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Press Release: What Measures Can End Ongoing Genocide in Gaza?

In a pivotal webinar entitled "What Measures Can End Ongoing Genocide in Gaza?" organized by AOHR UK on November 22, moderated by activist Insiya Raja, esteemed experts from various fields of law and human rights advocacy came together to discuss the critical and ongoing situation in Gaza. The panel included Dr. Ralph Wilde, an academic and expert in public international law; Prof Triestino Mariniello, a law professor at Liverpool John Moores University; Sara Elizabeth Dill, a partner at Anethum Global specializing in international criminal law; Diala Chehade, an international criminal law expert; Bruce Fein, a former Associate Deputy Attorney; Prof Gabriel Sawma, Professor of International Law and Former Member of President Trump's Advisory Board; and Bruce Delvalle- Constitutional Law Expert. Each speaker brought forth a unique perspective, combining legal analysis, humanitarian insights, and historical context to shed light on the plight of Gaza and the role of international law and justice in addressing these grave concerns.

Dr. Ralph Wilde, in his personal capacity, presented a legal opinion for AOHR UK about the legal consequences for third states in relation to Israel's actions in the Gaza Strip.

He stressed the need to clarify the illegality of Israel's actions in the Gaza Strip, which are part of a longstanding illegal use of force since 1967. Wilde highlighted that Israel's current operations, including aerial bombardment and land invasion, breach international humanitarian law and constitute war crimes. He also pointed out violations of the prohibition of apartheid and racial discrimination.

Wilde argued that Israel is obliged to immediately cease its illegal behavior, which would entail a ceasefire and a complete termination of the force-enabled siege of the



Gaza Strip. He further noted that other states are legally implicated in violations by Israel due to fundamental international laws concerning aggression, self-determination, apartheid, and genocide. He underlined the legal obligations of states not to recognize or assist Israel's use of force and to take active steps to end the illegal situation, including supporting international cases against Israel at the International Court of Justice and the International Criminal Court.

In his contribution, Professor Triestino Mariniello discussed the severe impact of the Israeli blockade on Gaza, which has been in place for over 16 years. He pointed out that this blockade has severely restricted the movement and fundamental rights of about 2 million people, trapping them in a 365-square-kilometer area. Mariniello emphasized that the blockade's impact on living conditions and fundamental human rights in Gaza has been extensively documented, highlighting a humanitarian crisis of immense proportions.

Mariniello noted that the United Nations and various human rights organizations have repeatedly condemned the living conditions in Gaza as unsustainable and unacceptable. He described the situation, exacerbated by the Israeli blockade, as a severe humanitarian catastrophe where the civilian population endures disproportionate hardship due to acts committed by external forces.

Furthermore, Mariniello stated that international analysis has determined that the Israeli blockade and the resulting conditions in the Gaza Strip amount to apartheid, a grave violation of international law, and a crime against humanity. He emphasized the calculated deprivation of resources and services by the Israeli military, which has devastated Gaza's healthcare system and created unbearable living conditions. Mariniello also mentioned that Israeli political and military leaders have demonstrated a clear genocidal intent towards the Palestinian population in Gaza, potentially constituting acts of genocide as defined under international law.

He stated that the climate of impunity enjoyed by Israeli forces has never been challenged by the International Criminal Court, leading to continued serious violations. He also added that the ICC's failure to address international crimes in Palestine contrasts with its prompt response to situations like Ukraine, showing double standards.



“Since the appointment of the new prosecutor, Karim Khan, the ICC has been reluctant to effectively investigate the situation in Palestine. The ICC's approach in Palestine, marked by double standards and selectivity, undermines its legitimacy and credibility”, he added.

Sara Elizabeth Dill spoke about the need for effective solutions to conflicts like those in Gaza, which should be approaches that genuinely benefit and are led by the affected communities. She argued that relying solely on Western-established tribunals may not always provide the true, lasting accountability and reconciliation needed in these regions. For accountability to be meaningful and effective in conflict zones, Dill stated that it must originate from grassroots initiatives, addressing the specific needs and contexts of the people directly affected by the conflict.

Dill highlighted the enduring mental health crisis in conflict zones like Gaza, where children have grown up under continuous strife. She emphasized the importance of addressing these mental health needs alongside the physical ramifications of the conflict. Dill also spoke about the limitations of current international justice mechanisms in addressing complex conflicts like Gaza, advocating for innovative, localized solutions that can lead to genuine healing and restoration.

Diala Chehade discussed the significant step of Palestine's recognition as an observer state by the UN General Assembly in 2012, affirming its eligibility to join the International Criminal Court (ICC). She emphasized the importance of this in addressing the crimes committed in Palestine, particularly in light of the ICC's investigations in other regions like Afghanistan, Ukraine, and the Philippines.

Chehade noted that the ICC, despite being young and under political pressure, holds potential for addressing crimes in Palestine. She highlighted the need for stronger lobbying efforts by state parties to push the ICC prosecutor to advance investigations initiated in March 2021. Chehade also called for warrants of arrest against senior Israeli officials, including the Prime Minister and Minister of Defence, for their statements demonstrating racism and genocidal intent.

She addressed the importance of the ICC in dealing with international crimes in general, and specifically those committed in Palestine. Chehade pointed out the nature of the crimes being committed in Palestine, especially during military operations, which she categorized as genocide and war crimes. She also emphasized Israel's persistent



non-compliance with UN Security Resolutions since 1967 and its disregard for International Court of Justice decisions, characterizing Israel as an outlaw regime.

Bruce Fein offered insights into the nature of international law, which he described as often appearing as a phantom, largely influenced by the powers that prevail in conflict. He referenced the historical perspective of Thucydides, highlighting the reality where the strong dictate terms of justice and legality. Fein discussed the selective application of international law, using examples such as the United States' involvement in World War II and the subsequent war crimes tribunals.

Fein emphasized the challenges faced by the International Criminal Court (ICC) in its youth and under political pressures, affecting its ability to effectively address crimes, including those in Palestine. He pointed out the complicity of the United States in violations of international law, especially in its unconditional support of Israel, which potentially implicates the U.S. as a co-belligerent in actions against Palestinians.

Fein stressed the unlikelihood of holding powerful nations accountable in international courts, despite evidence of complicity in acts like genocide. He highlighted the reluctance of nations to challenge Israel and the U.S. at the International Court of Justice, reflecting the fear of retaliation and the realpolitik governing international relations. Fein concluded by remarking on the sobering reality of international law, which often reflects the world's power structures more than its moral aspirations.

Arab Organisation for Human Rights in the UK (AOHR UK)