.

Witness Eye investigations presented video and geolocated evidence of ambulances clearly marked with Red Crescent insignia being struck on open roads; in several cases, CCTV footage shows vehicles hit after arriving at earlier bombing sites, consistent with a deliberate strategy to terrorise and incapacitate first responders.

The Tribunal concludes that **ambulances and first responders have been intentionally targeted** in violation of the most basic norms of international humanitarian law, with the foreseeable effect of increasing mortality among the injured.

7. Public Health Collapse as a Genocidal Method

Dr. Gilbert urged the Tribunal to consider not only direct attacks on hospitals and staff, but also the **destruction of the preconditions for public health**. Drawing on decades of clinical work and peer-reviewed research, he identified seven determinants of population health and longevity:

- Water
- Food
- Security
- Housing
- Work
- Education
- Healthcare

In Gaza, he testified, Israel has systematically attacked each element: cutting water supplies, destroying food production and distribution, razing housing, undermining security, destroying workplaces and schools, and dismantling healthcare. He cited Gaza's Minister of Health, Dr. Yousef Abu al-Rish, who described the "triangle of death": **starvation; dehydration and lack of water; and untreated disease** (including cancer, diabetes, neonatal complications, psychiatric disorders).

Before October 2023, life expectancy in Palestine already reflected what Dr. Gilbert called "medical apartheid": Palestinians lived on average **nine years less** than Israelis; infant, under-five, and maternal mortality rates were three to nine times higher.

A 2025 Lancet study he presented estimates that in the first 12 months after 7 October, **life expectancy in Gaza dropped by 35 years**—"cut in half," an unprecedented decline in medical literature. As he summarised:

"That means 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."

He further referenced research showing **systematic targeting of extremities**—arms, legs, knees, ankles—producing between **1,000 and**

2,000 child amputees who will each require around ten surgeries simply to be fitted with prostheses. In his words:

"The Israelis do not want to kill, but they want to invalidate and to hurt and harm as much as possible."

The destruction of sewage networks, desalination plants and solid-waste infrastructure, corroborated by UN assessments and by Dr. Abdelmoneim's testimony, has led to outbreaks of preventable disease. During his time at Nasser, **polio—previously eradicated—was declared again in Gaza**; top diagnoses in primary-care clinics were water- and sanitation-related: diarrhoeal disease, skin and eye infections.

The Tribunal notes that **public health is being dismantled not as an unintended side-effect of war but as a calculated method** to weaken, fragment and ultimately destroy the Palestinian population's capacity to survive on its land.

8. Case studies and survivor narratives

Individual stories presented to the Tribunal crystallise the structural violence described above.

The eight-year-old boy operated in an endoscopy room

Dr. Kamacı recounted the case of an eight-year-old child whose story he described as "a summary of Israel's genocidal war in Gaza":

- The child was sitting at home in Khan Younis when an Israeli bomb levelled the building.
- Trapped for five hours under rubble, his intestines were perforated in 5–6 places by shrapnel.
- The nearest hospital lacked capacity to operate; he was told he must reach European Gaza Hospital, where Dr. Kamacı worked.
- That hospital, however, had **no available beds or intensive-care space**; wards and operating rooms were full, with several patients sharing single beds. Initially he was turned away.
- After some time, space opened and the hospital agreed to accept him, but **no ambulance was available**—most had been destroyed.
- Only **15 hours later** was he transported, in the back of a minibus, wrapped in a blanket. By then he was in haemorrhagic and septic shock.

Because all operating theatres were occupied with other mass-casualty surgeries, Dr. Kamacı executed an improvised operation:

"For the first time in my life, I had to operate in the endoscopy unit, putting the child to sleep on the endoscopy table. The bowel surgery itself was not difficult; we repaired his intestines. But afterwards we could not provide enough fluids, antibiotics or blood. Three days later he died."

He concluded:

“Look at the stages: Israel does not only drop a bomb. It turns the house into rubble, but also prevents rescue equipment from entering the country. It bombs ambulances. It blocks medicines. This is a multi-layered assault. That is why we do not call this a war but genocide.”

Children with preventable lung disease

As a paediatric surgeon, he was shocked to see dozens of children with chest tubes for empyema—lung pus caused by untreated pneumonia:

“These are diseases that would be easily treated with simple antibiotics. But because children cannot reach a doctor, or when they do there are no basic antibiotics, the infection spreads to the lungs and fluid accumulates. Chest tubes are inserted to drain them. I had to operate on two children because their lungs were completely compressed. All because there were no simple antibiotics.”

The amputated limbs of teenagers

Dr. Gilbert described receiving a young man in Shifa Hospital after an airstrike in 2019, one of many attacks that never reached international headlines:

“He was hit on his motorbike while delivering pizza. You never forget the feeling of carefully lifting the 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.”

A doctor’s own family targeted

At Nasser Hospital, in the midst of a mass casualty event, Dr. Abdelmoneim noticed an MSF anaesthetist working in the emergency room rather than the operating theatre. The colleague explained that his house had been destroyed and his daughters and nephews were somewhere in the ER. Later they learned one nephew had been killed and another paralysed by spinal injury. Within days, other staff lost children and spouses to strikes on civilian homes.

These narratives, echoed by many others recorded by Witness Eye and Sarajevo hearings, demonstrate that **every dimension of life—from seeking medical care to playing outside—has become a potential site of lethal violence.**

9. Mental health as Genocidal Harm

Psychotherapist **Gwyn Daniel**, drawing on decades of collaboration

with Gaza’s mental health professionals and on reports from the Gaza Community Mental Health Programme, addressed the Tribunal on the **mental health consequences of genocide.**

She reminded the Jury that one of the legal criteria of genocide is “**causing serious bodily or mental harm**” to members of a protected group. In Gaza, she argued, mental harm is both pervasive and intentional.

Because trauma is continuous, not episodic, she noted that Palestinian colleagues insist “there is no post-trauma; trauma is continuous and ongoing, and has been for generations.” In this context:

“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. This means supporting interventions which embrace activism and modes of resistance.”

She emphasised that the destruction of infrastructure—homes, hospitals, schools, mosques and cultural centres—**aims at the heart and soul of the community:**

“It targets collective consciousness and systems of mutual support. Just as religious institutions nourish spiritual life, 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 a sense of the future.”

The **mass displacement** of Gaza’s population, often multiple times, reactivates the trauma of the 1948 Nakba:

“People live in a traumatic past, a traumatic present, and the anticipation of a traumatic future.”

Families are fragmented; the elderly and disabled cannot move; tents and ruined buildings offer no safety or privacy. Gaza is “almost unique” in that people are imprisoned inside the war zone, unable to flee, thereby intensifying feelings of **profound powerlessness and loss of agency.**

Mass starvation produces additional psychological torment: parents experience guilt, shame and helplessness at being unable to feed their children; malnourished mothers cannot breastfeed, losing critical opportunities for bonding; people are humiliated by being forced to stampede for food or risk death at militarised distribution points.

She highlighted the concept of “**ethical loneliness**” (Stauffer):

“Encountering the indifference of the Western world towards their suffering while being subjected to degrading and genocidal rhetoric from Israeli leaders—which largely goes unchallenged—has profound effects on the psyche.”

The impacts on children are especially severe. In a settler-colonial framework where colonised children are treated as a “demographic threat,” they are not meant to have a future. Nearly **40,000 children have lost one or both parents**. Continuous fear, exposure to carnage and lack of safe spaces leads to **permanent neurological changes**; symptoms include bed-wetting, mutism, violence, hyperactivity and withdrawal. Two years without schooling or structured routine have been “disastrous,” forcing children to take on adult responsibilities far beyond their capacities.

Daniel concluded that the mental health impacts in Gaza “**cannot be encapsulated by mapping rates of psychological symptoms in individuals**”; rather, they reflect a **brutal onslaught on the very wellspring of collective life**. Recovery requires safety, restoration of agency, justice, accountability and reparation—conditions that do not exist in current plans imposed on Gaza.

The Tribunal accepts this analysis and finds that **mental harm in Gaza is not an incidental by-product of war but an intended outcome of policies that aim to fragment, demoralise and dehumanise the Palestinian people**.

10. Legal Findings

On the basis of the foregoing evidence, the Tribunal finds that Israel’s actions against Gaza’s medical systems constitute:

1. **Serious bodily and mental harm** to Palestinians, within the meaning of Article II(b) of the Genocide Convention, through:
 - mass killing and maiming of civilians;
 - deliberate attacks on hospitals, clinics, ambulances and medical staff;
 - deprivation of essential medical treatment, anaesthesia, antibiotics, vaccines, and rehabilitation;
 - exposure of the population to preventable disease, disability and psychological trauma on a vast scale.
2. **Deliberate infliction of conditions of life calculated to bring about the physical destruction of the group in whole or in part**, within the meaning of Article III(c), through:
 - systematic dismantling of hospital infrastructure and public health systems;
 - obstruction and manipulation of fuel, electricity, water and medical supplies;
 - destruction of sewage and waste-management systems;
 - policies that render large areas uninhabitable and make effective healthcare impossible.

3. War crimes and crimes against humanity, including but not limited to:

- intentional attacks on hospitals and medical units, medical personnel, ambulances and transport, in violation of the Geneva Conventions and their Additional Protocols;
- persecution and inhumane acts against a civilian population;
- starvation of civilians as a method of warfare, in part enacted through denial of medical and nutritional care.

The Tribunal notes the continuity of attacks on Palestinian healthcare over at least four decades, as documented by prior commissions of inquiry, UN bodies and medical organizations. This history of **systematic impunity** strengthens the inference of genocidal intent in the current campaign. The deliberate targeting of what Dr. Gilbert called “the cornerstone of safety in a society—the hospital and healthcare” aims not only to kill individuals but to **destroy a people’s capacity to reproduce life and health on its land**.

11. Conclusion: Medical Genocide

The cumulative evidence leads the Tribunal to conclude that the **targeting of medical systems in Gaza is a central pillar of Israel’s genocidal project**. Through bombardment, siege, obstruction and terror, Israel has:

- reduced a functioning, if already strained, health system to a skeleton of partially operating facilities;
- killed and disappeared hundreds of doctors, nurses, paramedics and mental-health workers;
- denied millions access to anesthesia, antibiotics, pain relief, cancer treatment, maternal care, vaccination and rehabilitation;
- engineered epidemics of preventable disease;
- cut life expectancy in half and created a generation of children living with amputations, chronic illness and psychological trauma; and
- inflicted profound mental harm through continuous exposure to violence, displacement, starvation and abandonment by the international community.

As Dr. Abdelmoneim summarized:

“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 and sanitation system is ruined... I ask you to recognize this for what it is – the deliberate dismantling of the means to survive.”

The Tribunal so recognizes it. The **destruction of Gaza’s medical systems** is not collateral damage but a **weapon of genocide**, designed to make life itself impossible for Palestinians in Gaza, now and for generations to come.

E. Crimes Against Civilians: Erasure of Life, Family, Body, and Future

Across all evidentiary streams before the Gaza Tribunal—Sarajevo’s historical framing, Witness Eye legal files, and the harrowing live testimonies of survivors in Istanbul—a single truth becomes undeniable: **the civilian body and the civilian family unit have become the central battlefield on which Israel’s genocidal campaign is executed.** While international humanitarian law is premised on the protection of civilians, every testimonial record submitted to this Tribunal overwhelmingly demonstrates the opposite: *that civilian life in Gaza is neither incidental collateral damage nor an unintended consequence of hostilities, but the primary and consistent target of state violence.*

Civilian slaughter occurs in homes, in designated “safe zones,” in UN schools, in hospitals and maternity wards, on streets, in queues for food, and even during prayer. The **systematic destruction of families**, generation after generation, is reflected with devastating clarity in the testimonies heard in Istanbul. Witnesses describe homes pulverized without warning, parents and children blown apart as they slept, and entire family trees extinguished in seconds. This pattern—corroborated across hundreds of testimonies and legal analyses—signals not isolated violations but a governing logic of erasure. As the Sarajevo Declaration emphasized, **the assault on Palestinian civilians is embedded within a structural, decades-long system of domination designed to fragment, displace, and ultimately eliminate a national community.**

1. Familial Genocide: The Annihilation of Families and the Targeting of Civilian Life

The Istanbul hearings provided stark examples of this logic. **Ahmed Alnaouq’s** testimony makes clear that behind every casualty figure stands an annihilated world. On 22 October 2023, a thousand-pound bomb hit his family home in Deir al-Balah, a zone Israel itself had designated a “humanitarian” or “safe” area. Ahmed Alnaouq testified that *“twenty-one members of my family... my father, my siblings, my nieces and nephews—all under 13—were turned into pieces.”*

He recounts that his elder sister, a computer engineer and elementary-school teacher, was found in pieces, “the upper part of her body in our neighbor’s home.” His brother-in-law could not recognize his own children because “their faces were smashed.” Three sisters – Wafa, Alaa and Aya – were each killed with all of their children; his brother Mohammed, a student preparing to travel abroad for his education, died with his two children.

When he says “twenty-one members of my family were not just a number,” he challenges the framing that reduces Palestinians to statistics. His words echo a pattern observed throughout the Witness Eye legal reports, where witnesses insist that families “erased from the civil registry” or whole apartment blocks flattened overnight are

not abstractions but networks of parents, children, workers, students and elders whose lives were deliberately destroyed.

Ahmed situates the bombing of his family home within a much longer continuum of violence. His mother, a cancer patient, died in 2020 when Israel prevented her from accessing treatment; another brother was killed in the 2014 assault; his grandparents were displaced and harmed during the Nakba. For him, the genocide “did not start on 7 October and did not end two years after,” but is a 77-year project of dispossession and killing.

He identifies not only Israel but also the states and institutions that sustain this violence. Governments that “aided and abetted the genocide,” Western media that repeated “Israeli lies” and covered up Palestinian realities, and educational institutions that refused to sever ties with the Israeli state, all appear in his testimony as part of the chain of responsibility. Ahmed thus links his private grief to a global system of complicity:

“Israel cannot get away with murder... Genocide enablers will not get away with it... We have rights, and we seek justice.”

His insistence that Palestinians “will not be silenced” and “are not numbers” mirrors the insistence of many Witness Eye interviewees who describe Gaza as “an open prison” where “there is no safe place in the Strip,” yet where people continue to document, narrate and resist. His testimony confirms what dozens of Witness Eye reports also document: civilians inside their homes—sleeping, eating, studying—were targeted with massive ordnance designed not to neutralize combatants but to obliterate households.

Witness Eye’s legal classification of *Abd al-Rahim Orouq’s* testimony further evidences this pattern: *“more than 150 members of the Arouq family were exterminated across Gaza,”* with repeated strikes on the same residential site and sniper fire preventing rescue. In another file, *Abdelrahman Al-Massri* describes being bombed twice while inside his home, watching his mother and brothers die beneath rubble. *Amira Badawi*, aged 14, recounts how she woke with a spinal fracture to discover that *her mother, seven siblings, and two nieces had been killed* as they slept in displacement shelter. These accounts are not anomalies—they are representative.

Ahmed’s testimony is corroborated by a wide range of Witness Eye legal reports documenting similar patterns of family annihilation and deliberate targeting of civilians.

- **Muhammad Abu Nada**, a media graduate from Gaza City, describes how his family home in Sheikh Radwan was bombed “without warning”: “We were a peaceful family, no military activity, nothing at all.” The house was struck again when neighbours gathered to rescue survivors; his father, two brothers, two sisters, an uncle and cousins were all killed instantly, along with more than 25 neighbours, “the

entire block destroyed.” His mother and sister now live “under siege and famine” and “cannot find food or water.”

- **Hossam Shabat**, a journalist from Beit Hanoun, explains that the army “operated without humanity... targeted hospitals... health facilities everywhere, targeted shelters, deliberately targeted children.” He describes living for more than five days without food under continuous strikes, saying: “We perhaps ate grass, we ate animal feed, we shared with animals their food.” For him, the phase after 7 October marks “genocide and ethnic cleansing,” but he stresses that massacres have existed “since they came and occupied Palestine.”
- **Mahasen Al-Farra** details what the Tribunal terms “family annihilation” and the targeting of maternity care in Khan Younis and Rafah. Her testimony shows how the killing of protected persons, the destruction of health infrastructure and starvation are deployed as coordinated strategies of extermination. As she puts it, “countries’ laws and the political game are bigger than anyone’s ability to save family,” pointing to the paralysis and complicity of the international system.
- **Ghazi Al-Majdalawi**, a researcher on missing and forcibly disappeared persons, reports that more than 60 members of his extended family in Jabalia Camp were killed, many remaining under the rubble, and that patients and staff disappeared during assaults on hospitals such as Al-Shifa and Nasser.

Across these accounts, a consistent picture emerges: deliberate strikes on homes, apartment blocks, hospitals and UN shelters; “double-tap” attacks that bomb the same site again as rescuers arrive; pervasive starvation and siege; and entire families wiped out in what witnesses describe as “extermination by the minute.”

International evidence aligns with this. UNICEF has called Israel’s assault “a war on children,” noting that around 40 per cent of casualties are children, double the rate seen in many other recent conflicts. Doctors, journalists, teachers, civil defence workers and UN staff are being killed at unprecedented rates, making Gaza, in the words of one UN official, a “graveyard for families, professionals and aid workers alike.”

The Tribunal finds that **the deliberate targeting of family homes constitutes the core modality of the civilian-focused extermination campaign**. Not only are civilians killed en masse, but the attack on the family unit—the basic structure of Palestinian social continuity—amounts to what multiple experts characterize as *familial genocide*. Children survive without parents, parents without children, communities without lineage or memory: a pattern consistent with genocidal intent.

2. Reproicide: The Destruction of Reproductive Life

The Tribunal also heard unprecedented evidence on **reproicide**, the systematic destruction of the capacity of a people to reproduce safely and with dignity. Dr. **Hala Shoman**, a dentist and researcher from Gaza, introduces the concept of “**reproicide**” to the Tribunal: the systematic

targeting of a community’s reproductive capacities – its ability to conceive, carry, give birth to, feed and raise future generations – as a dimension of genocide.

Dr. Hala Shoman demonstrated that the assault on Gaza operates simultaneously on *present* and *future* generations. She described Israel’s December 2023 bombing of the **Al-Basma IVF center**, which destroyed *4,000 embryos and over 1,000 vials of sperm and eggs*—what one Palestinian doctor called “*5,000 lives in one shell*.” Such targeted destruction of fertility infrastructure has no military justification and directly fulfills the Genocide Convention’s prohibition on “*imposing measures intended to prevent births within the group*.” This attack, she argues, was not collateral damage but a deliberate assault on the potential of Palestinian families to bring future children into the world.

She reminds the Jury that genocide law already recognizes “imposing measures intended to prevent births” as a genocidal act; reproicide names how this takes shape in practice in Gaza today.

Dr. Shoman shows that reproicide operates along multiple axes:

- **Obstetric collapse and attacks on pregnant women and newborns.** She recounts testimonies like that of **Kareem Abu Sharia**, whose wife Amina, nine months pregnant, went into labour during a military operation in North Gaza. With ambulances unreachable and bombardment all around, she gave birth on a stairwell in a darkened building while shells fell on their street. Later their apartment was destroyed by missiles.
- **Domicide and forced displacement.** With more than two thirds of structures and over 90 per cent of housing units damaged or destroyed, women give birth in tents, on roads, or in classrooms packed with displaced families. One mother, **Nancy Abu Mosa**, recalls walking nearly 10 kilometers while six months pregnant with twins, pushing her disabled husband’s wheelchair through bombing corridors. On the bare asphalt of a hill near al-Nuweiri, her labour began; she laid down the only blanket they owned and delivered two babies who “knew only one displacement and one final absence.”
- **Starvation and dehydration.** Dr. Shoman notes that hunger and thirst have dried up mothers’ breast milk. Formula is confiscated at checkpoints; when families find any, they dilute it with contaminated water, leading to diarrhea and preventable infant deaths. A surgeon reports that “they take even the milk.”
- **Targeting men and boys.** The Tribunal hears evidence that Israeli snipers and soldiers have repeatedly fired at the genitals of teenage boys and men. A British surgeon describes four teenagers arriving in hospital in one day, all shot in the testicles “deliberately so... the clustering was far too obvious to be coincidental.” In detention camps, sexual torture causes genital injuries, infertility and profound trauma, directly attacking male fertility and the possibility of future family life.
- **Sexual violence and the erasure of intimacy.** Building on Sahar

Francis's testimony, Dr. Shoman stresses how rape, genital beatings and forced nudity not only maim bodies but also destroy the conditions for intimacy, trust and reproductive life. Combined with the bombardment of homes and overcrowded shelters where privacy is impossible, this amounts to a structural assault on the ability of Palestinians to form and sustain families.

She asks the Jury to recognize that what is unfolding is "not only genocide in the present but reprocide, the destruction of reproductive life itself in the present and future." This requires not only condemnation of killings, but also a reparative vision that restores hospitals, fertility services, clean water, nutrition and safe housing – the material conditions under which Palestinian births and childhoods can continue.

Her framing resonates deeply in Sarajevo, a city that still bears the scars of siege and sexual violence. Bosnian participants highlight how snipers once targeted pregnant women and how obstructed maternity care functioned as a tool of terror. The Gaza testimonies, they note, show a similar logic: genocide is not just about bodies killed today but about whether future generations are allowed to exist.

Testimonies from Istanbul and Witness Eye document **obstetric collapse** across Gaza—pregnant women giving birth on staircases during bombardment, in tents without sanitation, or on roads while fleeing airstrikes. Mothers bleed to death without access to surgery; newborns die from dehydration as Israel blocks formula, clean water, and medical equipment.

The Tribunal heard the testimony of *Kareem Abu Sharia*, whose wife was forced to give birth on a staircase under bombardment; of *Nancy Abu Mosa*, who walked ten kilometres while six months pregnant with twins only to deliver both dead infants on asphalt; and from numerous Witness Eye survivors describing miscarriages, stillbirths, and deaths arising from siege-induced famine. The evidence clearly shows that **starvation, displacement, medical collapse, and domicide are mutually reinforcing tools of reproductive destruction.**

Moreover, the targeting of men and boys—through sniper fire aimed at the genitals, sexualized torture in detention, and pelvic injuries recorded by surgeons—constitutes direct reproductive harm. UN investigators document a systematic pattern of sexual assault against Palestinians of all genders; Witness Eye files provide horrific corroboration, including rape of detainees with batons, forced sexual humiliation, genital electrocution, and threats of assault against family members. These acts render reproductive life—physical, intimate, and communal—impossible.

The Tribunal concludes that **reprocide is not a secondary effect but an intentional strategy within the genocidal campaign**, operating through the destruction of homes, hospitals, bodies, and the conditions required for the continuity of Palestinian life.

3. Mass Arrests, Sexual Violence, and the Technologies of Captivity

Sahar Francis, a Palestinian human rights lawyer and director of Addameer, grounds her intervention in hundreds of prison visits conducted over the past two years, including more than 500 detainees from Gaza and nearly 400 from the West Bank. Since October 2023 Israel has arrested more than 18,500 Palestinians from the West Bank alone, including women and around 1,600 children, with thousands more detained from Gaza and classified as "unlawful combatants." Francis reported over **28,000 arrests** since October 2023, including women, children, elderly people, and thousands taken from Gaza and held as "unlawful combatants"—a legal fiction used to strip detainees of protections.

Her testimony shows that mass arrest, dehumanization and sexualized torture are integral to the genocidal campaign, not aberrations. Torture is present "at every step": arrest, transfer, interrogation, medical visits, and daily life in barracks and cells. Addameer has documented systematic beatings, starvation, prolonged blindfolding, attacks by dogs, and forms of sexual violence that include forced nudity, invasive strip-searches and rape with objects.

The individual testimonies she cites – such as **R.A., A.H., and prisoner S.A. (G11)** – describe being sodomized with sticks or electric batons, forced into humiliating positions, threatened with rape against themselves and their family members, and compelled to simulate sexual acts on batons or devices. One detainee recounts: "They tried to insert something into my rectum from behind... whatever object they were using – it felt like a stick – was forced inside me." Another speaks of being made to suck on a baton while guards mocked and beat him, then undergoing surgery for internal injuries.

These attacks are not isolated. They fit a documented pattern in sites such as **Sde Teiman military camp**, where military police investigations have themselves acknowledged severe sexual assault against a male detainee; lawyers report multiple cases of rape using sharp instruments, yet 99 per cent of investigations into such abuses do not advance, leaving perpetrators unpunished.

Sahar situates these practices within the broader context of genocide, apartheid and occupation. Sexual violence functions as a method of torture, domination and reproductive harm, targeting Palestinian detainees as a national group. It is carried out against women and men, adults and minors, and is accompanied by enforced disappearance, starvation and denial of medical care.

Her testimony, corroborated by Witness Eye files and international human rights findings, revealed an organized system of torture, including:

- **systematic beatings, electrocution, and sexual violence,**
- **rape with objects,** including forced penetration with batons,

- **humiliation and forced nudity,**
- **use of dogs in assault,**
- **withholding food and medical care,**
- **blindfolding and sensory deprivation,**
- **threats of rape against detainees' wives, sisters, and daughters.**

Witness Eye reports reinforce this picture. Several detainees and family members interviewed describe prisons and camps as places where “there is no law, only revenge,” where the purpose is “to break us psychologically before killing us physically.” Sexual assault is used deliberately to disfigure bodies, destroy intimacy and shame communities, amounting to crimes against humanity of rape, torture and persecution and also feeding into the pattern of reciprocal attacks on reproductive life.

One survivor testified: “They forced me to kneel, inserted a stick inside me, and made me suck the baton afterwards.” Another recounted: “They told me: we will bring your wife here and rape her on your chest.” Such testimonies, in their clarity and consistency, leave no doubt that **sexual violence is deployed as a weapon of domination, terror, and reproductive incapacitation.**

Sexual torture of men—a subject long suppressed—is documented systematically and constitutes **gendered violence used to dismantle community structures and masculinity itself as a social anchor.**

Francis further described **enforced disappearance**, with detainees held incommunicado for months, families denied information, detainees returned dead with signs of torture—a pattern echoed across Witness Eye reports, including the torture-to-death of physicians such as **Dr. Iyad Al-Rantisi.**

The Tribunal finds that **mass imprisonment, sexual torture, and enforced disappearance function not as collateral abuses but as an integrated system of genocidal governance,** aimed at dismembering Palestinian society from within.

F. Crimes Against Journalists: Silencing the Witnesses to Genocide

1. Attacks on Journalists and the Erasure of Witnessing

A central feature of Israel’s campaign in Gaza is the systematic assault on those whose task is to witness and document it. Under international humanitarian law, journalists are civilians, and their equipment is civilian infrastructure. Article 79 of Additional Protocol I and UN Security Council Resolution 2222 affirm that journalists “shall be considered civilians” and must be protected as such so long as they take no direct part in hostilities. Deliberate attacks on journalists therefore constitute grave breaches of IHL and, when embedded in a wider pattern of destruction, may form part of genocidal strategy.

2. Blocking International Press, Exposing Local Journalists

Expert testimony before the Tribunal in Istanbul (Munir Nuseibah) emphasized that Israel’s near-total bar on foreign media access to Gaza during the bombardment is “one of the most distinctive and rare features of the Gaza genocide”. Foreign journalists could only enter under strict military escort, if at all, while visas were withheld and permits revoked. This policy created deliberate “dead zones” of reporting: zones where mass killing, starvation and the razing of infrastructure essential for civilian life could proceed with minimal immediate scrutiny. The only journalists able to report were Palestinians, “operating under constant existential threat and severe operational constraints”. Their elimination thus becomes a precondition for the broader project of erasure.

Munir Nuseibah’s legal analysis identified at least four interconnected ways in which the attack on journalists is woven into the genocidal architecture:

1. **Concealing evidence and external scrutiny** – by killing and intimidating journalists, Israel hinders real-time monitoring of atrocities and impedes the ability of states to fulfil their duty to prevent genocide;
2. **Controlling the narrative, enabling denial** – information blackouts allow Israel to frame attacks as “security operations,” deny casualties, and pre-empt international legal pressure;
3. **Inducing fear, chilling reporting** – repeated targeting of clearly identified journalists creates a climate of terror that forces self-censorship and reduces independent coverage;
4. **Contributing to “conditions of life” harm** – silencing journalists aggravates starvation, disease, and forced displacement by concealing urgent humanitarian needs and facilitating neglect.

These practices, Nuseibah argued, make the targeting of journalists “integral to the architecture of destruction and erasure, not a collateral side-effect”, and thus an element of the genocidal campaign rather than only a series of isolated war crimes.

The Tribunal recognizes journalists as essential civilian actors whose role in documenting atrocities is tied to the survival of truth itself. The crimes against civilians merge with crimes against journalists, who are targeted precisely because they document these atrocities. Testimonies from Istanbul—including by **Abubaker Abed** and referenced earlier by **Mohamed Al Helou**—show that **journalists were deliberately targeted** not because they posed military danger but because they bore witness.

Abed, who lost 21 members of his family including 14 children, described the secondary violence inflicted by Western media: after Israel killed his family, he was not invited to tell his story but to be interrogated, discredited, and questioned as though suspect rather than survivor. His

testimony confirms a pattern identified across hearings: **the killing of Palestinian journalists is mirrored by the erasure of their narratives in international media ecosystems**, constituting a second form of violence against truth.

As a journalist based in London, he explains that mainstream media invited him not to listen but “to interrogate me, to delegitimise me.” He denounces a “live-streamed genocide” in which Western outlets chose to “cover up the truth and repeat Israeli lies,” questioning Palestinian death tolls while thousands remained buried under rubble. Abubaker’s testimony thus bridges the crimes against civilians with the crime of **suppression of truth**, implicating media institutions in enabling genocide.

3. Direct Targeting of Palestinian Journalists

Testimony from Istanbul and the legal classifications produced by Witness Eye document a consistent pattern of direct and lethal targeting of Palestinian journalists.

Palestinian journalist and survivor **Adli Abu Taha** described how his brother, journalist **Muath Abu Taha**, was killed in a double airstrike on the Nasser Medical Complex in Khan Younis—first bombing the hospital, then striking again once civil defence teams and journalists, clearly marked with “PRESS” vests, had gathered to rescue the wounded. At least 13 civilians, a doctor, a nurse and multiple journalists were killed in the second strike. The Witness Eye legal report concludes that drones and quadcopters “hovered overhead, confirming awareness of civilian status”, making clear that the attack lacked any military necessity and violated distinction and proportionality.

Abu Taha situates this killing within a broader pattern:

“Israel tries by all means to prevent this journalist, targets him, kills him, whether alone or with their families.”

He notes that **246 journalists** had been murdered since the start of the war, and that they are targeted “precisely because they document the crime”, underscoring a deliberate policy to extinguish independent witnesses.

Another journalist, **Mohammed Al-Saidi** from Deir al-Balah, testified to Witness Eye that:

“Journalists Hassan Esliah and Ismail Al-Ghoul were killed in their car while covering the attacks... Journalists were killed while wearing press vests... They killed journalists for showing the truth... The world watches as we are erased.”

Al-Saidi’s testimony is legally classified as evidence of war crimes, crimes against humanity and genocide, noting that targeted killings

of journalists, together with starvation and the destruction of health infrastructure, amount to “instruments of extermination in Gaza.”

The Tribunal also received evidence on **digital and algorithmic censorship** alongside physical attacks. The Witness Eye report on **Hussam Al-Sayed Saleem** describes “erasure by bomb and algorithm” as twin mechanisms: on the one hand, the bombing of media offices, power plants and telecommunications towers; on the other, the systematic removal or suppression of Palestinian content on major social media platforms. This dual strategy “illustrates how digital suppression and physical destruction operate as parallel fronts of a coordinated campaign to erase Palestinian existence and testimony.”

Legal expert **Bilal Mahfouz** further explained that the killings of journalists, combined with attacks on hospitals and the use of famine, “form part of a systematic policy of extermination”, and stressed that “professional, objective documentation” by surviving journalists and initiatives like Witness Eye is essential to building prosecutable cases.

Witness Eye files show repeated patterns of journalists killed in their homes, on the streets, and while reporting, often after publicly sharing their location for safety. The Sarajevo analysis emphasized that **silencing journalists is a hallmark of genocidal regimes**, which depend on the obliteration of both people and the record of their suffering.

Witness Eye’s legal classifications reveal a systematic campaign to silence Palestinian journalists and those who work alongside them:

- **Adli Abu Taha** testifies about the killing of his brother, journalist **Muath Abu Taha**, in a double strike on the Nasser Medical Complex. Journalists in clearly marked press vests and medical teams rushing to rescue victims of the first strike were hit by a second missile, killing at least thirteen civilians, a doctor, a nurse and multiple journalists. Adli describes Rafah, his hometown, as reduced to “a trace after existence” and emphasises that drones and quadcopters hovered overhead, meaning the attackers knew they were targeting media and medical personnel.
- In another Witness Eye report, **Mohammed Al-Saidi** notes that “journalists were killed while wearing press vests,” that “starvation is used systematically to control and kill the population,” and that “the entire population of Gaza is punished – no one is spared.” His conclusion – “they killed journalists for showing the truth... We live without food, without medicine, without safety... The world watches as we are erased” – encapsulates how attacks on the press and on civilians are inseparable.
- **Mohammad Al-Aloul**, a photojournalist who lost his four children and numerous relatives when an entire residential block was bombed, states that this is “a war of extermination against everyone who is Palestinian.” He counts over 200 journalists killed by March 2025 and describes the aim of bombing as “to kill as many Palestinians

as possible... extermination of children, extermination of women, extermination of everything that is Palestinian.”

These testimonies reinforce the Tribunal’s finding that journalists function as both **witnesses and targets**. The Tribunal concludes that **the targeting of journalists performs a double function: to eliminate civilian witnesses and to collapse the informational infrastructure through which genocide can be exposed**.

4. Journalists as Survivors and Bereaved

The Tribunal also heard from journalists who speak both as professionals and as survivors.

In Istanbul, **Abubaker Abed**, a Palestinian journalist now based in London, recounted that on 22 October 2023 Israel bombed his family home in Deir al-Balah—designated by Israel as a “humanitarian” or “safe” zone—killing **21 members of his family**, including his 75-year-old father, three sisters, two brothers and **14 nieces and nephews under the age of 13**. Their “crime”, he states, “was that they were all Palestinians.”

Abed told the Tribunal:

“For the world, it was just 21 members of the same family who were killed – a number. But for me, that was my family. That was my life. That was my home that was bombed... We are not numbers. We are more than statistics.”

He situates the killing of his family within a continuum of violence: his mother died in 2020 after being denied cancer treatment, another brother was killed in 2014, and his grandparents were killed in the Nakba. The genocide, he insists, “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.”

Abed also testifies to the hostility of Western media institutions which, after his family’s killing, invited him not to bear witness but to be interrogated and delegitimised:

“They brought me on to interrogate me, to investigate me, to ask me hard questions, to delegitimise me... This was the first time in history that we watched a live-streamed genocide... and still, the mainstream media did not choose to cover what was happening in Gaza, but to cover the truth – to cover it up – to repeat the Israeli lies.”

His statement squarely links Israel’s violence to the complicity of Western governments, media and educational institutions, whom he names as “genocide enablers” for providing political backing and narrative cover. He concludes:

“We Palestinians will not shut up. We will not be silenced... But we also need support from the free world. 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 face accountability.”

Abed’s testimony echoes the Sarajevo hearings, where the Tribunal noted that Gaza’s destruction unfolds as a “transparent TV spectacle of evil made worse by being brought to human awareness in real time”, yet is simultaneously normalised into “background noise”. The killing and silencing of Palestinian journalists is what enables that backgrounding: when the very people who generate the images and testimonies are murdered, displaced, or digitally erased, genocide becomes easier to deny and continue.

5. Legal Assessment

Taken together, the Istanbul hearings and Witness Eye legal reports establish that:

- Israel has created an information blackout by barring foreign press while relying on Palestinian journalists to cover events on the ground;
- Those Palestinian journalists are then targeted through airstrikes on clearly marked press vehicles and media tents, double strikes on hospitals where journalists are present, and bombardment of media infrastructure;
- Journalists have been killed “while wearing press vests”, in circumstances where drones and other precision technologies provided foreknowledge of their civilian and professional status;
- The killings are accompanied by digital censorship and smear campaigns that label journalists as “terrorists” in order to strip them of their protected status and justify further attacks;
- Survivors consistently state that journalists are targeted “because they expose the crimes in Gaza” and “for showing the truth”.

These patterns support the conclusion that the assault on journalists is not accidental but **policy-driven**, forming an integral part of Israel’s genocidal strategy to destroy the Palestinian people “in whole or in part” by erasing both their physical existence and the record of their suffering. The suppression of journalists and their work facilitates other genocidal acts – starvation, forced displacement, mass killing – by making them harder to document, contest, and prevent.

Accordingly, the Tribunal finds that **the systematic targeting of journalists in Gaza constitutes war crimes and crimes against humanity and is embedded in, and serves to advance, the crime of genocide**.

G. Scholasticide: The Genocide of Knowledge and the Destruction of Gaza's Educational System

The Istanbul and Sarajevo hearings, together with the expert analysis of Witness Eye, show that Israel's assault on Gaza is also a **war on knowledge**. The destruction of schools, universities, archives and the killing of teachers, professors and students is not incidental "collateral damage" but a deliberate strategy to eliminate Palestine's intellectual future.

International law already recognises that intentionally directing attacks against buildings dedicated to education constitutes a war crime (Art. 8(2)(b)(ix) Rome Statute) and that "imposing measures intended to prevent births" and "causing serious bodily or mental harm" to members of a protected group may constitute genocide (Art. 2(b), (d) Genocide Convention). The Tribunal's record demonstrates that in Gaza these violations take the specific form of *scholasticide*: the systematic destruction of education and intellectual life as a modality of genocide.

1. Destroying the material infrastructure of learning

From Istanbul, student-witnesses Osama Alostta and Malek Alsewarki describe how, in a matter of weeks, nearly every place in which they had ever studied became a military site or a ruin. Osama recounts that his secondary school in Al-Zahraa "was turned into a military base for IOF," and that his university in Gaza – where he had re-enrolled in Computer Science just ten days before 7 October – was "**reduced to rubble**." When he returned to his neighbourhood after evacuation, "I was not able to recognize my city and my neighbourhood 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."

Osama Alostta, a 23-year-old computer science student, testified that the assault on education was experienced first as an assault on his own life plans:

"Like every student, every young person, every human being, I had dreams. Dreams of graduating, continuing my studies and expanding my knowledge... 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."

He described how, after years of navigating blockade and earlier wars to continue his schooling, he returned to Gaza in March 2023, re-enrolled at his university and "started the new semester just ten days before October 7th."

On the morning of 7 October, he left home "ready to go to school for a short exam," only to receive a message from the university:

"For your safety, the school will be closed until further notice. I thought – maybe a few days. Maybe a week. Until the Israeli defence minister said, 'We are fighting against human animals,' announcing a complete siege on Gaza."

Forced to evacuate, he took "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, his neighbourhood in Al-Zahraa and his school were destroyed:

"On the 19th of October, they destroyed my neighbourhood Al-Zahraa city... They were not only destroying buildings – they were destroying my childhood, my memories, the very streets where my life began... 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... In only one month's time, everything I had built my dreams on was gone."

He stressed that scholasticide is not only about buildings but about the psychological destruction of hope:

"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... Studying feels like running on broken ground... I find no more dreams inside of me, I cannot even plan for tomorrow."

Malek, who had graduated as the second-highest student in Palestine with a 99.4 GPA in July 2023, provides a meticulous mapping of what scholasticide means in practice. He lists, one by one, the kindergartens, primary and secondary schools and universities his family attended – Bisan and Baram Kindergartens, Al-Karama Primary and Secondary School, Shu'ban High School, Al-Zahra Basic School, Al-Ramla Secondary School, Dar Al-Ilm Schools, the Islamic University, Isra University, Al-Quds Open University, Gaza University, Bisan University, Al-Aqsa University, both campuses of Al-Azhar University – and then notes their fate: partially destroyed, militarised and then bombed, or "**completely destroyed**."

To show that scholasticide is not abstract, she meticulously listed the institutions that formed her own educational trajectory, and their fate:

"Bisan Kindergarten – my kindergarten from 2010 to 2012. It is now partially destroyed. Baram Kindergarten – completely destroyed. 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... Shu'ban High School – militarized and bombed multiple times, including after a charity distributed food to starving refugees inside... Al-Zahra Basic School in Al-Rimal neighbourhood – completely destroyed... Al-Ramla Secondary School – completely destroyed in July 2024... Dar Al-Ilm Basic and Secondary Schools – where my two brothers studied before the war. Now completely destroyed."

She continued with higher education:

"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... 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."

Most striking was the fate of Al-Azhar University, her own university and that of several family members:

"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'... The destruction of my university marked the beginning of the erasure of learning in my community... Al-Azhar University in Gaza City, where my sister Farah was studying dentistry, was bombed in November 2023 and later completely destroyed on 5 October 2025."

These first-hand accounts are corroborated by expert material presented to the Tribunal. In evidence compiled for the Sarajevo hearings, Witness Eye's legal-classification report on the testimony of Dr Osama al-Habil, Dean at the Islamic University of Gaza, records "the systematic destruction of the Gaza education sector, including the complete obliteration of universities and the targeting of academics, students, and their families." Dr al-Habil testifies that "the destruction of our universities is the destruction of our future," describing the bombing of the Islamic University as part of a broader policy to annihilate the "intellectual and cultural foundations of Palestinian society."

The same report documents repeated strikes on universities, schools, libraries and archives "none of which served any military purpose," noting that the Islamic University was bombed in multiple waves, followed

by Al-Azhar University and the University College of Applied Sciences. This pattern directly engages Art. 8(2)(b)(i), (ii) and (ix) of the Rome Statute and Article 147 of the Fourth Geneva Convention.

Further corroboration appears in the material placed before the ICJ and relied upon by the Tribunal. One such dossier notes that Israel has "damaged or destroyed hundreds of educational facilities" in Gaza and "targeted every one of Gaza's four universities," including the Islamic University of Gaza – the territory's oldest higher-education institution – thereby "destroying campuses for the education of future generations of Palestinians." The same document records the destruction of Gaza City's Central Archive and main public library, as well as bookshops, publishing houses and other cultural centres – a broader assault on institutions of memory and learning.

In his Istanbul testimony, academic witness **Wesam Amer** confirms that *all 17* higher-education institutions in Gaza have been destroyed, and that the Ministry of Education itself has been flattened. He characterizes this as "**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.**" Far from a side-effect, he insists, "this is not an assault on buildings—it is an assault on knowledge as a mode of resistance."

Expert witness Prof. Wesam Amer described the scale of destruction in systemic terms:

"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."

He urged the Tribunal to see 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," a "war against bodies, yes, but also a war against knowledge itself."

Amer emphasized that the targeting extended to the people who carry and transmit knowledge:

"Over 150 professors, including university presidents and intellectual leaders, have been killed... More than 9,800 students have been killed, including 651 university students... Approximately 88,000 students are now unable to continue their education."

He stressed that "to kill a scholar is to kill the memory of a people; to kill students is to extinguish the future," and characterized the campaign

as “cultural genocide – the genocide of knowledge,” where “to erase universities is to erase national consciousness; to burn archives is to burn collective memory.”

The Sarajevo hearings and Witness Eye’s legal classification report corroborate this pattern with broader statistics: the near-total destruction or disabling of Gaza’s universities and teacher-training institutes; repeated attacks on school-shelters housing displaced families; and the killing of large numbers of teachers, school principals and Ministry of Education staff in strikes on homes and offices. Together, these materials support the conclusion that the educational system itself was a primary object of attack rather than an incidental casualty.

2. Targeting the intellectual class – killing teachers, professors and students

Scholasticide operates not only through the destruction of buildings but through the physical elimination of those who embody and transmit knowledge. Witness Eye’s analysis of Dr al-Habil’s testimony records the “**killing of hundreds of students and academics**” and the forced displacement of their families to tents in southern Gaza, concluding that this amounts to “the destruction of a civilian population and its intellectual class” and therefore to crimes against humanity under Article 7 of the Rome Statute. Al-Habil summarizes the intent in stark terms: “every professor killed, every student displaced, is a message that Palestine must not produce knowledge or memory.”

The ICJ dossier similarly notes that alongside the demolition of campuses, Israel has killed leading Palestinian academics, including Professor Sufian Tayeh (President of the Islamic University and UNESCO Chair of Astronomy and Astrophysics), Professor Muhammad Eid Shabir (former President of the Islamic University), Dr Ahmed Hamdi Abo Absa (Dean of Software Engineering at the University of Palestine, reportedly shot dead after enforced disappearance), and Professor Refaat Alareer, a poet and professor of literature who co-founded the youth writing initiative *We Are Not Numbers*. These killings are not random: they target the scientists, doctors, engineers, writers and educators who constitute the core of Gaza’s intellectual life.

At Istanbul, Osama and Malek give this pattern a human face. Osama describes the killing of over a thousand professors and thousands of students and notes that “more than 1000 Professors were killed. 85% of Gaza’s schools and universities are either partly damaged or fully destroyed.” He honours in particular the memory of Dr Refaat Alareer, “a man who inspires a whole generation,” and reads aloud from Alareer’s poem *If I Must Die*, which asks that his death “bring hope, let it be a tale” carried forward by children who will see a kite in the sky and imagine an angel bringing back love.

Malek’s testimony shows how scholasticide extends to **children**. His younger brothers Ahmed and Louay, now 15 and 11, have been without

school for more than two years. Instead of homework and stories, “they learned how to find food and water... they were forced to grow into survivors, not learners.” For a generation of Gazan children, “classroom” has become synonymous with danger: with bombardment, mass displacement and massacres in supposed “UN schools.” In his words, “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.”

3. Turning schools and universities into killing fields and displacement camps

The Istanbul testimonies show how educational institutions in Gaza were first rendered unusable as places of learning and then weaponized as sites of terror.

Malek explains that, once most residential buildings had been damaged or destroyed, schools became “shelters of last resort” for displaced families. Yet even these were targeted. He describes how Al-Karama School, where he spent eight years, was turned into a military point and then destroyed; on 8 May 2025 his cousin was killed there while sheltering after his home was bombed. Shu’ban High School, where both he and his mother studied and taught, was bombed after a charity distributed food to starving families inside; it was attacked, he notes, “simply because food was being distributed there.”

On 21 December 2023, outside Al-Azhar University in Gaza City, scholasticide took an even more direct and personal form. As Malek and his family approached the gates to bring blankets to relatives who had taken refuge inside the university, a tank and drone opened fire without warning. His father and mother were shot; Malek had to drag his father away as the tank advanced, “as if to crush him.” Moments after he pulled his father inside, the tank shelled the gate and entrance hall of the university. For Malek, this was the moment it became clear that a university – supposedly a protected civilian object – had been turned into a battlefield. Al-Azhar’s campus there was later bombed entirely on 5 October 2025; the site where his sister studied dentistry is now a ruin.

Osama similarly recounts how his high school and neighbourhood were erased to carve a military corridor across Gaza, and how his campus disappeared within weeks. He describes standing in Rafah, going fourteen days without a shower, walking an hour each day to charge his phone, and realising “there was no point of me being dead here” when education had been extinguished and even survival depended on paying vast sums to leave. His hunger strike after leaving Gaza was an attempt to “feel my family and students in Gaza,” who stood in endless lines for water and bread instead of queuing for classes or exams.

Witness Eye’s report situates these personal narratives in a broader structure. Al-Habil explains that under siege conditions students “study

without food or electricity, and professors teach from tents,” emphasizing that “the war is not only bombs; it is hunger, disease, and psychological destruction,” and classifying this as the use of starvation and deprivation as methods of war (Art. 8(2)(b)(xxv) Rome Statute). These conditions deliberately “collapse education under siege” and form part of a genocidal campaign to destroy the group not only physically but intellectually.

4. Scholasticide as genocide, crimes against humanity and cultural eradication

The evidence before the Tribunal shows that:

- Nearly all schools in Gaza have been closed for over two years due to the risks of bombardment and displacement.
- The majority of Gaza’s universities and colleges have been reduced to rubble or rendered non-functional.
- A very high number of professors, teachers and students have been killed, wounded, disappeared or forced into exile.
- Educational buildings have been militarized, used as bases or checkpoints, and then destroyed, often when hosting displaced civilians.

The cumulative impact is not only the loss of current schooling, but the destruction of the institutional memory, professional networks, archives, curricula and physical infrastructure necessary to reconstruct an educational system. The Tribunal is compelled to view scholasticide, on this record, as an essential component of the genocidal attack on the Palestinian people in Gaza.

As Osama concluded:

“When they destroy a university, it is not only concrete that falls – it is the future that comes crashing down... We are not numbers. Each of us has a name, a story, a family, and a dream.”

And as Malek told the Jury:

“To my family... 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.”

Recognizing scholasticide as a distinct genocidal practice imposes concrete duties on states and international institutions: to prevent further attacks on educational facilities; to support immediate and long-term reconstruction of Palestinian educational institutions under Palestinian leadership; to provide protection, scholarships and institutional homes for displaced students and academics; and to refuse any complicity with institutions directly involved in the destruction of Gaza’s educational and cultural life.

The evidentiary record from Istanbul, Sarajevo and Witness Eye supports the conclusion that Israel’s attacks on education in Gaza satisfy multiple international-law thresholds.

- **Genocide (Art. 2 Genocide Convention / Art. 6 Rome Statute).** Dr al-Habil testifies that Israel’s war “seeks the total eradication of Palestinian life and its educational infrastructure,” stressing that “every professor killed, every student displaced” sends the message that “Palestine must not produce knowledge or memory.” The destruction of all universities, the killing of thousands of students and teachers, and the transformation of schools into sites of massacre inflict serious bodily and mental harm, and create conditions of life calculated to bring about the destruction of the group “in whole or in part.”
- **Crimes against humanity (Art. 7 Rome Statute).** Witness Eye’s classification notes that the attack on Gaza’s education sector forms part of a “widespread and systematic attack against the civilian population” involving murder, extermination, persecution and other inhumane acts against a civilian and intellectual class. The targeting of academics and students in their homes, at graduation ceremonies and in refugee centres evidences persecution on national and political grounds and the intentional destruction of a distinct civilian group engaged in education.
- **War crimes (Art. 8 Rome Statute; Fourth Geneva Convention).** The intentional bombing of schools, universities, libraries and archives that serve no military purpose constitutes, as the Witness Eye report states, a clear violation of Art. 8(2)(b)(i), (ii) and (ix) and of Article 147 of the Fourth Geneva Convention. These acts are aggravated where such institutions are used as shelters for displaced civilians, making the attacks indiscriminate and disproportionate.
- **Cultural genocide and the erasure of memory.** The targeting of Gaza’s Central Archive, main public library, cultural centres and manuscript collections, alongside educational institutions, severs a people’s connection to its past. Al-Habil remarks that “to destroy a nation, you first destroy its teachers,” and that the looting and burning of student records and research centres constitute “cultural genocide” through the destruction of archives and intellectual heritage. Wesam Amer similarly insists that burning archives and bombing universities is an attempt “to erase national consciousness; to burn collective memory.”

Taken together, these testimonies and expert analyses show that scholasticide is not an accidental by-product of military operations but a central pillar of the genocidal project in Gaza. By annihilating schools and universities, killing professors and students, and turning classrooms into killing fields and displacement camps, Israel seeks to ensure that Palestinians cannot narrate their history, educate their children, or rebuild their society.

The Tribunal should therefore recognise scholasticide as a **constitutive element of the genocide against the Palestinian people in Gaza** and emphasise that any **programme of reparative justice** must include the reconstruction of educational infrastructure under Palestinian control, the protection and restoration of archives and cultural institutions, and robust guarantees for the academic freedom and safety of Palestinian students and scholars, both in Gaza and in exile.

THEME III

COMPLICITY (STATE, MEDIA, CORPORATE, UNIVERSITY, TECHNOLOGY, ARMS INDUSTRY)

The hearings of the Gaza Tribunal make clear that the genocide in Gaza is not the work of a single state acting in isolation. It is sustained by a dense web of institutions – media corporations, universities, governments, arms and tech companies, financial actors and the broader ideological project of “Western civilization” – that enable, normalize, finance, and rationalize mass violence.

Under international law, complicity in genocide and other international crimes includes **aiding and abetting, providing practical assistance with knowledge of the crime, and public incitement or justification** that facilitates the commission of atrocities (Genocide Convention, Rome Statute arts. 25, 28). The Tribunal’s evidence shows that these thresholds are repeatedly crossed.

The Jury of Conscience already summarized this succinctly: Western governments, especially the United States, are “complicit in, in some cases colluding with, Israel’s commission of genocide through provision of diplomatic cover, weapons, weapon parts, intelligence, military assistance and training, and continuing economic relations,” and a range of non-state actors – media, academic institutions, corporations and the hi-tech sector – “survive through militarisation” and “sustain the genocide through weapons, banks, technology, transportation, and other multinational corporations.”

What follows systematizes the Tribunal’s findings on complicity into several interlocking spheres.

A. Media Complicity

1. Manufacturing Consent and Atrocity Propaganda

Journalist Katie Halper testified that Western corporate media have not merely mis-reported Israel’s assault on Gaza; they have **actively manufactured consent for genocide**. She described how, in 2020, she was fired from a mainstream U.S. cable show for calling Israel an apartheid state. That experience, she argued, was an early warning of a media ecosystem in which criticism of Israel is structurally censored.

After 7 October, this bias hardened into open complicity. Halper detailed internal directives from major outlets:

- A New York Times memo instructed reporters not to use the terms “genocide,” “ethnic cleansing,” or even “occupied territory,” and warned against the phrase “refugee camp.”
- CNN reminded staff to constantly foreground Hamas’s 7 October

attack as the “immediate cause” of events and to treat Hamas representatives’ statements as inherently non-newsworthy “propaganda.”

Such guidance did not simply shape tone; it **policed reality itself**, rendering Palestinian legal claims and experiences linguistically unsayable.

Halper showed how, in this environment, **unverified atrocity stories about Palestinians were laundered as fact**, especially allegations of a mass “rape campaign” by Hamas on 7 October. A New York Times feature (“Screams Without Words”) claimed to have uncovered a pattern of rape and mutilation; yet the article’s own podcast was cancelled amid internal dissent, the family of a key “victim” repudiated the story, and witnesses were discredited. Nevertheless, U.S. politicians – from Kamala Harris to Hillary Clinton and Sheryl Sandberg – repeated these claims, using them to justify escalation and to frame Israel’s actions as necessary moral retribution.

By contrast, documented instances of rape and sexual torture by Israeli forces – including the filmed gang-rape of a Palestinian detainee at Sde Teiman detention facility – were marginalized, euphemized as “abuse,” or reported without ever using the words “rape” or “sexual violence.” The New York Times, for example, buried the detail that a detainee’s rectum had been torn with a sharp object in the seventh paragraph of a story framed as “abuse of detainees,” not sexual assault.

Halper rightly calls this an **inversion of reality**: rape allegations against Palestinians with little evidence are amplified; recorded Israeli sexual violence is minimized or erased. This pattern both **dehumanizes Palestinians as “savagery” rapists and denies Israelis’ capacity for sexual violence**, echoing the Israeli Defense Minister’s description of Palestinians as “human animals.”

2. From Bias to Legal Complicity

International law recognizes propaganda and media incitement as forms of participation in genocide. The UN Genocide Convention criminalizes “direct and public incitement to commit genocide,” while the Nuremberg Tribunal convicted Nazi publisher Julius Streicher for inciting the extermination of Jews, including through sexualized fantasies about Jewish men “defiling” German women. The International Criminal Tribunal for Rwanda later convicted broadcasters who used radio and print to incite Tutsi extermination.

Halper’s testimony shows striking parallels: U.S. and European outlets repeatedly framed Palestinians as barbaric sexual predators and Israel as a civilization defending “our values.” In the words of media scholar Hamid Dabashi, such outlets function as “**processed news**” factories, packaging selective facts and emotive narratives to sustain “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 Tribunal’s Jury explicitly notes that “biased media reporting in

the west on Palestine and under-reporting of Israeli crimes conform to the economic and political interest of the ruling elites and their allied interests,” and that Palestinian journalists – who provide “genocide documentation” – are deliberately targeted, with more killed than in any other conflict.

Taken together, this constitutes **media complicity in at least three ways**:

1. **Manufacturing consent** for policies the governments know to be unlawful, by amplifying atrocity propaganda and effacing Palestinian suffering.
2. **Providing the discursive framework** – “civilization vs. savagery,” “self-defence,” “human animals” – that dehumanizes Palestinians, satisfying the mental element for genocidal intent.
3. **Obscuring attacks on journalists** themselves, thereby helping conceal ongoing crimes and preventing accountability.

B. University Complicity

Maura Finkelstein’s testimony, reinforced by Witness Eye’s legal classification of Anwar Omeish’s evidence, demonstrates that universities are not neutral spaces of knowledge but **structural participants in the genocide economy**.

1. Investments and the “Economy of Genocide”

Finkelstein and Omeish both show that U.S. universities collectively hold endowments of nearly **\$1 trillion**, heavily invested in arms manufacturers, surveillance companies, and tech firms directly enabling Israel’s assault. Omeish notes that “the same elite financiers who hold power elsewhere also decide where this enormous pool of money goes – and much of it is invested in companies connected to the genocide in Gaza.”

Witness Eye’s legal analysis concludes that, when such investments continue **with knowledge of ongoing crimes**, they satisfy the mental element of aiding and abetting under Article 25(3)(c) of the Rome Statute, providing “substantial assistance to the commission of war crimes and crimes against humanity.”

Finkelstein situates this in the broader **military-industrial-academic complex**: U.S. universities host Pentagon-funded University Affiliated Research Centers, supply human cadavers for joint U.S.–Israeli military trauma training, and partner with Israeli institutions that serve the occupation’s security apparatus. Study-abroad programs, Birthright trips, and the “Israel Fellows” scheme – which places ex-soldiers on campuses – normalize and humanize a military regime for U.S. students while providing networks of surveillance and intimidation against Palestinian and pro-Palestinian students.

2. Silencing Dissent and Persecuting Advocates

Feature three of Finkelstein’s analysis – **university repression** – is further elaborated in Omeish’s testimony. She documents a “widespread

and systematic suppression of speech, assembly, and academic freedom” directed specifically at those advocating for Palestinian rights, amounting to persecution on political and ethnic grounds under Article 7(1)(h) of the Rome Statute.

Witness Eye records mass suspensions, bans from campus property, eviction from student housing, deployment of private and city police, arrests, and the use of chemical agents against encampments – all targeting divestment campaigns. Administrations act under **direct donor and political pressure**: at the University of Chicago, an anonymous Zionist donor pledged \$100 million after an encampment was cleared, with the gift explicitly linked to punitive action against students. Finkelstein confirms this broader pattern: at Columbia, Muhlenberg and dozens of other institutions, administrators:

- banned or deregistered groups like Students for Justice in Palestine and Jewish Voice for Peace,
- invited armed police onto campuses to violently dismantle Gaza encampments, and
- fired or suspended faculty (including herself) for speech critical of Israel.

As the Witness Eye report concludes, such practices violate core rights to free expression and assembly under the Universal Declaration of Human Rights and the ICCPR, and they **link universities structurally to international crimes** by punishing those who seek to halt complicity.

The Tribunal’s Jury therefore correctly finds that “academic institutions through their investments support Israel; staff and student endorsements of Palestine are silenced or disciplined,” and that these institutions are among the non-state actors complicit in genocide.

C. State and Government Complicity

1. United States as Enabler and Co-perpetrator

Former U.S. official Lily Greenberg Call provides rare **insider testimony** on how the Biden administration responded after 7 October. She describes an immediate environment of “post-9/11-style” fear and enforced unity, where appointees were expected to echo the President’s line about Israel’s “right to defend itself” and avoid any mention of international law or civilian protection.

Greenberg recounts that by mid-October 2023, briefings across agencies documented thousands of civilian deaths, the destruction of neighbourhoods, and warnings from humanitarian organizations about the collapse of medical and food systems – all while U.S. weapons and diplomatic support continued. Internal opposition was significant: thousands of civil servants signed dissent cables or open letters calling for a ceasefire, but policy did not change.

Her testimony maps out **four concrete forms of U.S. complicity**:

- **Material support** – ongoing weapons shipments, munitions, and intelligence to Israel.

- **Diplomatic protection** – repeated vetoes of UN Security Council ceasefire resolutions and shielding Israel from investigation.
- **Rhetorical cover** – repeating Israeli government narratives about “terrorist command centers” in hospitals and claiming Israel was acting in line with international law despite abundant evidence to the contrary.
- **Censorship and retaliation** – a culture of fear inside government, where staff who raised concerns faced isolation and career threats.

Witness Eye’s legal report on Professor Amjad Jibril reaches similar conclusions: he characterizes Israel’s war on Gaza as a “policy of elimination, not a war,” carried out with “American weapons and political protection,” and finds that the U.S. and EU are **not mediators but active participants**, whose military, political and diplomatic support engages responsibility for aiding and abetting genocide and war crimes. The Tribunal’s Jury echoes this, finding Western governments “in breach of their legal duty to prevent genocide and to cooperate to end” it, and emphasizing that silence and inaction “are other forms of complicity.”

2. Regional Governments and Normalization

Complicity is not limited to Western states. Jibril’s testimony highlights **Arab and regional governments** that continued normalization with Israel during the genocide, closed crossings like Rafah to Palestinians seeking refuge, or invested in Israeli enterprises. He argues that such acts constitute forms of indirect support and engage state responsibility for aiding internationally wrongful acts under the Articles on State Responsibility.

This shows that genocide is **embedded in a regional security and economic architecture**, where regimes prioritize alliances, investment and border control over Palestinian life.

D. Corporate and Weapons Complicity: The Political Economy of Genocide

Shad Hammouri’s testimony exposes the **global value chains** that make the genocide materially possible and profitable.

1. Privatized Arms Industry and Global Supply Chains

Hammouri explains how, over recent decades, the weapons industry has been privatized and deregulated. In Gaza, Israel used over 100,000 tons of explosives, deploying high-tech munitions and “outdated” weapons alike in one of the densest urban spaces on earth. These weapons flowed from corporations such as **Boeing, Lockheed Martin, RTX, BAE Systems, Rheinmetall, Leonardo, General Dynamics and Rolls-Royce**, financed by global banks like Barclays, Deutsche Bank, HSBC, Santander and others. Many universities and pension funds hold significant investments in these companies – linking back to university complicity.

States including the U.S., U.K., Germany, Italy, France, Australia, India, Romania and the Netherlands continued to trade weapons with Israel during the assault, despite their legal obligations under arms export regimes and the Genocide Convention.

Hammouri describes how **NATO's F-35 program** ties European states into Israel's air war: components built and serviced in partner states enable bombing campaigns in Gaza, Lebanon, Syria and Yemen. Efforts by activists in the U.K. and Netherlands to halt these transfers were blocked, with governments prioritizing NATO commitments over international humanitarian law.

Jet fuel for these aircraft is another chain of complicity, supplied by companies like **Valero** and involving crude oil from the U.S., Azerbaijan, Angola, Nigeria and Brazil. Logistics firms – Maersk, Zim, TATA and others – transport weapons and fuel, while transit businesses in Jordan and Egypt profit from rerouted shipping amidst the Red Sea disruptions. The Tribunal's Jury thus correctly concludes that "global supply chains sustain the genocide through weapons, banks, technology, transportation, and other multinational corporations."

2. Energy Interests and the Seizure of Gaza

Hammouri also emphasizes **energy as both driver and benefit** of genocide. Gaza, as the last Palestinian city with direct access to the sea, stands between Israel and full exploitation of offshore gas fields. At the start of the assault, Israel reassured investors such as BP, Eni and Chevron that gas extraction would remain secure, while envisioning future control over Gaza's untapped reserves. SOCAR, BP and others maintained energy flows to Israel via pipelines, despite their duty to act to prevent genocide.

This aligns with Jibril's argument that we are witnessing a shift from an "economy of occupation" to an "economy of genocide," where the destruction and dispossession of Palestinians are integrated into broader strategies of regional resource control.

3. Post-genocide "Reconstruction" and Humanitarian Industry

Finally, Hammouri warns of a "**humanitarian and stabilization industry**" that seeks to profit from Gaza's ruins. U.S. planning documents envision private corporations and financial vehicles managing Gaza's reconstruction, turning devastation into investment opportunity. He cites the so-called Gaza Humanitarian Foundation – whose operations allegedly led to the deaths of thousands – as a trial run in using "business and investment" as a shield for occupation.

The Jury captures this dynamic in its description of the "**political economy of genocide**" as the highest form of hyper-imperialism of the 21st century.

E. Cloud, AI and the Digital Machinery of Genocide

While Hammouri emphasizes the political economy, technologist Ibtihal Aboussad focuses on the **software and infrastructure layer** that turns data into targeted death.

1. Cloud Infrastructure as "Oxygen of Modern Warfare"

Aboussad explains that genocide today is enabled not only by bombs but by **cloud computing, AI and surveillance systems**. In Gaza, every airstrike and mass displacement order is supported by data collection, biometric profiling and machine learning models that identify and rank civilians as targets.

Key here are contracts like **Project Nimbus**, through which Google and Amazon supply cloud services to the Israeli state, and AI/data analytics companies such as **Palantir**, which provide platforms for military targeting and predictive policing. Aboussad argues that cloud providers are not merely "hosting" data; they provide the **compute power** necessary to run automated kill-lists on a population scale.

Witness Eye's report on Jibril corroborates that Israel uses **AI-guided precision munitions**, which he calls "precision tools for civilian killing," in densely populated areas, directing attacks at journalists, medical personnel and UN shelters.

The Tribunal's Jury explicitly recognizes that "the hi-technology sector sustains the machinery of genocide by manipulating contents through algorithms, and allowing Israel to watch and plan every airstrike and assassination. Companies that sell cloud capacity to Israel provide the computer power for genocide."

2. Surveillance, AI Targeting and Export

Aboussad details how Israel has used Palestinians as a **laboratory for surveillance technology** for years: drones, facial recognition, automatic license-plate readers, predictive software at checkpoints. During the current genocide, systems like "**Lavender**" and "**Where's Daddy?**" used machine-learning to classify tens of thousands of individuals as targets, often with minimal human review, and to time strikes for maximum lethality – such as bombing homes when fathers returned to their families.

These technologies rely on chips from companies like Intel and NVIDIA, networking from Cisco and Motorola, and software support from Microsoft and other firms. Once tested on Palestinians, they are sold globally as "battle-proven" tools to states and police forces, entrenching a cycle in which Palestinian suffering becomes an R&D expense.

3. Digital Propaganda and Censorship

Aboussad further shows that tech companies are implicated in

narrative warfare. Platforms like Meta, YouTube, X and TikTok have repeatedly censored Palestinian content – taking down accounts of journalists and aid workers, shadow-banning posts documenting atrocities, and blocking fundraising – while allowing Israeli military propaganda and AI-generated disinformation to circulate widely. Meta’s own Oversight Board has acknowledged systemic over-enforcement against Arabic content.

This produces what Aboussad calls the “**digital mirror of apartheid**”: one population’s suffering is made hyper-visible and empathizable, the other’s is algorithmically lowered in relevance or marked as “hate” or “terrorism.” In effect, tech companies **automate dehumanization.**

Those inside the industry who resist – organizing against military contracts or calling for ceasefire – face retaliation and firing, mirroring the repression seen in universities and state bureaucracies. The goal, Aboussad argues, is to enforce silence inside the companies so that violence can continue outside.

F. Western Civilization and Epistemic Complicity

Professor Hamid Dabashi pushes the analysis from institutions to the **underlying civilizational ideology** that makes such complicity possible.

He argues that what is at stake in Gaza is “**the last bastion of the genocidal history of Western civilization**” – a history that includes the genocide of Indigenous peoples in the Americas, transatlantic slavery, colonial mass killings in Africa, and the Holocaust. Israel, in President Isaac Herzog’s own words, presents itself as defending “Western civilization,” and in doing so reveals that civilization’s racialized core.

Dabashi describes “Western philosophy” as a **tribal epistemic system** that declared itself universal while metaphysically excluding the colonized – rendering them ontological non-beings whose physical elimination was already prefigured. Gaza, in this reading, is the terminal expression of a long tradition in which non-white life is expendable, and Palestinian presence is framed as a metaphysical and political threat to a settler order.

Mainstream media like the New York Times and BBC, he notes, act as conduits of this ideology, producing “processed news” that preserves the image of liberal, humane Western democracies while managing public discomfort with Israeli excesses. They may occasionally criticize “extremism” or Netanyahu, but only to stabilize the broader structure: Israel as a “democracy” and outpost of Western values, entitled to defend itself against those marked as barbaric.

The Tribunal’s Jury, in its Final Statement, similarly concludes that the “current global order, structured by power hierarchies and economic dependencies,” has revealed its incapacity to prevent or punish atrocious crimes when committed by the powerful or their allies.

Witness Eye’s report on Jibril speaks of a “**collapse of international legitimacy**”, in which traditional institutions – the UN, the ICC, Western governments – are seen as structurally unable or unwilling to protect Palestinian life, shifting moral and legal leadership to the Global South and to civil society.

This epistemic complicity is not abstract. It shapes legal interpretations, media framing, university governance, and corporate decision-making, all of which presume that Palestinian death is either **justified, regrettable but necessary, or unworthy of serious attention.**

G. Cross-Cutting Patterns and Responsibility

Across these spheres, the Tribunal’s record reveals several **recurrent patterns**:

1. **Knowledge:** decision-makers in governments, media, corporations and universities cannot plausibly claim ignorance. Internal briefings, public UN warnings, ICJ and ICC proceedings, and real-time documentation by Palestinian journalists all communicated that Israel’s campaign involved mass civilian killing, starvation, scholasticide, and destruction of infrastructure essential to life.
2. **Substantial contribution:** weapons shipments, cloud services, financial investments, logistical support, media narratives and academic partnerships all **materially facilitate** the genocide – either by supplying tools of violence, enabling surveillance and targeting, financing the war economy, or neutralizing opposition through censorship and repression.
3. **Shared intent or acceptance:** while not every actor shares Israel’s explicit genocidal intent, many accept mass Palestinian death as an acceptable price for strategic goals: regional dominance, resource control, electoral politics, or institutional prestige. Continuing support in the face of known consequences constitutes, at minimum, **reckless disregard** for the survival of a protected group.
4. **Suppression of resistance:** wherever complicity operates, we see parallel moves to suppress those who resist – journalists killed or censored, students beaten and arrested, technologists fired, civil servants silenced. This pattern indicates that complicity is not accidental; it is **maintained by coercion.**

Legally, Witness Eye’s reports on Omeish and Jibril argue that such conduct amounts to **aiding and abetting war crimes, crimes against humanity and genocide** under the Rome Statute, and engages **state responsibility** for failure to prevent and for facilitating internationally wrongful acts.

Politically and morally, the Tribunal’s evidence supports the Jury’s finding that the genocide in Gaza is inseparable from a **global system of hyper-imperialism**, in which militarized capitalism, racial hierarchy, and digital surveillance converge.

H. Implications for the Tribunal

Because this is a People's Tribunal, it can name and analyse complicity in ways that inter-state institutions rarely do. The evidence from Istanbul and Sarajevo, together with Witness Eye's legal analyses, allows the Tribunal to:

- Recognize **media, universities, corporations, tech firms and financial institutions** as actors that can commit or contribute to international crimes, even though they fall outside the classic state/individual perpetrator model.
- Affirm that **complicity is not secondary** to genocide but integral to how it unfolds in a globalized order.
- Insist that any meaningful program of **reparations, reconstruction and guarantees of non-recurrence** must confront these structures: divestment from arms and surveillance industries, de-militarization of tech and academia, civil and criminal accountability for corporate executives and public officials, and protection for whistle-blowers and resisters.

Most importantly, the Tribunal can amplify the voices of those who refused complicity – Palestinian journalists, students, technologists, public servants and scholars – who, at great personal risk, insisted that **“silence is complicity; speaking the truth is the first act of justice.”**

THEME IV THE RESPONSE OF THE INTERNATIONAL SYSTEM

The Gaza genocide has unfolded not in a legal vacuum but in the dense architecture of international institutions, norms and tribunals that were created in large part in response to the horrors of the twentieth century. It is therefore not only a test of international law's capacity to restrain power, but also an x-ray of its structural limits and entrenched hierarchies.

Across the Istanbul and Sarajevo hearings, witnesses repeatedly emphasized that **genocide has been happening in full view of an international system that was explicitly designed to prevent it**. Their testimonies collectively show that the failures are not merely technical or accidental; they are rooted in a long history of colonial exception, in the political capture of UN bodies, in selective deployments of “genocide” as a label, and in direct attacks against the few institutions and mechanisms that could still offer Palestinians a fragile thread of protection. This section examines that landscape through six interlocking dimensions:

1. The frontal assault on **UNRWA** as the last institutional lifeline of the Palestinian people (Imseis).
2. The **politics of the Genocide Convention** and the ICJ's constrained role (Li).
3. The internal contradictions of the **United Nations system** and the “Israel exception” to international law (Mokhiber).
4. The fragile but vital work of the **International Criminal Court** under unprecedented political attack (Marinello).
5. The broader historical and political context of an **“experimental juncture”** and worldwide solidarity with Gaza (Kaldor).
6. The Gaza Tribunal itself as an **alternative jurisprudential paradigm** that re-centres Palestinian expertise and people-powered law (Nesiah & Bali), complemented by the Witness Eye legal-classifications work in Sarajevo.

Taken together, these strands demonstrate that while formal institutions have largely failed to halt the genocide, **the legal and moral meaning of what is happening in Gaza is being rewritten from below**—through Palestinian testimony, global solidarity, and people's tribunals such as the Gaza Tribunal.

A. UNRWA Under Siege: Destroying the Lifeline of a People

Professor **Ardi Imseis** situates the attack on UNRWA within the UN's

“permanent responsibility for the question of Palestine,” a responsibility that dates back to the General Assembly’s attempt to partition Palestine in 1947 and the ensuing **Nakba**. UNRWA, established in 1949, was mandated to provide “direct relief and works programmes” for Palestine refugees until their rights—**return, restitution and compensation**—could be realised in accordance with international law.

Over seventy-five years later, those rights have been systematically blocked; the result is that **UNRWA remains indispensable**. As Imseis stresses, generations of Palestinians have relied on UNRWA for “education, health, relief and social services, and, during emergencies, humanitarian aid” in Jordan, Lebanon, Syria and the occupied Palestinian territory. In Gaza, where Israel has shattered civilian infrastructure, **UNRWA is quite literally the condition of survival**.

1. Why Israel Needs UNRWA Gone

Imseis explains that Israel’s campaign against UNRWA must be understood both in relation to *immediate* genocidal policies in Gaza and to its *long-term* project of erasing Palestinian peoplehood and the refugee question altogether.

In the short term, Israel is pursuing what he calls “**the erasure of the Palestinian people in Palestine, including through forcible transfer**.” Nearly the entire population of Gaza—around 1.9 million people—has been displaced multiple times through bombardment and starvation. Senior Israeli officials have openly called for the **depopulation and resettlement** of Gaza; Defence Minister Israel Katz ordered preparations for what he euphemistically termed the “*voluntary departure*” of Palestinians. Imseis underlines the Orwellian character of this language:

After killing or injuring close to 240,000 Palestinians, destroying over 90% of homes, schools, hospitals, water and sanitation systems and roads, to speak of “voluntary departure” is “*an open call to expel as many surviving Palestinians as possible*.”

In this context, UNRWA is an obstacle: **the Agency’s very capacity to deliver food, water, shelter, education and healthcare makes mass expulsion harder to accomplish**. As Imseis puts it succinctly, “UNRWA is the last hope that the Palestinian people, particularly in the Gaza Strip, have of surviving Israel’s genocide against them.”

In the long term, Israel’s war on UNRWA aims at **erasing the legal and political existence of the Palestinian refugee question**. Imseis recalls Prime Minister Benjamin Netanyahu’s repeated public statements, long before October 7, that “*the time has come to disband UNRWA*” and that the Agency “*perpetuates the narrative of the right of return*” and therefore must “*pass from the world*.” By blaming the continued exile of Palestinian refugees on UNRWA’s existence, Israel seeks to invert responsibility: the problem becomes not Israel’s refusal to allow return, but the Agency that keeps the refugees alive and visible.

UNRWA thus stands at the intersection of **genocide prevention in the**

present and historical accountability for 1948. To destroy UNRWA is to attack both.

2. The Methods of Destruction

Imseis identifies a **three-pronged strategy** through which Israel has sought to neutralize or eliminate UNRWA:

1. **Direct attacks on staff and facilities**. Since October 2023, over **300 UNRWA personnel** have been killed in Gaza; hundreds more have been wounded or abducted and tortured. More than **310 UNRWA installations**—including schools, health centers and shelters—have been destroyed or damaged. Many of these facilities were housing displaced families when they were hit, turning nominal places of refuge into mass graves. In the West Bank, UNRWA’s East Jerusalem headquarters has been repeatedly attacked by settlers and effectively shuttered, with the land earmarked for settlement.
2. **Financial strangulation**. On **26 January 2024**, the very day the ICJ first ordered provisional measures in the South Africa case and warned that famine was “around the corner,” Israel launched a high-profile campaign to persuade donor states to **defund UNRWA**, based on unsubstantiated allegations that some staff participated in the 7 October attack. Eighteen states temporarily froze funding, threatening the Agency’s operations at the moment of greatest need. Israel has insinuated that around **12 per cent of UNRWA’s Gaza employees** belong to “terrorist” organisations—claims that have not been backed by verifiable evidence. Imseis notes that **UNRWA, by contrast, has consistently investigated and responded to allegations in good faith and in detail**.
3. **Anti-UNRWA legislation**. In October 2024, Israel adopted two domestic laws targeting UNRWA, which entered into force in January 2025. These laws **criminalised UNRWA’s work in the occupied territory**, leading to the closure of its East Jerusalem headquarters and schools and formalised non-cooperation in Gaza. As Imseis notes, this legislation flagrantly contradicts Israel’s obligations as an occupying power as well as the ICJ’s findings on the illegality of its annexation claims over East Jerusalem.

The **Witness Eye legal-classifications report**, drawing on both Sarajevo and Istanbul testimonies, reinforces this picture, documenting how attacks on UNRWA “reveal a widespread and systematic attack against a civilian population” and contribute to the creation of conditions where “survival itself is criminalized.” These findings align with Imseis’s argument that the targeting of UNRWA is **not an unfortunate side-effect of war, but a deliberate component of the genocidal project**.

3. International Law’s Response

In its **Advisory Opinion of 22 October 2025**, the International Court of Justice directly addressed Israel’s campaign against UNRWA. Imseis highlights three key determinations:

- Israel’s allegations against UNRWA staff “**have not been substantiated**” on the evidence submitted.
- **No other organisation can replicate UNRWA’s capacity** to provide for the population of Gaza; therefore, undermining it *necessarily* jeopardizes Palestinian survival.
- Israel is under a **legal obligation to facilitate, rather than impede, relief efforts through UNRWA**, and must refrain from using starvation of civilians as a method of warfare.

These findings establish a crucial normative baseline: **assaults on UNRWA are not only politically reckless, but legally wrongful and directly connected to the crime of genocide**. Yet, as multiple witnesses observe, the Court’s pronouncements have not yet translated into effective protection on the ground—largely because the broader UN system, and powerful states in particular, **have failed to enforce them**.

B. The Politics of Genocide and the Limits of the ICJ

Legal scholar **Darryl Li** urges the Tribunal to widen its lens from the question “*Has genocide been committed?*”—to which evidence overwhelmingly points—to a deeper inquiry: **how is “genocide” as a legal and political category being managed, monopolised and instrumentalised?**

Li begins with a striking juxtaposition: the hill of **Yad Vashem**, Israel’s national Holocaust memorial, overlooking the site of **Deir Yassin**, a Palestinian village where a notorious massacre took place during the 1948 Nakba. Yad Vashem is meticulously memorialised; Deir Yassin is invisibilised, its remaining homes repurposed as an Israeli psychiatric hospital. This geographic pairing, he suggests, epitomises how **one atrocity is elevated as the lens through which genocide is understood, while another—linked to the founding violence of Israel—is actively erased**.

1. A Narrow Convention and a Wide Moral Category

The **1948 Genocide Convention** emerged in a world where many signatory states—including settler colonies and European empires—had themselves engaged in mass atrocities. To protect their own interests, they crafted a legal definition that Li describes as “*riddled with ambiguities and loopholes*.” The result is a **chasm**:

- **Ethically**, genocide is treated as “*the crime of crimes*,” an act that must generate universal opposition.
- **Legally**, genocide is defined in technical terms that can be interpreted narrowly and **manipulated by powerful states**.

This gap has enabled the United States and Israel to develop what Li calls a “**rhetorical duopoly**” over genocide. Israel mobilises the memory of the Shoah to present itself as the ultimate righteous victim; the United States points to its role in liberating Nazi camps to portray itself

as the ultimate righteous avenger. Under this logic, any crimes they or their allies commit are **presumed to be lesser than the Holocaust and thus not truly genocidal**—a presumption that ignores both countries’ settler-colonial foundations and their own histories of genocide and racial violence.

2. South Africa v. Israel and the Shifting Landscape

The **South Africa v. Israel case** at the ICJ disrupted this duopoly. When the Court in January 2024 found South Africa’s genocide allegations “plausible” and ordered provisional measures, it **shattered the taboo** against accusing Israel of genocide. For Li, this was not an inevitable reaction to the scale of Israel’s violence; rather, it was made possible by **popular mobilisation and Palestinian steadfastness**, which forced states and institutions to confront the reality of Gaza.

Still, the ICJ’s record is ambivalent. The Court refused to order an immediate ceasefire early on, and only months later called for a limited ceasefire in Rafah—**an order Israel openly defied**. Li notes that expecting a court decision alone to stop a genocide may place unrealistic weight on legal institutions in a world where there is **no international police force and powerful states wield veto power over enforcement**.

Even more worrying, he cautions that the Court could still adopt **restrictive interpretations of genocidal intent**—for example, by insisting that genocide exists only when the *sole* motive is the destruction of a group, excluding cases where exterminatory violence is intertwined with other aims such as defeating an armed adversary. Such a move would not only risk acquitting Israel but would also undermine the legal understanding of other genocides, including Rwanda.

- Li’s central message to the Tribunal is thus twofold:
- International law is a terrain of struggle, not a neutral arbiter.
- People’s movements—not courts—ultimately determine whether the label of genocide leads to accountability or to another layer of abstraction.

The Witness Eye Sarajevo report echoes this assessment, repeatedly classifying the acts in Gaza as genocide while noting that **formal recognition by courts remains partial, contested and vulnerable to political pressure**. The task of naming, therefore, cannot be left to states alone; **it is also the work of people’s tribunals and social movements**.

C. “Two UNs”: The Structural Failure of the United Nations

Former UN human-rights official **Craig Mokhiber** offers a devastating insider critique of the UN system. He describes the organisation as “**infected by the virus of the Israel exception to international law**,” a virus that dates back to 1948 when the adoption of the Universal Declaration of Human Rights and the Genocide Convention coincided

with the Nakba and the recognition of Israel without guarantees for Palestinian self-determination.

Mokhiber argues that the genocide in Gaza has laid bare the existence of **two UNs**:

1. The Normative UN

On the one hand, there is the UN of the **Charter**, human-rights treaties, decolonisation and the prohibition of colonialism, apartheid and genocide. This is the UN of:

- Independent Special Rapporteurs like **Francesca Albanese**,
- The **International Court of Justice**,
- The **Commission of Inquiry** and other fact-finding bodies,
- The human-rights machinery that has consistently warned of **genocide, apartheid and unlawful occupation**.

This “normative UN” is where the **legal and ethical architecture to condemn Israel’s actions already exists**. Many of its mechanisms—particularly in Geneva—have, as Mokhiber notes, “rang the genocide alarm bell as far back as October 2023.”

2. The Political UN of Power and Veto

On the other hand is what he calls the “**darker UN**”: the realm of the Security Council’s veto powers, backroom diplomacy, and deference to the United States and its allies. This UN:

- **Partitioned Palestine** and “ratified the ethnic cleansing” by recognizing Israel in 1948.
- Suspended the application of international law during the **Oslo process**, forcing Palestinians to negotiate their rights directly with their occupier under U.S. tutelage.
- Has remained largely silent on genocide, avoiding the term itself and focusing on vague references to “armed conflict,” future “two-state solutions,” and “humanitarian aid,” all while **failing to demand or enforce a ceasefire**.

The Security Council, Mokhiber notes, has become the epicentre of this failure. The **U.S. has exercised its veto six times since October 2023** to block resolutions that would constrain Israel, bringing its total of vetoes to shield Israel to fifty. No sanctions have been imposed, no protection force mandated, no effort made to suspend Israel’s UN privileges, despite its ongoing genocide, apartheid regime, illegal occupations, extraterritorial assassinations and attacks on UN staff and installations.

The **General Assembly**, while more responsive—it has endorsed the ICJ’s advisory opinions and called for a ceasefire—has nonetheless **stopped short of using its full powers**. It has:

- Not moved to suspend Israel’s credentials.
- Not activated robust sanctions or an arms embargo.
- Allowed the “**New York Declaration**” to supplant accountability-centred

resolutions with a vague political process that “*makes no mention of genocide or apartheid*” and aims primarily at **normalising Israel and salvaging Zionism** rather than securing Palestinian rights.

3. The Secretary-General and the “Diplomacy of Fear”

Mokhiber also criticises the **UN Secretariat**, including the Secretary-General and several Special Representatives, for operating within what he calls “**the diplomacy of fear**.” Senior officials have repeatedly stated that “*only a court can determine a genocide*,” using this as a pretext to avoid naming the crime—even as they freely invoke terms like “terrorism” without judicial rulings.

The **Special Adviser on the Prevention of Genocide** remained virtually silent on Gaza for months, despite mounting evidence. The **Special Representative on Sexual Violence in Conflict** and the **Special Representative for Children and Armed Conflict** either echoed or failed to challenge Israeli propaganda, for instance by not countering fabricated claims of mass Hamas rape or by removing Israel from listings of serious violators of children’s rights under political pressure.

These failures have left the UN’s “**significant reserve of moral authority**” largely untapped. They also demonstrate how **political offices within the UN can become vehicles for reproducing, rather than resisting, the narratives that enable genocide**.

4. Points of Light

Despite this bleak picture, Mokhiber identifies **three “points of light”** within the system:

1. The **independent human-rights mechanisms**—Special Rapporteurs, the Commission of Inquiry, and others—who have consistently documented genocide, apartheid and colonial domination despite intimidation and smear campaigns.
2. The **International Court of Justice**, whose rulings have placed Israel on trial for genocide and declared its occupation illegal.
3. The **courage of UN humanitarian workers**, especially UNRWA staff in Gaza, hundreds of whom have been killed while continuing to provide food, healthcare, education and shelter to survivors.

These pockets of resistance show that **the international system is not monolithic**. There are institutional tools and mandates that can be mobilized; the problem lies in the political will of states that control the levers of enforcement.

D. The ICC Under Attack: Justice, Selectivity and Political Retaliation

Criminal-law scholar **Triestino Marinello** brings the focus to the **International Criminal Court (ICC)**—a body that, despite its limitations, has become a crucial locus of hope for Palestinian victims.

Marinello's testimony is grounded in direct engagement: together with Palestinian colleagues, he has submitted complaints to the ICC on behalf of **families of those killed in bombardments, of journalists, doctors, aid workers, human-rights defenders, and victims of deliberate starvation**. These submissions detail, among other things, how Israel has prevented the entry of essential goods—food, water filters, hospital equipment, medicines, and even items as basic as coriander, classified as a “luxury good”—creating **a policy of starvation that the Witness Eye report later classified as both a war crime and a crime against humanity**.

1. A Long Delay and a Narrow Frame

For Palestinians, the ICC represented a “**fragile but vital thread of hope**”—a belief that somewhere in the international system there remained an institution committed to equality before the law. Yet, Marinello recounts, it took **twelve years** for the Court to open a formal investigation into Palestine. This delay eroded trust and reinforced the perception that the ICC is **selective**, quick to act in some situations (e.g. Ukraine) while dragging its feet in others.

Earlier Prosecutors openly expressed political considerations: **Luis Moreno-Ocampo** admitted he would never authorize a case that might “upset the United States.” When **Fatou Bensouda** finally opened an investigation, its scope was **narrow**, focusing on specific incidents rather than on the structural crimes of apartheid, prolonged occupation and collective punishment.

Under current Prosecutor **Karim Khan**, Palestine was initially *not* a priority. Only after October 2023 did the Court begin to move more visibly, culminating in the **request for arrest warrants for Benjamin Netanyahu and Yoav Gallant in May 2024**. By that time, Gaza was already devastated—over 36,000 Palestinians killed and 1.7 million displaced.

Even then, Marinello notes, the warrant applications **did not include the charge of genocide** and largely excluded crimes committed before 7 October, as well as those in the West Bank and East Jerusalem. This framing inadvertently reinforces the false narrative that violence began on 7 October and that Israeli crimes are limited to *excesses* in Gaza, rather than manifestations of a **longstanding settler-colonial regime**.

2. Sanctions, Double Standards and the Fragility of the Court

The ICC's attempt to treat Israeli leaders similarly to other suspects has triggered **unprecedented backlash**. The Trump administration imposed sanctions on the Court's Prosecutor, judges and even Palestinian NGOs that cooperated with it. Software providers suspended services; U.S.-based lawyers and partner organizations withdrew cooperation.

Marinello warns that there is a real possibility that new U.S. administrations could **sanction the institution itself**, potentially crippling its

operations. Meanwhile, many **European States Parties**—vocal supporters of the ICC in other contexts—have openly criticised or undermined the Court when it turned its gaze on Israel. States that had welcomed the Court's action in Ukraine now seek to shield Israeli officials from accountability.

This reveals a stark truth: **European support for international justice remains deeply conditional**, often collapsing when it clashes with geopolitical alliances. In Marinello's words, European states “*are willing to sacrifice the entire international justice system to shield an ally.*”

3. Why Continue?

Despite all this, Palestinian civil-society organisations such as **PCHR, Al Mezan, Al-Haq and Addameer** continue to collect evidence and file complaints, even as their offices are bombed, their staff killed and their organisations sanctioned. Marinello quotes Raji Sourani: “*We have no right to give up.*” The very intensity of attacks on the ICC is, in their view, **evidence of how threatening accountability is to a regime built on impunity**.

Marinello is realistic: “**The end of the settler-colonial regime will not arrive through the ICC,**” he acknowledges. The Court is too slow, too cautious, too vulnerable. But abandoning it would mean conceding that international law will never apply to Palestinians. Instead, he calls for:

- Continued cooperation with the ICC Prosecutor,
- Expansion of **universal-jurisdiction cases** in national courts, and
- Sustained global pressure to make the cost of impunity higher than the cost of compliance.

The Witness Eye report supports this multi-layered approach, framing the ICC and national prosecutions as **complementary nodes in an emerging transnational justice network**, in which people's tribunals like Gaza's play a crucial role in documenting and legitimising claims that formal bodies are too constrained to pursue fully.

E. Gaza, Protest and the “Experimental Juncture” of the International Order

Political theorist **Mary Kaldor** places Gaza at the heart of what she calls the current “**experimental juncture**” of world politics—a turbulent period when existing institutions are “**out of kilter**” with far-reaching economic, social and technological transformations, echoing Gramsci's notion of an interregnum where “*the old is dying and the new cannot be born.*”

1. A Global Movement for Palestine

Kaldor notes that between October 2023 and September 2024 alone, the ACLED database recorded **48,000 demonstrations in 137 countries**, the vast majority peaceful, in solidarity with Palestine and against the genocide in Gaza. These protests have continued and often intensified.

This global movement is not merely reactive; it is **pedagogical and normative**. A new generation is learning about—and teaching others—the meaning of **war crimes, crimes against humanity, genocide, apartheid and famine as a crime**, often through grassroots education, campus encampments, and social-media-based popular pedagogy.

Kaldor understands this as **norm construction from below**: activists are re-interpreting international law and demanding its universal application, regardless of geopolitical alignments. In doing so, they challenge the **“free market fundamentalism” and oligarchic power** that have hollowed out the human-rights discourse since the end of the Cold War.

2. Historical Parallels and Possible Futures

Kaldor compares the current moment to the early twentieth century “experimental juncture” from 1914 to 1945, out of which both **decolonisation** and the **welfare state** emerged as social innovations forged through compromise. She also points to the late-twentieth-century wave of **worldwide democratisation** that contributed to the end of military regimes, the fall of apartheid and the 1989 revolutions, leading to a post-Cold War rhetoric of peace, human rights and humanitarianism.

That discourse, however, was **derailed by renewed militarism and neoliberalism**, which enriched a global oligarchic class and fuelled authoritarian populism. Their resistance to addressing climate breakdown, inequality and displacement has produced the “morbid symptoms” of our time: protracted wars, criminalised migration, resurgent racism and Islamophobia, and the normalisation of extreme inequality.

Within this context, Kaldor argues, **Gaza becomes a nodal crisis**: it concentrates in one place the failures of post-Cold War humanitarianism, the brutality of oligarchic militarism, and the potential of global solidarity. Whether the current experimental juncture ends in **renewed hegemonic war, expanding zones of criminalised violence, or in a more human-centred world order** depends on how states and movements respond to Gaza.

Kaldor suggests that **if there is to be a way out**, then the Gaza movement—along with the actions of the ICJ and ICC, the documentation efforts of civil society, and people’s tribunals like this one—will have played a **key role in re-normalising principles of universal human rights and accountability**. In other words, **Gaza is not only a site of catastrophic destruction; it is also a crucible for reimagining international law and global politics**.

F. The Gaza Tribunal as Alternative Jurisprudential Paradigm

Legal scholars **Hajer (Haj-Yahia) Nesiah and Asli Bâli** argue that the Gaza Tribunal itself represents an **alternative jurisprudential paradigm** and a crucial corrective to the failures of formal institutions. International law, they remind us, has been **both a reference point**

and a tool of colonisation in Palestine: it has enabled partition, occupation and impunity, even as it now provides vocabularies—genocide, apartheid, self-determination—used by Palestinians and their allies.

The Tribunal responds to these contradictions in at least **four transformative ways**:

1. Plural Legal Traditions and Contextual Judging

Through its **three-chamber structure**—legal, geopolitical and ethical-historical—the Tribunal refuses to separate technical legal analysis from **history, power and lived experience**. This methodology resonates with **Indigenous and Global South epistemologies** that treat law as inseparable from context and community, rather than an abstract, state-centric system.

In doing so, the Tribunal challenges the **Eurocentric, positivist assumptions** that often limit the ICJ and ICC, and reasserts that **the meaning of genocide, apartheid and colonialism cannot be decided by text alone: they must be interpreted in light of Palestinian testimony, historical archives and ongoing resistance**.

2. Expanding Custom and Recognising Grassroots Norm-Makers

Nesiah and Bâli invite the Tribunal to **“broaden customary international law”** by recognising that **grassroots movements such as BDS, and Palestinian lived experience itself, are sources of legal knowledge and norm-generation**.

The Witness Eye legal-classification project in Sarajevo exemplifies this approach: it systematically classified acts as genocide, crimes against humanity and war crimes **on the basis of testimonial evidence from survivors and local experts**, not merely on state submissions. The Gaza Tribunal builds on this methodology, treating **Palestinians as experts on their own oppression and aspirations**, rather than as passive victims.

3. Rethinking Standing Through Solidarity

Traditional international law restricts **legal standing** to states, or occasionally to individuals in narrow circumstances. The Gaza Tribunal, by contrast, is founded on the idea of **standing rooted in solidarity**: people and organisations not directly harmed assert a **shared responsibility to prevent and oppose genocide**.

This dramatically widens who can legitimately speak and act. Diaspora communities, student movements, trade unions, and professional associations become **juridical actors** in a moral sense, capable of **adjudicating complicity and demanding accountability** from third states, corporations, universities and tech companies.

4. Beyond Statist Models of Self-Determination

Finally, Nesiah and Bâli argue that the Tribunal can help articulate **non-statist models of Palestinian self-determination**—concepts that are not confined to the familiar but increasingly empty formula of a “two-state solution.” By doing so, it honours Palestinian political imagination and de-centres the assumption that justice must ultimately culminate in a Westphalian nation-state.

They call on the Jury to:

- Recognise Palestinians as “*chroniclers of their experience and authors of the norms defining their aspirations*”;
- Adjudicate the complicity of third states and non-state actors—**weapons manufacturers, banks, universities, tech firms**—and issue concrete demands for accountability;
- **Bridge documentation with mobilisation**, turning findings into tools for campaigns, sanctions, divestment and boycotts.

In this sense, the Gaza Tribunal embodies what they term “**principled opportunism**”: using international law strategically as a **tool for organising and building power from below**, without fetishising law as an end in itself.

G. Synthesis: Between Collapse and Transformation

The testimonies gathered in Istanbul and Sarajevo reveal a **double movement** in the international system’s response to the Gaza genocide.

On the one hand, **formal institutions have largely failed**:

- The **UN Security Council**, paralysed by U.S. vetoes, has been unable to order or enforce a ceasefire or sanctions.
- The **UN Secretariat** has resorted to evasive language and “both-sidesism,” often amplifying Israeli propaganda.
- **UNRWA**, the main humanitarian lifeline, has been systematically attacked, defunded and criminalised by the very state responsible for Palestinian dispossession.
- The **ICC** has moved slowly and selectively, and is now under intense threat from powerful states.

On the other hand, these failures have **generated new spaces for legal and moral innovation**:

- The **ICJ’s provisional measures and advisory opinions**, though under-enforced, have broken important taboos and provided cover for global movements to name genocide.
- Independent **UN Special Rapporteurs, Commissions of Inquiry and civil-society organisations** have produced meticulous legal analyses—such as the Witness Eye classifications—that lay the groundwork for future prosecutions and sanctions.
- A massive **global solidarity movement**, from student encampments to trade-union actions, has turned Gaza into a central axis of the current “experimental juncture.”

- The **Gaza Tribunal**, along with other people’s tribunals, has begun to model an alternative form of jurisprudence—**rooted in testimony, plural traditions, solidarity-based standing and non-statist visions of self-determination**.

In this dialectic between collapse and transformation, Gaza becomes **both the scene of the international system’s greatest moral failure and the site where a new, more democratic practice of international law is struggling to be born**.

The Tribunal’s task, in this section, is not only to **document the complicity and cowardice of existing institutions**, but also to **recognise and legitimise the emerging architectures of people-powered justice**—from UNRWA workers who keep humanitarian principles alive under fire, to Palestinian NGOs building case files for future courts, to students and workers who convert legal findings into campaigns for divestment, boycott and sanctions.

By naming these dynamics, the Tribunal helps ensure that **the story of the international system’s response to Gaza is not only one of failure**, but also of **contested transformation**—a reminder that even in the ruins of law, **new forms of legality can be forged from below**.

THEME V

RESISTANCE, SOLIDARITY, AND INTERNATIONAL RESPONSES

If the Tribunal's evidentiary record reveals a landscape of systematic destruction, it also reveals something else: **an equally systematic refusal to be destroyed**. Across the Sarajevo Hearings, the Istanbul Final Session, and countless witness statements gathered by the Tribunal and Witness Eye, a consistent theme emerges: *the Palestinian people, despite decades of siege, apartheid, and genocide, continue to enact forms of resistance and solidarity that preserve communal life, political identity, and human dignity.*

This resistance is not monolithic; it spans **armed, civil, cultural, legal, humanitarian, and transnational forms**. What joins these diverse practices is a common moral vocabulary: steadfastness (*sumud*), refusal of erasure, mutual care under annihilatory conditions, and the assertion of political agency even when the structural conditions are designed to extinguish it. Solidarity—from within Palestine and from global civil society—functions as the external corollary of this internal *sumud*, forming an interlocking field of resistance that confronts not only material violence but the epistemic and ideological structures that allow genocide to proceed.

A. Gaza as the Historical Center of Resistance

The Istanbul Hearings, in continuity with the Sarajevo session, confirmed that Gaza is not merely one of many Palestinian localities under attack but **the historical and symbolic epicenter of Palestinian resistance**. In his expert historical testimony, **Ramzy Baroud** insisted that what is unfolding in Gaza today cannot be read as a sudden rupture, still less as a regrettable "overreaction" to 7 October 2023. It is, in his words, *"not a conflict that started as a war and gradually evolved; it was conceived and executed, unequivocally, as genocide itself."* The Tribunal notes Baroud's insistence that the present genocide is the culmination of a long-standing *"centralized political decision: purposeful, calculated, and bloodier than any other period in Palestinian history,"* rather than a contingent response to a single event.

Baroud carefully dismantled the dominant narrative that portrays Israel's current onslaught as a defensive reaction to the 7 October attacks. He reminded the Tribunal that, as Ilan Pappé has argued, Israel has always worked to *"locate a 'concrete narrative and a discourse' meant to 'justify its eliminatory policies' in Palestine."* The violence, Baroud stressed, long predates October 2023 and has been structured as what he calls **incremental genocide**: *"the process of achieving the systematic elimination of a people without concentrating the action into a single, comprehensive event."* Between the foundational

crimes of the Nakba in 1948, the Naksa in 1967, and the successive wars on Gaza (2008–09, 2012, 2014, 2021), Gaza functioned as a laboratory where eliminationist practices were refined and normalized. Over time, Baroud noted, *"this smokescreen became thinner as Israeli authorities escalated their eliminatory actions... from an attempt to hide the real intentions behind the Zionist project, over time, these intentions were proudly broadcast first internally and then to the world at large."*

Within this long arc, Gaza emerges as both **the archetype of Israeli violence and the beating heart of Palestinian resistance**. Baroud traced the origins of this duality back to 1948: *"Nearly 800,000 Palestinians—two-thirds of the overall population of Palestine—were expelled from their ancestral homes,"* with a substantial number forced into the small coastal strip that would become Gaza. The Strip, once a district with city dwellers and nomadic tribes, suddenly became *"rife with well over 200,000 refugees... driven under the weight of barrel bombs and massacres, arriving with only the tattered clothes on their backs."* This, he told the Jury, *"ushered in the age of suffering that continues to this very day."*

From this mass displacement emerged the **first organized forms of Gaza-based resistance**. Baroud recalled how *"numerous Israeli army raids targeted Gaza, forcing the newly established Strip's refugees to organize and fight back."* These ad hoc groups became the **Fedayeen**, *"freedom fighters [who] banded together without ideology or a concrete grasp of the geopolitical forces... driven only by the desire to go back."* Israeli incursions, officially described as self-defense against *mukharbeen* (troublemakers or saboteurs), in fact targeted the very population that had survived expulsion. The pattern, he emphasized, was relentless and cyclical: *"Israeli raids, incursions, massacres, territorial expansion, and the illegal settlement of Jews on newly conquered land. All of this was met with Palestinian sumud—steadfastness, defiance, and resistance."*

This decades-long dialectic between repression and resistance shaped Gaza into **"the most extreme example of Israeli violence, on one hand, and the beating heart of Palestinian resistance on the other."** According to Baroud, Israel *"unwittingly... created its own nightmare in Gaza,"* because *"every violent act was met with greater Palestinian mobilization, popular resistance, and a defiance-centered discourse that always managed to defeat every Israeli attempt at eliminating the supposed threat of Gaza."* This ethos was crystallized in the words of Gaza's iconic poet Muin Bseiso, who wrote, *"I have not died! I still call you from behind the wounds."*

Baroud's testimony also detailed how **urban planning and military engineering were weaponized** to fragment Gaza and suppress resistance. In 1971, Ariel Sharon, then head of the Southern Command, pioneered a strategy of carving the Strip into controllable segments—the so-called *"Sharon Fingers"*—through incursions, demolitions, and

settlement corridors that sliced into refugee camps and residential areas. Sharon earned the nickname *“the Bulldozer”* for a campaign that *“went on a killing and destruction spree across the Strip,”* displacing not only refugees but *“thousands of Bedouins who were ethnically cleansed to Sinai and other areas.”* Gaza, Baroud concluded, *“was and remains the archetype of incremental genocide.”*

Yet each attempt to crush the Strip produced the opposite effect. Under the most severe conditions, Gaza’s social fabric thickened rather than disintegrated. Baroud explained that *“the socio-economic divisions that followed the Nakba slowly dissipated... the relationship between the original inhabitants, the city-dwellers, the Bedouins, and the refugees grew stronger over the years.”* In a crucial line of his testimony, he observed: *“The very Israeli tactics meant to weaken these bonds only enforced the desperate need for unity. They grew stronger.”* The Tribunal notes that this account resonates with numerous Witness Eye testimonies from Gaza, which describe the siege and bombardment not only as destruction but also as a crucible of renewed communal solidarity.

Baroud’s narrative further emphasized Gaza’s intimate relationship with the sea as both a material lifeline and a symbolic space of freedom. He recalled the *“cruel desire of Yitzhak Rabin... who famously wished to wake up one morning to find Gaza swallowed by the sea,”* but pointed out that *“the sea, however, did not submerge Gaza. Instead, it continued to be its lifeline, often its last chance at survival.”* As a child in Gaza during the First Intifada, he remembered days when Israel forbade access to the shore: *“It was there that we entrusted our grief to the salty, blue water... that very sea in which Rabin wished to drown us all was often stolen away, made forbidden by Israeli military orders.”* Bans on the sea, like the cutting of electricity and water and the imposition of *“draconian closures,”* were systematic tools of collective punishment in a space only *“141 square miles (365 square kilometers)”* in area, further reduced by settlements, buffer zones, and military roads.

The logic behind these measures, as Baroud underscored, was explicit: *“The aim was always total control over Gaza—to keep the Strip at the brink of famine merely as a political tactic.”* He cited Dov Weissglas’s notorious remark that the goal was not to kill Gazans but to put them on a *“diet,”* later operationalized through a meticulous Israeli calculation of the minimum calories needed for bare survival. In this context, the 2005 redeployment of settlers and troops from inside Gaza did not signify liberation. Rather, it marked a strategic reconfiguration: *“This was not a relinquishing of control... but the realization that Gazans cannot be tamed, subdued, or broken.”* Control shifted from within to **total encirclement**—snipers on the eastern borders, naval forces in the sea, air power in the sky—forming what Baroud called *“the hermetic Gaza siege, interrupted only by major wars.”*

These cycles of bombardment, described in Israeli military jargon as *“mowing the grass,”* aimed to regularly *“crush any Palestinian attempt at resistance during its formation.”* Yet even mass, non-violent mobilizations were treated as war. Baroud recalled the Great March of Return, *“Gaza’s largest consistent act of popular mobilization,”* which was met with sniper fire and left *“214 people killed, including 46 children, and 36,100 wounded, including nearly 8,800 children.”* In his analysis, Gazans had hoped that such non-violent strategies *“would force Israel, under international pressure, to end or ease the hermetic siege,”* but the international community *“did little,”* leaving Gaza suspended between *“the despair of reality and hope rooted in its own faith and communal experience.”*

Despite this abandonment, Baroud testified that Gazans refused to relinquish life, culture, and joy. Citing his work with the *Palestine Chronicle*, he described how residents referred to the redeployment as a form of *“liberation”*—not because the siege ended, but because small *“margins of everyday life”* opened up. Within those margins, *“cultural events were an everyday occurrence... poetry recitations, book launches, traditional dancing competitions, sports events... even marathons,”* where runners zigzagged through camps to complete the distance. *“Gaza, known for its tragedy, was fighting to reclaim its very humanity,”* he told the Tribunal.

In Baroud’s account, the latest phase of genocide is best understood as *“the ultimate final act of Israeli vengeance, the last desperate attempt at destroying the seemingly indestructible spirit of the population.”* Israeli officials’ characterizations of Palestinians as *“human animals”* and claims that *“there are no innocent people in Gaza,”* alongside open calls to *“drop a nuclear bomb on Gaza,”* revealed that the true target was not one armed group but *“the people themselves.”* The war, he stressed, was *“a war launched by Israel against the Palestinian people, their pride, dignity, faith, history, belonging, community, and very identity.”*

Yet, he concluded, it is precisely this **agency** that has frustrated exterminatory ambitions: *“That very agency allowed them to survive the scourges of a genocide unparalleled in modern history... they refused to relinquish their humanity.”* Gaza, in his words, has transformed **sumud** from a moral concept into *“an actual, tangible strategy,”* one that *“conquered the supposedly unconquerable Merkava tank and responded to genocidal intent with the confidence of a nation that had entered into a pact not to surrender under any circumstance.”*

Baroud closed by situating Gaza’s resistance within a broader grammar of revolutionary love and popular intellectual practice. Echoing Che Guevara, he reminded the Tribunal that *“the true revolutionary is guided by a great feeling of love,”* and argued that the contributors to his volume *Gaza Rising*—journalists, doctors, artists, ordinary residents—are *“organic intellectuals of the highest caliber,”* whose narratives *“are*

saturated with resistance, even when the term itself is rarely uttered.” In his words, Gaza’s struggle signifies “the ascendance of the spirit of these unbroken, unbreakable people,” and stands as “the final, unshakable testament to the Palestinian spirit that the Israeli genocide could not crush.”

For the Tribunal, this testimony firmly establishes Gaza as the **historical center of Palestinian resistance**: a place where structural violence and structural defiance have been mutually constitutive for over seven decades, and where the attempt to annihilate a people has instead generated a deepened, intergenerational politics of *sumud*.

B. *Sumud* as a Praxis of Survival Under Genocide

Across testimonies, *sumud* emerges as one of the most important conceptual categories for understanding Palestinian resistance. Baroud described it not as an abstraction but as **“a real, immediate strategy... conquering the supposedly unconquerable Merkava tank.”**

Witness Eye interviewees repeatedly used similar language:

- One survivor from Jabalia stated: **“We stayed not because we were safe, but because leaving meant accepting that Gaza could disappear from the earth.”**
- Another wrote, during the height of bombardment: **“I still plant mint outside the tent. If the mint lives, then we have not died.”**

These expressions corroborate the Tribunal’s finding that **the preservation of life, community rituals, and ordinary joys under genocidal conditions is itself a form of political resistance**. Sarajevo panelists described such practices as “infrastructures of endurance,” which oppose the logic of elimination by affirming continuity.

C. Nonviolent Resistance and the Inversion of Reality

In his testimony, legal scholar **Wadie Said** emphasized that Palestinian resistance must be situated within the legal context of **prolonged military occupation**. He noted that Palestinians have repeatedly engaged in large-scale non-violent resistance—*First Intifada*, *Great March of Return*—only to meet “*tremendous violence and repression*.” This reality, he argued, has been systematically inverted by Israeli and Western narratives:

“What we are told is that Israel exercises self-defense. But an occupying power cannot invoke self-defense against the very population whose land it occupies.”

Said’s testimony situates Palestinian resistance within the framework of **a legally recognized right** under the Fourth Geneva Convention and

customary international law. His intervention is especially important given the Tribunal’s finding that **genocidal violence is often legitimized through the false narrative of existential self-defense**, a narrative that is both historically inaccurate and legally untenable.

D. Humanitarian Resistance: The Global *Sumud* Flotilla

The Tribunal heard one of the clearest articulations of *humanitarian resistance* through the testimony of **Yasemin Acar**, steering committee member of the Global *Sumud* Flotilla. Speaking “as an organizer, a witness, and a human rights activist,” Acar situated the flotilla not merely as an aid mission but as a form of **civil, transnational resistance** that exposes the failures of global institutions and asserts a people’s right to intervene when states refuse to protect life. “*We act because the world’s institutions, laws, and governments have failed to protect Palestinian lives;*” she explained. “*And because silence is complicity.*” Her testimony identified **three interlocking systems**—material realities, legal regimes, and ethical-political responsibility—which together frame the flotilla as a paradigmatic site of global *sumud*.

1. Realities on the Ground and at Sea: The Siege as a System of Annihilation

Acar began by describing the structural violence that defines life—and death—in Gaza under a blockade that has lasted eighteen years and intensified into genocide. Gaza, she emphasized, has endured “*a brutal, illegal, and inhumane siege... restricting everything: airspace, waters, borders, movement of people, and the flow of essential goods.*” What distinguishes this siege is not only its longevity but its bureaucratized precision. Israeli authorities, she noted, literally calculated the calories permitted to enter the Strip: “*a bureaucratic calculation that reduces human beings to statistics.*”

The genocide did not transform the siege but *layered* it: “*After the genocide began, the siege became a siege upon a siege,*” designed to weaken, punish, and ultimately destroy the civilian population. Hospitals operate without anesthetics or electricity; children die of malnutrition; water sources are contaminated or inaccessible. Acar insisted that this is not humanitarian collapse:

“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.”

Crucially, she underscored that the siege is a **multinational enterprise**, a system maintained not only by Israel but by an international network of states, corporations, and militaries:

“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.”

In this structure, food, fuel, water, and medicine become sovereign weapons:

“Food, medicine, fuel, and water are transformed into tools of violence... to discipline an entire population into submission.”

Acar articulated a profound indictment: the siege is not an anomaly of geopolitics but rather **a revealing expression of the world order itself**.

“International support—political, economic, and military—has woven this oppression into the fabric of the global order.”

Even aid mechanisms have been transformed into instruments of terror. US-backed distribution centers, she explained, became lethal traps:

“Dozens of starving people were murdered in cold blood at these sites... This was deliberate violence embedded in policy, a calculated cruelty that uses the promise of survival as bait.”

In her framing, the siege is not merely spatial confinement; it is a total regime of life-making and life-taking:

“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.”

It is precisely against this system—its scale, its banality, its global complicity—that the flotilla mobilizes.

2. Violations of International Law: Criminalizing Humanitarianism, Criminalizing Witnessing

Acar’s second register concerned the **criminalization of aid** and the violent suppression of humanitarian actors at sea. The Global Sumud Flotilla, she emphasized, has *always* been humanitarian: *“Our vessels carry food, medicine, and human witnesses.”* Under international law—including UNCLOS, customary maritime law, and the principles of humanitarian access—civilian aid vessels are protected. Yet, she testified, *“the flotilla missions have been criminalized over and over again.”*

Her testimony provided detailed, unambiguous evidence:

- **Bombing of the aid ship Conscience** in Malta.
- **Chemical attacks** on the small vessel *Madlin*.
- **Kidnapping and imprisonment** of unarmed activists in international waters.
- **Drone strikes** targeting dozens of boats in Tunisian and Greek waters, violating sovereignty and the law of the sea.

These attacks, Acar noted, were not aberrations but expressions of systemic impunity:

“The occupying power pursued a civilian humanitarian initiative across borders... attacking in national and international waters without restraint.”

The imprisonment of flotilla members in Ketziot prison revealed the broader apparatus of torture within which Palestinians live and die.

*“We endured conditions designed to break human dignity: beatings, sleep deprivation, psychological violence, sexual assault, dogs in the corridors... snipers’ lasers fixed on our foreheads.” On the walls, she said, were “blood, bullet holes, and the names of Palestinian hostages,” reminding the Tribunal that the torture endured by activists for **one week** constitutes only “a fraction of what Palestinian hostages endure for years.”*

Yet repression produced the opposite of its intended effect: **“The attacks and interceptions did not stop us. They only strengthened our resolve.”**

Within two months, forty-two vessels and 462 people from across the world mobilized—doctors, engineers, students, dockworkers, artists, lawyers—forming a transnational convoy of conscience. *“What was first a single boat mobilized the world.”*

The flotilla activated a global ecosystem of resistance: student occupations, dockworker strikes, mass protests, and political pressure so intense that European states dispatched naval vessels **to protect the activists, not Israel**.

“This was the work of the people, not of governments that remain complicit.”

The criminalization of aid, therefore, becomes proof of genocide: when a state punishes the delivery of food, medicine, and witnesses, it reveals its **intent** to starve, isolate, and annihilate.

3. Responsibilities of Conscience: Resistance as Legal, Moral, and Global Obligation

Acar's third register moved beyond documentation to the ethical and juridical implications of humanitarian resistance. International humanitarian law, she noted, is explicit: **starvation, collective punishment, blockade, and deliberate deprivation are prohibited and constitute grave breaches.**

Yet these norms collapse when confronted by geopolitical power.

"These laws are ignored when political and economic interests outweigh human life. This failure is not accidental—it is rooted in colonialism, apartheid, and global capitalism."

Her testimony placed the siege within a long history of **Western racial governance**:

"This is not a conflict between equals. It is imperial domination rooted in colonial logic and white supremacy."

Germany, she explained, exemplifies the moral inversion of this order:

"Germany has chosen not to prevent genocide, but to justify and materially and morally support another... Its historical guilt has been weaponized to shield a colonial regime and silence those who stand with the oppressed."

Against this global complicity, humanitarian resistance becomes a legal and moral duty. *"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."*

Her call to the Jury was explicit:

- "Deliberate starvation, the blockade, the criminalization of aid, and systemic attacks on civilians constitute crimes under international law."
- "Those who enable or conceal these crimes must be held accountable."
- "Inaction is complicity."

Most importantly, Acar clarified the role of people's tribunals and civil initiatives:

"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."

The Global Sumud Flotilla thus stands not only as an attempt to deliver aid, but as a **transnational legal intervention**, a form of popular

sovereignty exercised when state sovereignty becomes a tool of extermination.

Yasemin Acar's testimony demonstrated another dimension of resistance: **the creation of transnational humanitarian corridors through flotillas**, intended to break the siege and bear witness. She testified:

"We sailed with unarmed vessels carrying food, medicine, and human witnesses because the world's institutions failed Gaza. Silence is complicity."

Her account of the attacks on the Global Sumud Flotilla—chemical assaults, drone strikes, and violent abductions in international waters—clarifies that humanitarian solidarity is treated by Israel as a threat precisely because it **interrupts the architecture of isolation that genocide requires**. Acar described the flotilla as:

"food, medicine, and human witnesses."

The Tribunal recognizes this triad—material survival, medical care, and international witnessing—as a form of **civilian resistance that challenges both the siege and its epistemic containment**.

Her testimony concluded with a principle that resonates across all forms of resistance documented by the Tribunal:

"Our lives are not more valuable than theirs. Sumud is our duty."

E. Cultural and Artistic Resistance

The Oslo Solidarity presentation by **Charlotte Qvale and Dr. Mads Gilbert** introduced a powerful insight: **resistance is not only fought with arms or through law, but also through cultural production, collective rituals, and transnational art and science collaborations.**

Their testimony described:

- covering Oslo's statues with keffiyehs,
- creating solidarity choirs,
- producing multimedia performances that brought Palestinian voices into Norwegian public space,
- and generating "knowledge with wings."

Their work illustrates how **art becomes a vehicle of political mobilization**, transforming spectatorship into solidarity and shifting public consciousness in places otherwise dominated by official narratives.

The Tribunal notes that their approach echoed a statement made in Sarajevo by a Palestinian cultural worker: **"When they destroy our buildings, we rebuild. When they destroy our culture, we expand it."**

F. Legal Solidarity and the Radical Expansion of Accountability

Resistance also takes the form of **legal insurgency**. The presentation by the **Hind Rajab Foundation**, delivered by Jake Romm, outlined a strategy of **universal jurisdiction filings against Israeli soldiers**, not limited to senior officials but encompassing the entire chain of perpetrators:

“Each filing is more than a legal document. It creates an indelible link between the soldier and the crime.”

This reframing of accountability—from isolated war crimes to **a pointillist portrait of a systemic genocidal project**—aligns closely with the Tribunal’s methodology.

Similarly, the Worldwide Lawyers Association (WOLAS) articulated a vision of **global legal solidarity as a decolonial reconstruction of law itself**, arguing:

“International law was built for empire, but it can be reclaimed through coordinated practice.”

Their testimony underscored that solidarity also means the **protection of Palestinian legal workers**, whom the Tribunal recognizes as a specifically targeted professional class—215 lawyers killed, 97 offices destroyed—reflecting Israel’s aim to annihilate not only bodies but the legal capacity of the Palestinian people.

G. Grassroots and Transnational Solidarity Movements

The Tribunal also heard testimony from **Anatolian civil society networks**, from **BDS organizers**, and from **World BEYOND War advocates**, all emphasizing a common insight: **solidarity is a counter-power capable of challenging state complicity**.

Jamal Juma of BDS testified:

“Solidarity transformed outrage into organized power, and despair into determination.”

Metin Doğan’s account of grassroots networks across Türkiye illustrated how Gaza became a moral catalyst uniting diverse communities:

“Gaza became the unifier of humanity.”

David Swanson’s presentation articulated a program for states to enact solidarity through arms embargoes, sanctions, diplomatic rupture,

and unarmed civilian protection teams—tools that, if implemented, would constitute **state-level resistance to genocide**.

H. The Tribunal’s Assessment

Taken as a whole, the evidence shows that **resistance and solidarity function as both survival strategies and political acts**. They confront genocide on several fronts:

- **Material**: providing food, medicine, shelter, and protection.
- **Legal**: documenting crimes, filing cases, redefining norms.
- **Cultural**: sustaining identity, memory, and collective dignity.
- **Political**: mobilizing pressure that constrains state complicity.
- **Moral**: asserting humanity against a project that seeks its effacement.

These forms of resistance do not negate the Tribunal’s findings of genocide; they **illuminate its context**. Genocide is an attempt not only to eliminate a population but to extinguish its capacity for resistance. That Palestinians continue to resist—through law, art, survival, and love—is evidence of both the severity of the genocidal project and the resilience of the people subjected to it.

As one Witness Eye contributor wrote after losing their entire extended family:

“If I speak, they have not erased us.”

And as a fisherman in Rafah told investigators two weeks before his death:

“We resist by living. We resist by feeding each other. We resist because we are still here.”

I. Tribunal’s Conclusion on Resistance and Solidarity

After reviewing the full evidentiary record—from survivor testimonies, expert analyses, cultural interventions, legal strategies, and transnational solidarity actions—the Tribunal concludes that **resistance and solidarity form an indispensable analytical lens for understanding both the nature of the genocide and the Palestinian people’s ongoing refusal to be erased**.

First, the Tribunal recognizes that **Palestinian resistance is not reducible to armed struggle**, nor does it derive solely from contemporary political organizations. It is rooted in a **collective historical experience of dispossession**, beginning with the 1948 Nakba and sustained through decades of occupation, apartheid, siege, and forced displacement. As Ramzy Baroud testified, Gaza’s political consciousness was forged *“over the corpses of the villages destroyed in 1948,”* and every

subsequent act of repression only intensified “*the desperate need for unity*.” This historical continuity situates present-day resistance within a broader anti-colonial tradition.

Second, the Tribunal finds that **sumud—steadfastness under annihilatory conditions—is a primary mode of resistance**. It encompasses acts that ensure the survival of community life, cultural identity, and human dignity even amid famine, bombardment, and mass death. Testimonies from Gaza described planting mint beside tents, rebuilding makeshift classrooms on rubble, singing to children under drones, and cooking collectively in displaced encampments. These practices, though ordinary, carry extraordinary weight in a context where the destruction of life’s basic rhythms is a central aim of genocidal policy.

Third, the Tribunal determines that **nonviolent resistance has been systematically met with overwhelming Israeli force**, undermining the narrative that Palestinian resistance is inherently violent. The Great March of Return, which Wadie Said called a “*decisive experiment in mass non-violent mobilization*,” was met with lethal sniper fire that killed 214 Palestinians, including 46 children. This reflects an entrenched pattern: when Palestinians resist peacefully, they are met with repression; when they resist through force, they are criminalized; when they merely endure, they are starved or displaced. This reveals what Said described as an “*inverse reality*”—one in which the occupying power claims self-defense while denying the occupied any form of agency.

Fourth, the Tribunal concludes that **humanitarian resistance—exemplified by the Global Sumud Flotilla—is a direct challenge to the machinery of siege and starvation**. The attacks on the flotillas in international waters, including chemical assaults and abductions, show that Israel treats the mere delivery of food and medicine as a threat. As Acar testified, “*Aid was not only blocked—it was criminalized*.” The Tribunal finds that such repression confirms the genocidal intent to isolate Gaza from the world and suppress external witnessing.

Fifth, the Tribunal recognizes that **cultural resistance and the transnational arts—such as the work of the Oslo Solidarity collective—play a vital role in countering erasure**. By combining music, video archives, poetry, and scientific testimony, these initiatives create global spaces in which Palestinian narratives are centered and amplified. This form of solidarity transforms empathy into mobilization and reshapes public consciousness, especially in societies where media infrastructures often reproduce state narratives.

Sixth, the Tribunal acknowledges that **legal solidarity is emerging as a powerful mode of counter-genocidal action**. The Hind Rajab Foundation’s strategy of universal jurisdiction filings against individual soldiers, and the WOLAS vision of a coordinated global legal movement, demonstrate that law can be mobilized not only as a tool of analysis but as an instrument of transnational struggle. As Hasan Basri Bülbül stated, “*lawyers must conceive of themselves as a global*

organism for liberation.” The Tribunal concurs that legal solidarity—when coordinated, principled, and grounded in rigorous evidence—can disrupt the impunity that has enabled Israeli violence for decades.

Finally, the Tribunal concludes that **global civil society constitutes the most consistent and effective source of solidarity with the Palestinian people**, especially in the face of governmental complicity. From BDS campaigns to mass demonstrations, from student encampments to workers’ boycotts, from flotilla networks to digital archival collectives, these actions represent a transnational counter-hegemonic movement that challenges both the material structures of genocide and the ideological frameworks that justify it.

The Tribunal therefore affirms:

1. **That resistance, in its many forms, is a lawful, moral, and necessary response to a prolonged regime of colonization, apartheid, and genocide.**
2. **That solidarity is itself a form of justice when formal institutional mechanisms fail.**
3. **That collective resistance—armed, civilian, cultural, legal, and humanitarian—has played a decisive role in preventing the total erasure of the Palestinian people.**
4. **That the suppression of resistance is integral to the genocidal project, and therefore the protection and amplification of Palestinian and global solidarity efforts is a fundamental anti-genocidal obligation.**

In this light, the Tribunal emphasizes that the Palestinian struggle is not merely a struggle for land, sovereignty, or political rights; it is **a struggle for the continued possibility of communal life in the face of a project designed to extinguish it**. The resilience displayed by Palestinians and their allies constitutes one of the most compelling refutations of genocidal intent: a refusal to accept erasure, a commitment to life, and a shared insistence that justice and liberation remain achievable.

7

Holistic Analysis of
Genocidal Intent &
Pattern

1. Introduction: Methods for Determining Genocidal Intent in International Law

Determining genocidal intent—*dolus specialis*—is the central and most difficult element in genocide adjudication. International jurisprudence has long recognized that perpetrators rarely confess genocidal plans; instead, intent is inferred through patterns of conduct, policy structures, foreseeable consequences, and contextual indicators. The Tribunal adopts and adapts these established methodologies to evaluate the destruction in Gaza.

Under Article II of the Genocide Convention, genocide consists of certain prohibited acts committed *with intent to destroy, in whole or in part, a protected group*. The “intent to destroy” is not limited to declared plans; it can be derived from “the general context, the scale of atrocities, and the systematic targeting of the group’s physical and biological existence,” as articulated in *Prosecutor v. Akayesu*. The ICTR held that specific intent may be inferred from “the existence of a plan or policy,” but also from “the totality of the circumstances,” including actions that make destruction the only reasonable outcome.

The Tribunal is mindful that the ICJ, in *Bosnia v. Serbia*, articulated a cautious threshold for intent, requiring either explicit statements or patterns of conduct that “leave no reasonable doubt” that destruction was the aim. While state courts may be bound by strict evidentiary limits, people’s tribunals—grounded in moral jurisprudence—are not so constrained. Yet even under the ICJ’s restrictive framework, the evidence presented in Sarajevo and Istanbul meets the legal standard for genocidal intent.

The Tribunal therefore applies multiple complementary analytical frameworks:

First, the “pattern of conduct” analysis:¹ whether actions systematically target the group’s ability to survive, such that destruction becomes a predictable and intended outcome. In this line, the International Court of Justice has established the *actus reus* of genocide to determine a genocidal intent a policy to that effect or “a pattern of conduct from which the only reasonable inference to be drawn was an intent on the part of the perpetrators of the acts to destroy a substantial part of the group”² signifying by a pattern of conduct “a consistent series of acts

1 *Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T, Judgement (Trial Chamber), Int’l Crim. Trib. for Rwanda, Sept. 2, 1998*; Tribunal for the former Yugoslavia, Decision of Trial Chamber 1, Radovan Karadzic, Ratko Mladic case (Cases Nos. IT-95-5-R61 and IT-95-18-R61), Consideration of the Indictment within the framework of Rule 61 of the Rules of Procedure and Evidence, paragraph 94

2 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), International Court of Justice, Judgement of 3 February 2015, February 3, 2015.

carried out over a specific period of time.”³

Second, the foreseeability doctrine articulated in *Jelisić*⁴ and later in the ICC’s *Al Hassan*⁵ jurisprudence: when consequences of state action are so inevitable that they must be taken as desired results, not accidental byproducts.

Third, historical-contextual analysis, which is essential when genocide emerges not suddenly but from a long-standing eliminationist project. As experts testified, “the genocide did not begin on 7 October 2023; it is the continuation of 77 years of uninterrupted Nakba.” The ICJ itself recognizes in its advisory opinions that colonial structures may shape and intensify destructive violence.

Fourth, direct evidence of intent in the form of political speeches, military orders, government resolutions, and public statements by senior Israeli officials. Witness Eye’s classification report, drawing on statements by Israeli leaders such as Gallant (“we are fighting human animals”), Herzog (“there are no innocent civilians in Gaza”), and Eliyahu (advocating a nuclear strike), documents a sustained ideological framework oriented toward destruction.

Fifth, structural indicators including starvation as method of warfare, denial of humanitarian relief, destruction of hospitals, schools, and shelters, and the consistent pattern of targeting journalists and witnesses—all of which are recognized in international law as indicative of genocidal intent because they eliminate both the physical group and its ability to reproduce and narrate its existence.

Sixth, the “totality of evidence” approach used by the Russell Tribunal and affirmed by numerous people’s tribunals: genocide must be understood as a cumulative process. No single act alone may establish intent; but when acts converge across multiple domains—physical, biological, cultural, infrastructural—the inference becomes overwhelming.

This Tribunal therefore situates Israel’s actions within:

- a *long-standing settler-colonial structure* defined by elimination,
- a *hermetic siege* calibrated to produce collapse of civilian life,
- a *pattern of mass killings* that cannot be justified by military necessity,
- a *systematic attack on the means of survival*,
- and a *discursive regime that dehumanizes Palestinians* as targets of legitimate destruction.

The methodological commitment is thus twofold: (1) fidelity to the highest standards of international criminal law, and (2) recognition that people’s tribunals must evaluate evidence that courts constrained by geopolitics may not address.

³ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), International Court of Justice, Judgement of 3 February 2015, February 3, 2015.

⁴ *Prosecutor v. Jelisić, Judgement*, Case No. IT-95-io, App. Ch., 5 July 2001

⁵ See ICC-02/05-01/20-503 OAB, para. 85.

This integrated method allows the Tribunal to conclude, with confidence grounded in both legal doctrine and factual record, that genocidal intent is present when destruction is not only widespread and systematic, but *structurally embedded, ideologically justified, and operationally pursued across multiple dimensions of Palestinian existence.*

2. Patterns of Conduct: Integrated Physical, Biological, and Social Destruction

225. Article 4(2)(c) of the Statute provides that genocide can be committed by “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”.⁶ This provision has been analysed and interpreted by a number of trial chambers of the ICTY and the ICTR. A core method for determining genocidal intent in international law is the identification of *patterns of conduct* that cannot be credibly explained by military necessity or collateral damage. The ICTR in *Akayesu*⁷ and ICTY in *Krstić*⁸ established that genocide may be inferred when multiple destructive acts converge upon the protected group’s physical, biological, and social existence.⁹ The Istanbul and Sarajevo Hearings present an empirical record that aligns with this jurisprudential framework: a constellation of coordinated policies whose cumulative effect is the destruction of Palestinians in Gaza as a group.

2.1 Systematic Mass Killing and Targeting of Civilian Infrastructure

The Tribunal heard extensive testimony documenting indiscriminate and targeted killings of civilians, including attacks on residential neighbourhoods, evacuation routes, schools, hospitals, shelters, and UN facilities.

The Witness Eye Legal Classification Report catalogued hundreds of incidents where the civilian status of targets was unmistakable. As one survivor testified, “They bombed us when we were already displaced, when we were moving, when we were sheltering—there was no position of safety left.” This pattern is incompatible with the principles

⁶ Article III(c) of the Genocide Convention.

⁷ Trial Judgement, para. 740, *citing Akayesu Trial Judgement*, paras 505-506, *Brdanin Trial Judgement*, para. 691, *Stakić Trial Judgement*, paras 517-518, *Musema Trial Judgement*, para. 157, *Rutaganda Trial Judgement*, para. 52, *Kayishema and Ruzindana Trial Judgement*, paras 115-116, *Popović et al. Trial Judgement*, para. 814.

⁸ See *Krstić Appeal Judgement*, para. 33.

⁹ For example, *Bosnia Genocide Judgement*, para. 344. See also *ICJ Croatia v. Serbia Judgement*, paras 386-390 (affirming that the destruction of cultural property cannot qualify as an act of genocide under any of the categories of Article II of the Genocide Convention, even if such acts may be taken into account to establish genocidal intent).

of distinction and proportionality and reflects a conduct pattern that international jurisprudence has repeatedly recognized as indicative of genocidal intent: the *deliberate targeting of civilians because they are members of the protected group*.

The destruction of infrastructure essential for survival—electricity grids, water networks, sewage systems, bakeries, and fuel depots—was neither random nor incidental. It formed part of an integrated assault that rendered life impossible. As the ICTY held in *Stakić*,¹⁰ acts that make “the survival of a group impossible in the long term” constitute biological destruction under the Genocide Convention. Gaza’s infrastructure was dismantled at a systemic scale that cannot be squared with any legitimate military objective.

2.2 Starvation as a Method of Warfare and Destruction

A recurring theme across testimonies is the deliberate use of starvation. This Tribunal recalls the ICJ’s recent pronouncement that Israel’s obstruction of humanitarian aid and deliberate deprivation “may amount to the use of starvation as a method of warfare.” The Rome Statute treats such actions as war crimes; however, when starvation is inflicted *intentionally* upon a national group, it also becomes a genocidal act under Article II(c): “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.”

Testimony from Istanbul describes food becoming a weapon of control:

- **“We stood in line for hours, sometimes days, knowing the aid trucks would be bombed before they arrived.”**
- **“Children died waiting for flour.”**
- **“Water was cut off so that even boiling rice became impossible.”**

These statements align with the legal standard that destruction need not be immediate; it may be planned through slow, biological disintegration. Witnesses further attest that the killing of civilians at aid queues—documented in the Nabulsi Roundabout massacre—transforms humanitarian access into sites of extermination. As Yasemin Acar emphasized: “The promise of food became a trap... starvation was weaponized not against fighters but against families.”

This pattern sharply distinguishes the case from collateral hunger in war zones. It represents the intentional infliction of life-destroying conditions.

¹⁰ *Prosecutor v. Milomir Stakić (Trial Judgement)*, IT-97-24-T, International Criminal Tribunal for the former Yugoslavia (ICTY), 31 July 2003, <https://www.refworld.org/jurisprudence/caselaw/icty/2003/en/40192>

2.3 Repeated Attacks on Hospitals, Clinics, and Medical Personnel

The Tribunal heard unchallenged evidence that Gaza’s health system was dismantled. International humanitarian law recognizes medical facilities as specially protected sites. Yet testimonies describe a near-total elimination:

- **“We operated without anaesthesia.”**
- **“Some children had limbs amputated with no pain relief.”**
- **“Hospitals were converted into military battlefields.”**

These accounts confirm a pattern consistent with genocidal destruction, targeting both biological survival and reproductive capacity. The destruction of maternity wards, neonatal units, dialysis centers, and cancer treatment facilities reflects “biological genocide”¹¹, eliminating the means by which a group continues to live.

In the classification report, researchers document that **80–90% of Gaza’s medical infrastructure was destroyed**. Such elimination of the capacity to heal, coupled with mass injury and starvation, indicates an intent that exceeds any military objective.

2.4 Destruction of Educational and Cultural Life: Scholasticide as a Genocidal Pattern

The testimonies of Osama Alostta, Malek Alswairki, and Dr. Wesam Amer provide irrefutable evidence of *scholasticide*: the systematic destruction of schools, universities, scholars, and knowledge systems.

Alswairki testified:

- **“Every school I attended in my entire life has been destroyed.”**
- **“Our schools became mass graves, then rubble, then military bases.”**

Alostta observed:

- **“When they destroyed my university, it was not the building that fell; it was my entire future.”**

The destruction of education is recognized in contemporary scholarship as an indicator of genocidal intent because it eliminates generational continuity. Scholars¹² define the targeting of schools and scholars as a form of cultural cleansing. The Tribunal extends this recognition: in Gaza, scholasticide is inseparable from the larger genocidal pattern. It does not merely accompany mass killings; it completes them by ensuring no future Palestinian intellectual, cultural, or social life can regenerate.

¹¹ See Novic, E. (2015). Physical-biological or socio-cultural ‘destruction’ in genocide? Unravelling the legal underpinnings of conflicting interpretations. *Journal of Genocide Research*, 17(1), 63–82. <https://doi.org/10.1080/14623528.2015.991208>

¹² Dominguez, C. (2024). Scholasticide: Educational Lawfare as a Marker of the End of Civilianness. *Diacritics* 52(1), 120–138. <https://dx.doi.org/10.1353/dia.2024.a955191>.

2.5 Forced Displacement as a Mechanism of Group Destruction

Over 1.9 million Palestinians were repeatedly displaced—often four, five, or more times. The Tribunal heard descriptions of “death corridors” on evacuation routes:

- “We fled north. They bombed us. We fled south. They bombed us again.”
- “There was no safe place. Each displacement was a push toward annihilation.”

The Rome Statute recognizes forcible transfer as both a crime against humanity and a component of genocide when intended to eliminate a group’s survival possibilities. Forced displacement becomes genocidal when:

1. It repeatedly targets the same population in ways incompatible with survival.
2. It directs populations into zones of starvation and exposure.
3. It dismantles family structures, cultural networks, and social reproduction.

These conditions were extensively documented in both hearings.

2.6 The Coordinated, Multi-Domain Nature of the Pattern

International jurisprudence recognizes that genocide manifests through cumulative acts. In Gaza, six domains of life—physical space, biological survival, infrastructure, knowledge systems, governance structures, and community networks—were simultaneously attacked. The pattern is not incidental; it is integrative.

Such multidimensional destruction mirrors patterns recognized in Srebrenica¹³, Darfur¹⁴, and Rohingya.¹⁵

The Tribunal finds the Gaza pattern more comprehensive than all three: it collapses every sphere of life, rendering the group’s continued existence impossible.

Conclusion

The cumulative pattern of killing, starvation, displacement, and elimination of cultural and educational life—reinforced by coordinated attacks on hospitals, journalists, UN personnel, and humanitarian corridors—constitutes a unified structure of destruction. Under international

13 *Case Concerning Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v Serbia and Montenegro) (Judgement) [2007]

14 International Criminal Court, “Darfur, Sudan,” 2005.

15 International Court of Justice. *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (The Gambia v. Myanmar)

law, this pattern satisfies both the *actus reus* of genocide and provides overwhelming inferential evidence for *dolus specialis*.

3. Direct Evidence of Genocidal Intent in Official Statements and Military Doctrine

International courts have repeatedly emphasized that **genocidal intent is rarely concealed**. The Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia has established that there can be cumulative convictions for genocide and murder as a war crime. In this sense, “Genocide requires proof of specific intent while war crimes require proof of the existence of a nexus between the alleged crimes and the armed conflict.”¹⁶

The Tribunal notes that in Gaza, the evidentiary threshold is exceeded not only through inference but through explicit speeches, policy documents, and operational language that collectively express an intention to destroy Palestinians *as such*. The Istanbul and Sarajevo Hearings, alongside the Witness Eye legal corpus, provide an extensive record of these statements, which must be read as part of the operational environment in which the genocide unfolded.

3.1 Explicit Dehumanization: Palestinians Cast as Non-Human Targets

One of the strongest direct indicators of genocidal intent in international jurisprudence is dehumanization.¹⁷ In the Rwandan Genocide, Tutsis were often described as “cockroaches” (*Inyenzi*) by the perpetrators. In the case of Gaza, the displaced are in “dire living conditions” suffering an “extreme lack of clean water and sanitation facilities,” subjected to “horrific and dehumanising conditions.”¹⁸

As stated in the Declaration of Intervention by the Republic of Chile (South Africa v. Israel) “Language of dehumanization may also be relevant for assessing if a speech amounts to direct and public incitement to commit genocide.”¹⁹ Across the hearings during the Gaza Tribunal, multiple witnesses cited Israeli officials’ statements that recast Palestinians not as civilians or even adversaries but as non-humans.

16 *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-A, Appeals Chamber Judgement, 8 April 2015, para. 616.

17 OHCHR, *Gaza: Israel’s dehumanisation of displaced persons must end*, says UN expert (6 March 2024).

18 Save the Children, *GAZA: Families Fleeing Rafah Say They Are Being ‘Killed Slowly’ As Forced To Move Again* (14 May 2024) <https://www.savethechildren.net/news/gaza-families-fleeing-rafah-say-they-are-being-killed-slowly-forced-move-again>

19 *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa v. Israel), Declaration of Intervention by the Republic of Chile, 12 September 2024.

These statements are not rhetorical excesses—they constitute official discourse from individuals directly involved in political and military decision-making. International tribunals have repeatedly treated such discourse as primary evidence of genocidal intent (see Akayesu²⁰). Prime Minister Benjamin Netanyahu in particular, statements that aim to dehumanize the Palestinian population by referring to them as “Amalek” and “monsters”.²¹ Therefore, dehumanising appeals directed at Gazans—particularly when articulated by senior political and military authorities (“we are fighting human animals”; “human animals must be treated as such”; “we are the people of the light, they are the people of darkness”²²) carry particular evidentiary significance, as they both reflect and legitimise a framework in which the destruction of the civilian population is rhetorically normalised and morally authorised.

3.2 The “Gaza Diet,” Caloric Restriction Policy, and Starvation Doctrine

Another key category of direct evidence arises from state policies that deliberately inflict life-destroying conditions. The Tribunal heard extensive testimony on statements by senior Israeli advisors articulating starvation as policy, previously reminding the 2006 statement of Dov Weissglas, former senior advisor to Ariel Sharon, describing the siege as designed to keep Gazans on a controlled starvation regime: “The idea is to put the Palestinians on a diet, but not to make them die.”²³

20 The intended physical or biological destruction manifests itself in various ways, such the demonizing and dehumanizing language used by the perpetrators (e.g. “cockroaches”, “human animals”); see *Prosecutor v. Jean-Paul Akayesu*, Judgement of 2 September 1998, Case No. ICTR-96-4-T, paras. 145–148. See also verbatim record, Friday 11 January 2024, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, CR 2024/1, p. 34, para. 14.

21 Prime Minister’s tweet in Hebrew, 3 November 2023, [https://twitter.com/IsraeliPM_heb/status/1720406463972004198]; Israel Prime Minister’s Office, PM “Netanyahu asks Ministers to Rise for a Moment of Silence”, 15 October 2023, [https://www.gov.il/en/pages/spoke-start151023].

22 Yoav Gallant, Minister of Defence. See, The Times of Israel, ‘Defense minister announces «complete siege» of Gaza: No power, food or fuel’ (9 October 2023) https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/; Major General Ghassan Alian, Coordinator of Government Activities in the Territories. See, The Times of Israel, ‘COGAT chief addresses Gazans: “You wanted hell, you will get hell”’ https://www.timesofisrael.com/liveblog_entry/cogat-chief-addresses-gazans-you-wanted-hell-you-will-get-hell/; Prime Minister Benjamin Netanyahu. See X @i24NEWS_EN (25 October 2023) https://twitter.com/i24NEWS_EN/status/1717233758003171833, accessed 6 July 2024.

23 BBC, “Israel Forced to Release Study on Gaza Blockade,” BBC News, October 17, 2012, sec. Middle East, https://www.bbc.com/news/world-middle-east-19975211.

The Witness Eye Legal Classification Report and Gaza Siege Files show that the Israeli Ministry of Defense commissioned **caloric calculations** to determine the minimum food required to prevent mass death while maintaining long-term malnutrition.

Under Article II(c) of the Genocide Convention—*inflicting conditions of life calculated to bring about physical destruction*—this policy constitutes **direct evidence of genocidal intent**. The calculation of calories is not a by-product of war; it is deliberate engineering of biological deterioration.

Yasemin Acar captured this clearly: “**When food becomes a weapon and relief a means of extermination, the intent is no longer merely to crush, but to erase.**”

This Tribunal agrees that intentional starvation policies were treated as evidence of explicit genocidal purpose, not collateral harm.

3.3 Military Doctrine: “Mowing the Grass” as a System of Cyclical Destruction

The hearings demonstrated that Israeli military policy toward Gaza incorporates a systematic doctrine of periodic mass violence known as “**mowing the grass.**”

Ramzy Baroud explained: “**The purpose of these wars became known in Israeli military lingo as ‘mowing the grass’—ensuring that any Palestinian attempt at resistance was crushed during its formation.**”

This phrase is vital legally. *Mowing the grass* is not defensive terminology; it describes **routine, premeditated exterminatory violence** intended to eliminate the political and social capacity of a national group.

The Tribunal notes that in genocide jurisprudence, military strategies that normalize group destruction (e.g., *destroying the male population* in Srebrenica or *cleansing the villages* in Rwanda) constitute direct evidence of exterminatory intent.

Here, *mowing the grass* is:

- strategic,
- recurring,
- directed at the group rather than specific combatants,
- embedded in official doctrine.

Thus, it forms a core evidentiary pillar for inferring genocidal intent.

3.4 Geographic Erasure and Demographic Elimination: “Gaza Must Be Erased”

Witnesses recalled numerous official statements calling for the disappearance of Gaza as a place and Palestinians as a people:

- Prime Minister Yitzhak Rabin once said he wished to wake up and

find Gaza “swallowed by the sea.”²⁴

- Multiple ministers and parliamentarians advocated for the **mass transfer** of Gaza’s population into the Sinai.

During Istanbul testimony, one survivor summarized the message: “**They wanted Gaza without Gazans. Not a war, but an erasure.**”

The ICJ has repeatedly held that calls for the *destruction, expulsion, or erasure* of a protected group constitute direct evidence of genocidal intent (*Bosnia v. Serbia*, para. 373).

When a head of state or senior ministers express the wish for a territory to disappear, coupled with military action making that disappearance plausible, the legal inference becomes stronger.

3.5 Collective Punishment Framed as Justice: “They Brought It on Themselves”

A recurring theme in official discourse was the assertion that Gaza’s civilian population, including children, merited punishment for their mere existence within the enclave.

Statements frequently invoked population-wide guilt:

- “**The people of Gaza are responsible.**”
- “**We must teach them a lesson they will never forget.**”
- “**This is the price they must pay.**”

The Istanbul testimonies highlighted how these statements shaped operational decisions. One doctor recounted:

“They bombed everything—hospitals, shelters, bakeries—because to them the people were the enemy.”

In genocide jurisprudence, collective attribution of guilt to an entire national group, combined with mass violence, is one of the clearest indicators of special intent to destroy (*Article II of the Genocide Convention*).

3.6 Command-Level Instruction: “No Limitations,” “Wipe Out,” and “Maximum Damage”

Multiple testimonies referenced the language used by Israeli commanders:

- “**Operate with no limitations.**”
- “**Wipe out entire neighborhoods.**”
- “**Maximum damage to civilian infrastructure.**”

These are not metaphorical statements but operational orders reported by soldiers in open-source material and reflected in battlefield conduct.

24 Middle East Monitor, 21 September 2015, see <https://www.middleeastmonitor.com/20150921-will-rabins-dream-of-gaza-being-swallowed-by-the-sea-come-true/>

Witness Eye documentation includes intercepted communications and soldier testimonies describing instructions to:

- treat any human presence as hostile,
- target civilian shelters,
- destroy property preemptively,
- eliminate “anything that moves.”

In *Akayesu* and *Tolimir*, similar command-level orders were treated as *direct evidence* of genocidal intent.²⁵

3.7 The Relevance of Leadership Intent Under the Genocide Convention

Article IV of the Genocide Convention makes political leaders and military commanders individually liable for genocide when:

1. **They make statements calling for the destruction of the group,**
2. **They design or authorize policies that produce genocidal outcomes, or**
3. **They fail to prevent or punish subordinates who undertake genocidal acts.**

All three conditions are present in the Gaza case.

The Tribunal concludes that:

- the public record of explicit dehumanization,
- starvation directives,
- displacement plans,
- calls for erasure,
- and operational orders encouraging unrestricted violence

constitute **direct evidence of genocidal intent**, satisfying the legal standards established by the ICJ, ICTY, and ICTR.

4. The Role of Complicity in Bolstering and Operationalizing Genocidal Intent

Genocide does not occur in isolation. As international jurisprudence confirms in *Bosnia v. Serbia*²⁶, genocidal intent is strengthened, enabled, and sometimes made *possible* through the complicity of states, corporations, institutions, and media ecosystems that furnish material, logistical, diplomatic, or discursive support (Article III of the Convention, para.(e)). The Gaza Tribunal’s evidentiary record demonstrates that complicity—both direct and indirect—is a structural component of the genocide. It functions as a multiplier that magnifies the

25 ICTY, *Prosecutor v. Zdravko Tolimir*, Trial Chamber, Judgement of 12 December 2012, Case No. IT-05- 88/2-T, paras. 34 and 745; ICTR, *Prosecutor v. Jean-Paul Akayesu*, Judgement of 2 September 1998, Case No. ICTR-96-4-T, para. 523.

26 *Bosnia Judgement*, § 381.

destructive capacity of the perpetrators and diminishes the avenues for civilian protection.

This Tribunal therefore treats complicity not as a peripheral matter but as a central analytic category: **an essential mechanism through which genocidal intent was translated into genocidal outcomes.**

4.1 State Complicity: Diplomatic Shields, Arms Transfers, and Political Cover

4.1.1 Diplomatic Impunity and the “Green Light” Effect

The Sarajevo and Istanbul Hearings outlined the degree to which Israel’s conduct was underwritten by diplomatic protection from powerful states—notably the United States, Germany, the United Kingdom, and others whose repeated political endorsements, vetoes, and strategic silences diminished the possibility of international accountability. As one expert put it in Istanbul: **“Genocide proceeds not only through bombs, but through the diplomatic silence that grants permission.”**

The Tribunal heard evidence that:

- At multiple stages, proposed UN Security Council resolutions calling for cessation of hostilities were vetoed or delayed, despite credible warnings of mass civilian death.
- Official statements from the U.S. and German leadership reiterated support for Israel’s “right to self-defence” long after the ICJ and UN bodies found substantial grounds indicating genocidal acts.
- States continued to export arms and surveillance technology after these warnings—constituting, in international law, **aiding and abetting**, or at minimum, knowledge-based complicity under Article III(e) of the Genocide Convention.

An expert in Sarajevo summarized this dynamic: **“When genocide is underway, supplying weapons is not neutrality—it is participation.”**

4.1.2 Germany’s Role: Historical Guilt as Political Insulation

Yasemin Acar testified that Germany had become “a central pillar sustaining Israeli apartheid and genocide,” weaponizing its historical guilt to justify ongoing support. Tens of billions in military cooperation and the suppression of dissent—including bans on Palestinian advocacy—created a legal and political environment in which genocide could proceed with minimal external restraint.

This Tribunal notes parallels with international findings in *Bosnia v. Serbia*: a state’s knowledge of a substantial risk of genocide, combined with continued material support, may constitute **violation of the duty to prevent genocide.**

4.2 Corporate and Technological Complicity: The Infrastructure of Genocide

Genocide in the 21st century relies not only on military power but on **digital architectures, supply chains, and surveillance systems** furnished by private corporations.

4.2.1 Arms Corporations and Munitions Manufacturers

Witness Eye documentation contains extensive evidence of:

- smart bomb components produced by U.S., German, and British companies,
- drone and targeting software supplied by private contractors,
- cybersecurity systems used to monitor and target civilians.

Under *Prosecutor v. Furundžija*²⁷, providing material that substantially assists in the commission of international crimes constitutes aiding and abetting.

One Istanbul witness stated: **“Every bomb dropped on a family in Rafah carries the fingerprints of a dozen corporations.”**

4.2.2 The Role of Digital Companies

Testimonies revealed how:

- social media platforms suppressed Palestinian content,
- surveillance technologies were tested in Gaza before being exported globally,
- biometric systems facilitated population control and movement restriction.

These technologies are not neutral tools; they form what one Sarajevo expert called: **“the algorithmic armature of the genocide.”**

International law increasingly recognizes technological facilitation of persecution and extermination as part of command responsibility and complicity frameworks.

4.3 University, Media, and Cultural Complicity: Producing the Conditions for Ethical Silence

4.3.1 Media Dehumanization and Narrative Warfare

The Tribunal received evidence that media outlets routinely framed Palestinians as collective threats, reinforcing genocidal narratives advanced by state officials.

Istanbul testimonies referred to what one journalist called: **“a discursive siege parallel to the physical one.”**

²⁷ *Prosecutor v. Anto Furundžija (Trial Judgement)*, IT-95-17/1-T, International Criminal Tribunal for the former Yugoslavia (ICTY), 10 December 1998, para. 243. (The ICTY has ruled that an accomplice need not “meet all the requirements of *mens rea* for a principal offender”)

The ICTR's *Nahimana* judgement presents that where direct evidence is lacking, circumstantial evidence may as noted by the ICTR be deemed sufficient as long as the only possible inference from that evidence is "conspiracy to commit genocide"²⁸. The convicted media executives for incitement, establishes that dehumanizing propaganda is not merely expressive but causal—it shapes the conditions that enable mass violence by providing indications of the perpetrator's state of mind are statements and utterances of the accused.

The Tribunal finds that similar patterns were present in coverage of Gaza:

- repeated use of unverified Israeli military claims,
- erasure of Palestinian suffering,
- framing genocide as counterterrorism.

4.3.2 Universities as Sites of Suppression

Multiple testimonies—especially from global solidarity organizers—document universities disciplining students and academics who protested the genocide. This suppression created an atmosphere in which public knowledge of atrocities was fragmented and contested, slowing mobilization.

One Istanbul contributor remarked: **"They did not only bomb Gaza; they criminalized those who dared to speak its name."**

4.4 Civil Society Resistance to Complicity: BDS, Legal Networks, and Transnational Solidarity

Complicity is not only structural; it is contested. The Tribunal highlights the testimony of Jamal Juma of the BDS Movement and the Hind Rajab Foundation's legal strategy, both demonstrating how civil society seeks to confront and dismantle complicity.

4.4.1 BDS as Counter-Complicity Architecture

Jamal Juma explained that BDS operates by **disrupting the global circuits of profit, cultural legitimacy, and political partnership** that underwrite Israel's violence. He emphasized:

"Solidarity is the transformation of outrage into organized power—solidarity into tangible pressure."

The movement's influence—divestments, trade suspensions, and institutional boycotts—constitutes a nonviolent mechanism for confronting global systems that enable genocide.

²⁸ ICTR, *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze*, Judgement of 28 November 2007, Case No. ICTR-99-52-A, para. 907.

4.4.2 Universal Jurisdiction as a Tool Against Impunity

Jake Romm of the Hind Rajab Foundation outlined a strategy of filing national-level cases against "traveling soldiers" and dual nationals, noting successes in Belgium, Peru, Brazil, and Romania.

He argued: **"International justice moves slowly. National courts must become sites of accountability."**

This Tribunal finds that such efforts destabilize the culture of impunity that feeds genocidal policies.

4.5 Conclusion: Complicity as an Integral Element of the Genocidal Pattern

The totality of evidence demonstrates that the genocide in Gaza was not the act of a solitary state operating in a vacuum. It was embedded in, and amplified by, a dense network of actors—states, corporations, media institutions, universities—whose actions collectively lowered the cost of genocide and heightened its lethality.

Under the Genocide Convention and its interpretive jurisprudence:

- failure to prevent genocide,
- provision of material support,
- enabling of political impunity,
- and suppression of opposition

constitute grave violations with legal consequences.

As one Istanbul participant concluded: **"Israel fired the bombs, but the world lit the fuse."**

This Tribunal recognizes complicity as a core pillar of the genocidal structure and as a necessary component in understanding how genocidal intent translated into genocidal outcomes.

5. Synthesizing Evidence: How the Entire Pattern Meets the Legal Threshold for Genocide

A. A Holistic Assessment Under International Law

Genocide, as codified in Article II of the 1948 Genocide Convention and interpreted by decades of jurisprudence—from *Akayesu* to *Krstić* to *Bosnia v. Serbia*—is a crime of both **acts** and **intent**, demonstrated through a pattern of behavior that reveals a "coherent, coordinated design" to destroy a protected group *in whole or in part*. The Gaza Tribunal's findings show that the events in Gaza meet, and in many respects exceed, these thresholds. No single datum or isolated atrocity stands alone; rather, the events form a **tightly interlocking evidentiary mosaic**.

The Tribunal's assessment, grounded in survivor testimony, expert analysis, Witness Eye archives, and the Istanbul and Sarajevo hearing

transcripts, concludes that **the situation in Gaza represents a paradigmatic case of genocide under international law**. The following synthesis brings together the key legal elements that demonstrate this conclusion.

5.1. The Protected Group and the Context of Destruction

International jurisprudence identifies a protected group as one characterized by national, ethnic, racial, or religious identity. Palestinians—particularly Palestinians in Gaza—satisfy this definition. The Tribunal heard abundant evidence that Israelis, including high-ranking officials, repeatedly described Palestinians as a unified, racialized, and devalued category (“human animals,” “no innocent civilians,” “the children of darkness”). Such language, as established in *Nahimana*²⁹ and *Akayesu*³⁰, is probative of genocidal intent because it constructs the group as a collective target whose destruction is permissible or mandatory.

Contextual evidence also matters. The ICJ, in the 2024 provisional measures order, recognized a “plausible risk of genocide” in Gaza—an extraordinary finding from the world’s highest court, and one that contextualizes this Tribunal’s analysis.³¹ The Gaza genocide is not an anomalous eruption of violence but the culmination of:

- **77 years of Nakba,**
- **systemic apartheid,**
- **settler-colonial elimination,**
- **a hermetic siege designed to erode bodily and social survival,**
- **and decades of incremental genocide,** as described by Ramzy Baroud and the Tribunal’s legal experts.

Thus, the protected group and the historical conditions of vulnerability are unmistakably established.

5.2. Genocidal Acts (Article II(a–e)) Demonstrated Across All Themes

The Genocide Convention identifies five categories of genocidal acts. The Tribunal finds that **each one is satisfied**.

5.2.1 Killing Members of the Group (Art. II(a))

Testimonies from Istanbul and Sarajevo describe mass extermination,

29 ICTR, Appeals Chamber, *The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze*, ICTR-99-52-A, Judgement, 28 November 2007, para. 567.

30 *Prosecutor v. Akayesu* (Case No. ICTR-96-4-TCh.1), Judgement and Sentence, 2 September 1998

31 See “Historic decision by the ICJ: FIDH welcomes the recognition of a plausible risk of genocide by the State of Israel.” <https://reliefweb.int/report/occupied-palestinian-territory/historic-decision-icj-fidh-welcomes-recognition-plausible-risk-genocide-state-israel>

targeted killings, and systematic bombardment of civilian populations. Journalists, medical workers, children, and families sheltering in so-called “safe zones” were killed in patterns demonstrating deliberation, not accident. As Abubaker Abed testified:

“They were in their beds. They posed no danger. They were simply Palestinians. That was their crime.”

5.2.2 Causing Serious Bodily or Mental Harm (Art. II(b))

Survivors described unimaginable suffering: amputations without anesthesia, children starving in front of parents, perpetual displacement under fire. The deliberate destruction of medical systems, as seen in the assaults on al-Shifa and Nasser hospitals, inflicted not only bodily harm but profound psychological trauma.

International courts have consistently held that **rape, torture, starvation, forced displacement, and psychological terror** qualify as serious bodily or mental harm. Evidence from Gaza clearly mirrors these categories.

5.2.3 Inflicting Conditions of Life Calculated to Bring About Destruction (Art. II(c))

This category is central to the Tribunal’s findings. Intent can be inferred when conditions make survival impossible.

The Tribunal documented:

- starvation of civilians as policy,
- obstruction and bombing of humanitarian aid,
- destruction of water systems and agricultural land (ecocide),
- domicile—systematic erasure of homes,
- the collapse of medical infrastructure,
- the imposition of mass displacement without safe zones,
- the use of siege as a tool of extermination,

Each of these corresponds directly to established international jurisprudence recognising that the deliberate imposition of conditions of life calculated to bring about a group’s physical destruction, where the lethal outcome is foreseeable, constitutes a genocidal act.

As Yasemin Acar stated: **“This is not suffering. It is a systematic assault on life itself... a structure of governance weaponizing the very conditions of existence.”**

5.2.4 Imposing Measures Intended to Prevent Births (Art. II(d)) – Reproicide

Testimonies and expert reports show:

- destruction of maternity wards,
- targeted killing of pregnant women,
- denial of reproductive and neonatal care,

- physiological impacts of starvation on fertility,

Saidiya Hartman refers to this as “reproductive violence” in catastrophic contexts. Here, the Tribunal adopts the term **reproicide**, a concept repeatedly invoked by experts highlighting purposeful reproductive harm.

5.2.5 Forcibly Transferring Children (Art. II(e))

Evidence includes:

- disappearance of Palestinian children after Israeli detention,
- removal of children during evacuations,
- documented instances of separation from families,
- testimonies of abuse and forced assimilation practices in detention.

The Tribunal recognizes parallels with the forcible transfer findings in the *Bosnia Genocide* cases, where child removal contributed to the destruction of community continuity.

5.3 Establishing Specific Intent (Dolus Specialis): The Central Element of Genocide

Genocidal intent is the most contested element. Yet international courts acknowledge that intent can be inferred from “the general context, the repetition of destructive acts, and the existence of a plan or policy” and “genocidal intent may exist simultaneously with other, ulterior motives.”³²

The Tribunal identifies **eight converging indicators of genocidal intent**, each supported by testimony and documentary evidence:

5.3.1 The mental element of incitement to commit genocide: Explicit Statements by Officials

- Yoav Gallant: “**human animals**”
- President Herzog: “**there are no innocent civilians in Gaza.**”
- Amichai Eliyahu: “**We should drop a nuclear bomb.**”

Such statements meet the threshold for direct evidence of intent (*Nahimana et al. v. Prosecutor*)³³.

32 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Separate Opinion of Judge Bandari, 3 February 2015.

33 *Nahimana et al. v. Prosecutor* (Case No. ICTR-99-52-A), 28 November 2007, para. 1034. See also e.g. para 677 (“A person may be found guilty of the crime specified in Article 2(3)(c) of the Statute if he or she directly and publicly incited the commission of genocide (the material element or actus reus) and had the intent directly and publicly to incite others to commit genocide (the intentional element or mens rea). Such intent in itself presuppose a genocidal intent”); *Kalimanzira v. Prosecutor* (Case No. ICTR-05-88-A), 20 October 2010, para. 155 (“The Appeals Chamber recalls that a person may be found guilty of direct and public incitement to commit genocide, pursuant to Article 2(3)(c) of the Statute, if he or she directly and publicly incited the commission of genocide (actus reus) and had the intent to directly and publicly incite others to commit genocide (mens rea)”); *Nzabonimana v. Prosecutor* (Case No. ICTR-98-48D-A), 29 September 2014, paras. 121, 231.

5.3.2 The Scale and Precision of Destruction

Entire neighbourhoods erased; 70%+ of all homes destroyed; infrastructure targeted irrespective of military necessity. The ICJ held in *Bosnia* that **scale + targeting patterns** strongly indicate intent.

5.3.3 Destruction of Survival Systems

Starvation, medical collapse, domicile—indicative of Art. II(c) intent.

5.3.4 Systematic Attacks on Journalists

As Munir Nuseibah testified, Israel executed the “deadliest assault on journalists in modern conflict,” deliberately targeting the only witnesses capable of documenting the genocide. Suppression of evidence is probative of intent.

5.3.5 Attacks on Education – Scholasticide

Schools targeted repeatedly, parallel to patterns recognized in genocides seeking to eliminate a people’s future.

5.3.6 Organized Deportation Plans

Evidence includes proposals by Israeli ministries for mass displacement of Gaza’s population into Sinai—consistent with the eliminatory logic highlighted by experts.

5.3.7 Longitudinal Evidence of Eliminatory Policy

As Ramzy Baroud testified: “**Incremental genocide... escalated until its intentions were proudly broadcast.**”

5.3.8 Complicity Networks Supporting Intent

Complicity strengthens inference: consistent arms provision, diplomatic shields, and suppression of dissent enable the destructive plan to unfold unimpeded.

Together, these indicators form what the ICTY calls a “**mutually reinforcing evidentiary web**” sufficient to prove intent.

5.4 The Genocide Convention’s Preventive Duty and the Failure of States

Under Article I of the Convention and the ICJ’s landmark ruling in *Bosnia v. Serbia*, states have a duty not only to refrain from committing genocide, but **to prevent it** when they know or should know that genocide is unfolding.

Testimony by Yasemin Acar, Jamal Juma, the Hind Rajab Foundation, and international legal scholars shows that:

- multiple states continued arms exports after ICJ warnings,
- powerful governments blocked ceasefire attempts,
- surveillance and military technologies were actively transferred during hostilities.

These actions constitute:

- *failure to prevent genocide,*
- *aiding and abetting,*
- and, for some states, **plausible participation in a joint criminal enterprise.**

5.5 Holistic Pattern Analysis: A Coherent Design to Destroy Gaza's Palestinian Population

When all evidence is viewed holistically—not as fragmented incidents but as **an integrated pattern**—the Tribunal finds:

(1) A sustained intent to render Gaza uninhabitable

(domicide, ecocide, infrastructure erasure).

(2) A policy of mass civilian extermination

(killings, starvation, denial of medical care, forced displacement).

(3) A strategy of erasing cultural, social, and political continuity

(scholasticide, destruction of archives, killing intellectuals).

(4) A discourse that dehumanizes Palestinians as a collective threat

(public official statements, media narratives).

(5) A technological and military apparatus calibrated to target civilians

(drone targeting, AI-driven systems like “Lavender”).

(6) An international network of complicity that facilitated, prolonged, and expanded the genocide

(arms, diplomatic impunity, media suppression).

These components satisfy the legal standard articulated in *Krstić*:

Genocide exists where a pattern of conduct reveals the intent to destroy the group's survival as a viable entity.

Nowhere is this clearer than in Gaza.

Conclusion: The Tribunal's Determination

Drawing from all evidentiary streams—survivor testimony, expert legal analysis, Witness Eye documentation, structural context, and international jurisprudence—the Tribunal concludes:

The actions against the Palestinian population in Gaza constitute genocide under international law.

They exhibit:

- **the requisite intent,**
- **the enumerated genocidal acts,**
- **a sustained and systematic pattern,**

- **and an enabling global infrastructure of complicity.**

This chapter therefore affirms the Tribunal's overarching finding: **Gaza is not a battlefield—it is the site of a genocide whose architecture is political, military, technological, and ideological.**

8

Translating Gaza Tribunal Evidence into Actionable Material for International Legal Systems

The Gaza Tribunal was designed not only as a site of moral judgment but also as a **repository of rigorously curated evidence** capable of supporting formal legal interventions in international justice mechanisms. Because the Tribunal accumulated a unique set of materials—survivor testimonies, expert analyses, legal classifications, audiovisual documentation, and contemporaneous records from Sarajevo and Istanbul—its findings provide a substantial and coherent evidentiary corpus. This corpus can, with deliberate structuring, be transmitted to the **International Court of Justice (ICJ)**, the **International Criminal Court (ICC)**, **UN Human Rights Special Procedures**, and the **United Nations General Assembly (UNGA)** through established procedural channels.

The following section outlines how the Tribunal's work can be converted into a **Formal Communications Package**, capable of being recognized as a credible legal submission and cited in judicial processes, advisory opinion requests, universal jurisdiction filings, and state-led accountability efforts.

8.1 Purpose and Rationale of the Communications Package

The Tribunal's evidentiary archive is uniquely positioned to fill gaps left by states, UN bodies, and traditional investigative mechanisms. It contains:

- direct, first-hand accounts of killings, starvation, siege, domicile, and attacks on civilians;
- expert testimony clarifying legal classification (e.g., domicile, reproductive, scholasticide, eradicating journalists, starvation as genocide);
- documentary and digital evidence compiled through Witness Eye;
- structured narratives demonstrating intent, pattern, and system-wide coordination;
- historical, political, and sociological context absent from most formal state submissions.

By organizing these materials into a formal package, the Tribunal can ensure that **civil society's factual record becomes part of the international legal record**, enabling states, prosecutors, legal advocates, and UN officials to reference or incorporate it in:

- ICJ proceedings concerning genocide, occupation, or state responsibility;
- ICC investigations and arrest warrant applications;
- UN Special Rapporteur reports;
- UNGA debates and resolutions;
- universal jurisdiction prosecutions in national courts.

This transformation mirrors precedent from the Russell Tribunal (Vietnam, Palestine), the Tokyo Women's Tribunal, and the People's Tribunal on Indonesia—each of which shaped international legal understanding despite lacking formal judicial authority.

8.2 Elements of the Communications Package

The package should consist of the following components, each formatted for international legal submission standards:

1. Cover Letter and Transmission Note

A concise letter addressed to:

- The Registrar of the ICJ
- The Prosecutor of the ICC
- The President of the UN Human Rights Council
- The UN Special Procedures Branch
- The Office of the UN High Commissioner for Human Rights (OHCHR)
- A sponsoring Member State for UNGA circulation (e.g., South Africa, Namibia, Bolivia, Türkiye, or another willing actor)

The letter should:

- Explain the Tribunal's mandate, composition, and methodology;
- Emphasize that the Tribunal's evidence is relevant to ongoing or potential legal processes;
- Request that the materials be entered into the respective institutional records;
- Highlight their potential use in evaluating state responsibility, individual criminal responsibility, and systemic violations.

2. Executive Summary of Findings

A distilled 3–5 page summary highlighting:

- the determination of genocide,
- key patterns and acts,
- the findings on intent,
- complicity assessments,
- humanitarian and legal implications,
- and recommendations to states and international bodies.

This functions as a quick-reference instrument for judges, prosecutors, and UN officials.

3. The Statements

Including:

- The **Sarajevo Declaration**,
- The **Final Istanbul Jury Statement**,
- Any **Emergency Statements** issued during escalation periods.

These documents collectively express the Tribunal's legal and moral findings.

4. Core Evidentiary Appendices

A curated set of attachments, each with a stable archive URL:

- **Transcripts of Sarajevo and Istanbul Hearings** including all witness testimonies, expert analyses, and legal presentations.

- **Witness Eye Legal Classifications Report** demonstrating systematic mapping of Israeli practices to international criminal law categories.
- **Video and Photographic Evidence Index** referencing material collected by Witness Eye, journalists, and civil society actors.
- **Special Thematic Reports** on scholasticide, ecocide, domicide, starvation, and eradicating journalists.
- **Context Documents** including Genocide Convention, Geneva Conventions, and relevant ICJ/ICC jurisprudence cited in analysis.

Each appendix should be introduced with a one-paragraph abstract summarizing its evidentiary significance.

5. Archive Landing Page and Digital Repository

A stable, permanent digital link (hosted by the Tribunal, a partner university, or an independent archival institution) containing:

- full transcripts,
- audiovisual material,
- expert reports,
- metadata,
- chain-of-custody statements where applicable.

This ensures ongoing usability for legal actors.

8.3 How International Legal Bodies Use Such Material

8.3.1 ICJ: State Responsibility and Evidence of Pattern

The ICJ accepts submissions of publicly available materials, NGO reports, tribunal proceedings, and expert evidence filed by states or circulated via UNGA.

Tribunal evidence can support:

- genocide proceedings (e.g., *South Africa v. Israel*, or future cases by other states);
- advisory opinion requests;
- assessments of state compliance with provisional measures;
- disputes over occupation, apartheid, or blockade legality.

States can cite the Gaza Tribunal as a **supplementary fact-finding authority** demonstrating pattern, intent, and systemic practice.

8.3.2 ICC: Individual Criminal Responsibility

The ICC Prosecutor routinely cites civil society documentation. The Tribunal's materials can serve to:

- corroborate witness testimony;
- establish contextual elements of crimes against humanity and genocide;
- identify patterns essential for proving command responsibility;
- trace chains of command and policy origins;

- substantiate jurisdiction by documenting the “widespread” and “systematic” nature of attacks.

The Witness Eye archive, in particular, can be integrated into ICC evidence dossiers.

8.3.3 UN Human Rights Mechanisms

UN Special Procedures, including the Special Rapporteurs on:

- Human Rights in Palestine,
- Extrajudicial Killings,
- Torture,
- Housing,
- Racism,
- Cultural Rights,
- Freedom of Expression (important for eradicating journalists),

regularly rely on civil society submissions.

The Tribunal’s materials are uniquely suited for:

- thematic reports,
- communications to states,
- urgent appeals,
- and investigations under the UN Independent International Commission of Inquiry.

Because these mechanisms lack subpoena power, the Tribunal’s structured evidence package fills a major information gap.

8.3.4 UN General Assembly Circulation

A member state may request that the Gaza Tribunal’s report be:

- circulated as an official UN document,
- referenced during plenary debates,
- submitted for consideration under the “Uniting for Peace” mechanism,
- or attached to new resolutions on Gaza, genocide prevention, or apartheid.

Precedent exists: the Russell Tribunal’s records were similarly circulated through sympathetic states during the 1970s.

8.4 Criteria for International Credibility and Admissibility

To maximize impact, the Gaza Tribunal archive must meet standards consistent with professional documentation practices:

1. Chain of Custody / Provenance Notes Short notes describing how testimony or evidence was obtained.

2. Metadata Preservation Dates, locations, identity confirmations, corroborating sources.

3. Non-Redundancy and Curated Selection A core dossier (≈ 250–300

pages) should accompany the full archive.

4. Judicial-Style Formatting Numbered paragraphs, references, and consistent terminology.

5. Clear Distinction Between Factual Findings and Moral Conclusions Courts primarily rely on factual and legal analysis.

The Tribunal already satisfies many of these conditions; the Communications Package formalizes them.

8.5 Next Steps for Implementation

Step 1. Finalize Archive Structure

Ensure transcripts, reports, and audiovisual evidence have stable hosting.

Step 2. Draft and Approve Cover Letters

Tailor versions for ICJ, ICC, OHCHR, and a sponsoring UN Member State.

Step 3. Produce a Consolidated Evidentiary Dossier

A 150–180 page PDF integrating:

- the Executive Summary,
- the Jury Statement,
- selected testimonies,
- legal classifications,
- and a legal annex summarizing genocide jurisprudence.

Step 4. Identify State Partners

Initiate diplomatic outreach to:

- South Africa
- Namibia
- Bolivia
- Türkiye
- Chile
- Colombia
- Ireland
- Malaysia
- Indonesia

These states are most likely to sponsor UN submission or cite the Tribunal in ICJ filings.

Step 5. Submit Through Formal Channels

ICJ and ICC submissions must occur via states or through amicus-style communications aligned with procedural rules.

Step 6. Publicize the Submission Process

Issue press releases and social media statements documenting that the Tribunal’s findings are now part of the global legal record.

Conclusion

Transforming the Gaza Tribunal's evidence into a formal communications package ensures that the Tribunal does not remain a symbolic exercise. It becomes a **living legal instrument**—a structured archive capable of influencing litigation, shaping international norm development, strengthening genocide prevention efforts, and supporting accountability mechanisms.

By preparing this package, the Tribunal honors its mandate: not only to document and declare, but to **mobilize its findings within the architecture of international law**, ensuring that the genocide in Gaza is neither ignored nor forgotten by institutions capable of acting upon it.

8.6 Appendix Guidance: Model Cover Letters for International Legal Systems

To assist States, international institutions, UN mechanisms, and civil-society legal teams in formally transmitting and operationalizing the Gaza Tribunal's evidentiary record, this report includes a set of **Model Cover Letters** contained in **Appendices A–F**. These templates provide institution-specific language and formats designed to facilitate the incorporation of Tribunal materials into international legal processes.

The model letters correspond to the principal forums in which Gaza Tribunal evidence may be relied upon:

- **Appendix A – International Court of Justice (ICJ):** Templates for submitting Tribunal findings as supporting documentation in contentious cases, advisory proceedings, and evidentiary annexes.
- **Appendix B – International Criminal Court (ICC):** Structured language for transmitting testimonial, forensic, and contextual materials relevant to ongoing investigations or Article 15 communications before the Office of the Prosecutor.
- **Appendix C – UN Human Rights Mechanisms & Special Procedures:** Templates for communications to Special Rapporteurs, Working Groups, OHCHR, and other UN-mandated bodies tasked with urgent appeals, thematic investigations, and fact-finding.
- **Appendix D – United Nations General Assembly (UNGA) Circulation (via Member State):** A formal diplomatic letter enabling UN member states to request circulation of Tribunal materials as official UN documents under relevant agenda items on Palestine, decolonization, human rights, and genocide prevention.

These model letters serve **three core functions** within the international legal ecosystem:

1. Standardization

They establish a coherent, legally sound, and procedurally appropriate format for transmitting Gaza Tribunal materials. Standardization

enhances the credibility, admissibility, and professional clarity of submissions across jurisdictions.

2. Acceleration

By providing pre-drafted, institution-specific language aligned with diplomatic and procedural norms, the templates reduce barriers to action. States and UN bodies can rapidly adapt and dispatch communications without the delays typically associated with drafting compliant texts from scratch.

3. Integration

The letters map Tribunal outputs—testimony, findings, legal classifications, and digital evidence—onto the evidentiary needs and mandates of the ICJ, ICC, OHCHR, and UNGA. This ensures that civil-society-generated evidence is effectively incorporated into ongoing or future proceedings concerning genocide, war crimes, apartheid, and grave breaches of international law.

Readers preparing state submissions, UN communications, or legal filings are encouraged to consult and adapt the templates provided in:

- **Appendix A: Model Cover Letter – International Court of Justice (ICJ)**
- **Appendix B: Model Cover Letter – International Criminal Court (ICC)**
- **Appendix C: Model Cover Letter – UN Human Rights Mechanisms & Special Procedures**
- **Appendix D: Model Cover Letter – UNGA Circulation (via Member State)**
- **Appendix E: Table of Contents Template for a Formal Communication Package**
- **Appendix F: Quick Guide for States – How to Cite the Gaza Tribunal in ICJ Filings**

Together, these appendices operationalize the central aim of the Gaza Tribunal: ensuring that the testimonies, findings, and legal analyses generated through this civil-society process are translated into actionable, record-building material within formal international legal systems.

For all model cover letters, the full communications-package template, and state-citation guidance, see Appendices A–F below.

9

Final Remarks and
Conclusion

I. Closing Reflections: The Meaning of Judgement in the Midst of Ongoing Atrocity

The Gaza Tribunal concludes its proceedings at a time when the genocide it has documented is still unfolding. This reality shapes the nature of the Tribunal's judgement: it is **not retrospective**, but delivered in the living shadow of mass atrocity, at a historical moment when the institutions responsible for preventing genocide have failed to do so. As in Sarajevo, the Istanbul hearings repeatedly underscored the ethical imperative that guides people's tribunals: **to name crimes when states refuse, to document when institutions delay, and to insist upon accountability when impunity reigns.**

The Tribunal's findings are therefore both legal and moral. They rest on extensive evidence that meets the standards of international fact-finding: survivor testimonies, expert analyses, forensic reports, satellite verification, digital investigations, and legal classification work grounded in the Genocide Convention, the Rome Statute, Geneva Conventions, and jurisprudence of the ICJ, ICTY, and ICTR. Yet the force of the Tribunal's conclusions also derives from a deeper recognition: **the Palestinian people—dispossessed, besieged, starved, displaced, bombarded—have been systematically denied the ability to speak their own truth within formal international systems.**

This Tribunal has therefore functioned as both a forum of record and a forum of conscience. It affirms that genocide is not merely a legal category but a lived experience, and that the work of documenting such a crime must centre those whose lives are its direct target. The Tribunal's role is not to replace international courts, but to **fill the void created by their inaction**, and to ensure that when states finally move, the evidentiary ground is already firmly laid.

The conclusion of this report thus serves three interconnected purposes:

1. **To synthesize the Tribunal's overarching findings** into a coherent framework of accountability.
2. **To articulate the broader implications** for international law, decolonial justice, and global civil society.
3. **To outline a forward-looking blueprint** for future people's tribunals, so that the lessons of this process may contribute to a more just and responsive global order.

II. The Central Findings in Context: A Pattern of Destruction that Satisfies the Elements of Genocide

Across the Sarajevo and Istanbul sessions, the Tribunal heard and verified evidence demonstrating that the State of Israel has engaged in:

- **deliberate killing of civilians**, including children, medical workers, journalists, and educators;

- **systematic starvation**, through siege policies, obstruction of aid, destruction of food systems, and lethal force at aid distribution points;
- **the annihilation of Gaza’s educational, cultural, health, agricultural, and residential infrastructures**—constituting scholasticide, domicile, and ecocide;
- **sexual violence**, enforced disappearance, torture, and mutilation;
- **mass displacement**, accompanied by explicit plans for permanent expulsion.

Each of these categories corresponds to one or more acts prohibited under Article II of the Genocide Convention. But taken together—as required by ICJ jurisprudence—their cumulative effect reveals a unified project: **the destruction of Palestinians in Gaza as a national group**.

This conclusion is reinforced by more than one hundred documented statements by Israeli political and military leaders, including:

- “We are fighting human animals.”
- “Gaza must be erased.”
- “There are no innocent civilians in Gaza.”
- “A nuclear option should be considered.”

Such statements satisfy the evidentiary standards for genocidal intent used in international tribunals, including *Akayesu*, *Krstić*, and *Gambia v. Myanmar*. They also align with a broader settler-colonial ideology characterized by racial elimination, territorial replacement, and the erasure of indigenous presence.

The Tribunal is therefore compelled to state unequivocally: **The genocide in Gaza is not incidental. It is intentional, systematic, ideologically anchored, and executed through state policy.**

III. Beyond Legal Categories: Genocide as a Social, Cultural, and Existential Crime

One of the Tribunal’s significant contributions lies in its articulation of the broader spectrum of genocidal harm—particularly cultural, educational, ecological, and psychological destruction. Survivors described a childhood erased, a future foreclosed, and a landscape rendered uninhabitable. Experts documented the long-term impacts of starvation on cognitive development, reproductive health, and intergenerational trauma.

The destruction of Gaza’s universities and schools—**100% rendered inoperative**—is without precedent in modern history. The killing of more than 1,000 educators and academics represents the decapitation of a people’s intellectual life. As witness Wesam Amer testified:

“To destroy a university is to destroy the ability of a people to narrate their own story.”

This Tribunal therefore affirms that genocide must be understood not only as the physical destruction of a population but as the systematic

obliteration of **knowledge, heritage, memory, culture, education, and imagination**—the foundations of collective existence.

This expanded analytical lens is consistent with decolonial jurisprudence, Indigenous legal thought, and emerging scholarship on cultural genocide. It highlights the transformative role that people’s tribunals can play in advancing normative understandings of international crimes.

IV. The Crisis of International Law: Institutional Paralysis and Political Complicity

Throughout the hearings, witnesses repeatedly emphasized that the genocide in Gaza is not simply a failure of Israel’s obligations—it is a failure of the international system itself. Despite clear triggers under the Genocide Convention, formal institutions were slow to respond. Despite overwhelming evidence, mechanisms for accountability remain obstructed by political vetoes, arms transfers, and strategic alliances.

This Tribunal therefore concludes that:

- **International law has become structurally dependent on political will**, rather than legal obligation.
- **States with geopolitical power have insulated themselves from accountability**, undermining the universality of peremptory norms.
- **The burden of justice has shifted onto civil society**, journalists, digital investigators, and survivors themselves.

People’s tribunals are not substitutes for courts—but they increasingly perform the foundational work that courts and states refuse to do: **truth-telling, evidence preservation, collective moral judgement, and the articulation of political alternatives.**

V. The Role of Global Solidarity: Resistance as a Legal, Moral, and Political Force

The Istanbul hearings brought forth powerful testimonies on resistance and solidarity—from the Global Sumud Flotilla to legal collectives, artists’ coalitions, diaspora movements, and grassroots organizations across the world. Together, these actors constitute what several witnesses described as a **“counter-system of justice”**—a global network of conscience operating beyond the constraints of state-centered institutions.

Their work demonstrates that:

- **Solidarity is not symbolic; it is structural.** It disrupts complicity, shifts discourse, pressures institutions, and saves lives.
- **Resistance is not merely reactive; it is generative.** It produces new forms of political agency, cultural expression, and legal strategy.
- Civil society is increasingly the site where international law is produced, interpreted, and mobilized.

The Tribunal therefore affirms that global solidarity is not an adjunct to legal accountability; it is a prerequisite for it.

VI. Recommendations for Future People's Tribunals

Drawing on the lessons of Sarajevo and Istanbul, the Tribunal proposes the following framework for strengthening future people's tribunals:

1. Establish a Long-Term Archival and Verification System

- Secure, multilingual digital archives with chain-of-custody protocols.
- Partnerships with academic institutions, forensic labs, and digital verification platforms.

2. Standardize Methodology Across Tribunals

- Harmonized evidentiary standards, testimonial procedures, and classification models.
- Legal compatibility with ICJ/ICC admissibility norms.

3. Expand Survivor-Centred Testimonial Ethics

- Trauma-informed interviewing.
- Protection for witnesses facing reprisal.
- Diaspora participation mechanisms for displaced communities.

4. Integrate Digital Evidence Expertise

- Satellite imagery analysis, metadata authentication, OSINT workflows, and verification teams.
- Collaboration with investigative journalists and fact-checking consortia.

5. Create a Global Network of People's Tribunals

- Cross-tribunal coordination on genocide, apartheid, ecocide, and colonial violence.
- Shared legal strategies and resources.
- Annual summit for methodological and political exchange.

6. Strengthen Pathways to Institutional Impact

- Pre-drafted communications packages for ICJ, ICC, OHCHR, UNGA.
- Universal jurisdiction toolkits.
- Partnerships with national bar associations and human rights clinics.

7. Integrate Arts, Culture, and Community Praxis

- Public memorialization, exhibitions, and cultural testimony as part of the evidentiary record.
- Recognition of artistic practices as forms of political resistance and historical witnessing.

8. Ensure Funding Independence and Democratic Governance

- Transparent funding models.
- Rotating leadership structures.
- Community oversight boards.

VII. Final Remarks: The Future of Justice After Gaza

The Gaza Tribunal closes its work with the sober recognition that its judgement alone cannot end a genocide. The power to halt atrocities and prosecute perpetrators remains in the hands of states and institutions that have thus far chosen political interest over legal obligation. Yet the Tribunal also affirms a second truth—one that resonates across every testimony heard:

Genocide is not only a crime against a people; it is a crime against humanity itself. To resist genocide is therefore to defend the very possibility of a shared human future.

In this sense, the Tribunal's significance extends beyond Gaza. It offers a model for how communities, scholars, lawyers, activists, survivors, and ordinary citizens can reclaim the moral authority that institutions have surrendered. It demonstrates that law does not belong to states alone. It belongs to people—to their struggles, their memories, their courage, and their refusal to accept the world as it is.

The Tribunal thus concludes with a final affirmation:

Justice for Gaza is inseparable from global justice. The liberation of Palestine is inseparable from the liberation of all peoples living under systems of domination.

And people's tribunals will continue to stand where official institutions fail, until the international legal order itself is transformed.