

## 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.