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Webinar: Stop Attacks on the International Criminal Court

Arab Organisation for Human Rights in the UK (AOHR UK) organised a timely [webinar](#) on Monday, June 10, 2024, focusing on the recent attacks against the International Criminal Court (ICC) by the US administration and its allies. This followed the ICC's announcement to seek arrest warrants for Israeli Prime Minister Benjamin Netanyahu and Israel's Defence Minister Yoav Gallant on charges of war crimes and crimes against humanity over the war in Gaza.

The webinar featured a distinguished panel of speakers from diverse backgrounds and fields of expertise, including Prof Dan Kovalik- American Professor and Human Rights Lawyer, Dr. Noa Shandlinger- Assistant Professor of Middle East History at the Department of History and Political Science at Worcester State University, Haroon Raza- Dutch lawyer and member of the 30 March Movement, Ibbo Mandaza- Zimbabwean Academic, Author, and Advisory Council Member at FPRI, Naomi Barasa- Kenyan Social Justice Activist

Haroon Raza, a Dutch lawyer and member of the 30 March Movement, delivered a detailed speech during the webinar. He emphasised that Israel has consistently employed strategies of intimidation, subversion, and blackmail against anti-Israeli movements and legal actions. He highlighted that such tactics have been prevalent in the Netherlands, where any efforts against Israel are met with counterattacks, including legal actions and biased media coverage, especially from the main national newspaper, the Telegraaf, which he described as extremely Zionist.

Raza noted the extreme nature of these intimidation tactics and criticised Dutch authorities for their inadequate response, particularly in protecting the office of the prosecutor. He stressed the importance of allowing prosecutors and lawyers to perform their duties without fear, emphasising the need for this issue to be openly discussed rather than ignored, as he believed it had been in the Netherlands.



He described the Netherlands as highly Zionist, based on his experience working on related issues since 2008. He mentioned the dismissive attitude of the Dutch National Prosecution Service towards visible war crimes and crimes against humanity, which have been ongoing for years.

Raza reported that his team had filed approximately 27 complaints related to Israeli army soldiers with dual nationality, including cases involving Israeli army soldiers in the Netherlands, various ministers, and even a settler living on occupied territory. Despite some dismissals by the Dutch prosecutor's office, they have not initiated any investigations. As a result, Raza's team lodged an Article 12 procedure at the high court level, challenging the prosecutor's office's decisions and lack of investigations.

He shared that a settler, against whom a complaint was lodged, had filed a complaint with the Bar Ethics Committee against him, which would be heard on June 24th. He mentioned that the settler received support from prominent Zionist organisations and lawyers. Additionally, Raza's office is preparing a complaint against Ecuadorian nationals fighting with the Israeli army at the ICC.

Raza also discussed a comprehensive 164-page complaint lodged with the ICC, in collaboration with other lawyers, which included subdivisions for hospitals, schools, mosques, and churches, along with video and audio evidence. This complaint is available online for public co-signing, and approximately 4,000 to 5,000 people have signed it so far.

Dr. Noa Shaindinger, Assistant Professor of Middle East History at Worcester State University, delivered a poignant address focusing on the plight of Palestinian prisoners in Israeli custody during the webinar. She highlighted the dire conditions in the Deteman camp, where many Palestinians from Gaza are detained, reporting at least 36 deaths in that camp and several more in other locations, totaling about 48 deaths. These deaths occurred under interrogation, during transfer, or in various detention facilities.

Dr. Shaindinger detailed the appalling conditions Palestinian prisoners endure, including physical torture, psychological torture, and sexual abuse. She pointed out that these prisoners, have been in Israeli jails for many years, some for over two decades.



She emphasised that the harsh conditions imposed on post-October 7th prisoners, under the pretext of being Hamas fighters, are also applied to all Palestinian political prisoners. According to her lawyer friends, prisoners subsist on a meager 830 calories a day, which includes minimal food such as cucumbers and potatoes divided among many. Personal belongings are confiscated, and prisoners are crammed into small cells, often without beds, proper clothing, or access to laundry. They endure extreme heat without fans or cold water and have limited access to electricity. Family visits have been suspended for eight months.

Dr. Shaindinger highlighted the universal suffering among Palestinian prisoners, regardless of the circumstances of their capture or the accusations against them. She cited the case of Bassem Tamimi, a popular leader from Nabi Saleh, who was released after eight months of administrative detention without charges, suffering from severe malnutrition and diseases. His deteriorated health condition underscores the severe maltreatment of Palestinian political prisoners.

She concluded by asserting that the treatment of these approximately 9,000 Palestinian political prisoners constitutes a war crime and a crime against humanity. Dr. Shaindinger called for these issues to be addressed by the International Criminal Court and emphasised the need for global awareness and action.

Prof. Dan Kovalik, an American professor and human rights lawyer, delivered a comprehensive address during the webinar. He expressed his optimism about the recent developments at the International Court of Justice (ICJ) and the International Criminal Court (ICC), noting the significant step of the ICC requesting arrest warrants for Israeli leaders Netanyahu and Yoav Gallant. He acknowledged the potential impact of these actions, marking a departure from the ICC's historical focus on prosecuting Africans, despite significant pressure on the ICC to refrain from targeting Western leaders.

Kovalik emphasised that a true rule of law must apply equally to the weak and the strong. He criticised the historical application of international law, which he argued has often excluded powerful Western leaders. He underscored the importance of the ICJ's provisional measures against Israel, despite Israel's non-compliance and continued atrocities.

He highlighted the U.S. role in supporting Israeli actions, including providing intelligence and munitions, which have contributed to the significant civilian casualties



in Gaza. Kovalik cited estimates of Palestinian deaths and noted the likely undercounting due to the destruction of Palestinian health infrastructure.

Kovalik also addressed the dire conditions faced by Palestinian prisoners, including reports of torture and abuse. He called for the international community to act through the ICC, the ICJ, and the United Nations Security Council. However, he acknowledged the challenges of enforcement and the likelihood of U.S. vetoes against any Security Council action.

Prof. Dan Kovalik also addressed the concept of “complementarianism” within the context of international law. He explained that this principle allows for international jurisdictions, like the ICC, to intervene when a domestic jurisdiction is either unable or unwilling to properly investigate and prosecute wrongdoers.

Kovalik asserted that in the case of Israel, it is evident that the domestic legal system will not adequately pursue justice for the atrocities committed, thereby justifying international intervention. This mechanism ensures that perpetrators of serious crimes do not escape accountability due to the failure of their own national legal systems.

Kovalik emphasised the urgency of overriding domestic jurisdiction in the face of ongoing genocide in Gaza. He highlighted the need for the international community, particularly through the ICC and ICJ, to act swiftly given the severe human rights violations and the lack of effective action from Israeli authorities.

He pointed out that while arrest warrants for Israeli leaders have been requested, they have not yet been issued, and even if they were, it would take significant time and enforcement efforts to see tangible results. This underscores the critical importance of utilizing the principle of complementarianism to ensure justice and halt the atrocities being committed.

Kovalik concluded by advocating for a "Uniting for Peace" resolution by the UN General Assembly to override the Security Council and authorize military intervention to halt the ongoing genocide. He emphasised the necessity of force to stop Israel's actions, drawing historical parallels to the need for military intervention in World War II.

Ibbo Mandaza, a Zimbabwean academic, author, and Advisory Council Member at the FPRI, began his speech by acknowledging the previous speakers and strongly



supporting Dan Kovalik's recommendation for UN action against Israel. Mandaza emphasised the need to move beyond formalities and demand concrete steps from the UN to halt Israeli aggression and genocide. He agreed with Kovalik that the ICC and ICJ are limited by the influence of the U.S. and its allies, which hampers progress. Mandaza also highlighted the arrogance displayed by Israel and underscored the importance of international legal frameworks to address these issues effectively.

Mandaza raised the involvement of South Americans, particularly Ecuadorians, in the war. He noted the surprising participation of individuals with dual Ecuadorian and Israeli nationality who are actively involved in the actions in Gaza. Mandaza called for greater exposure of this involvement, suggesting that it should be widely publicized, especially on platforms like Twitter, to increase pressure on those supporting these actions. He also echoed Dr. Noa Shindlinger's concerns about the treatment of Palestinian prisoners, emphasising the need for this issue to be brought into the public domain and addressed by international organisations.

Mandaza highlighted the significant gap between the official positions of Western governments on the Palestinian issue and the sentiments of their populations. He pointed out the widespread protests and demonstrations across the U.S., UK, Netherlands, Spain, and other countries, indicating strong public opposition to their governments' policies.

Mandaza stressed the importance of recognising and amplifying these domestic movements, including the recognition of Palestine by countries like Ireland and Spain. He called for a coordinated global movement involving intellectuals, university students, and professionals to challenge Israeli aggression and support Palestinian rights, exposing the double standards of Western democracies and advocating for true democratic principles.

Naomi Barasa, a Kenyan social justice activist, delivered a speech focusing on the role of the African Union (AU) and the founding principles of its predecessor, the Organisation of African Unity (OAU). Barasa emphasised that the OAU was founded on principles of solidarity with oppressed people and anti-colonialism. She expressed disappointment and saw it as a betrayal of these principles when the AU initially granted Israel observer status. Barasa argued that Israel, being an oppressor and colonizer, should not hold such a status within an organisation built on opposing those very actions. She called for the removal of Israel's observer status and urged AU



member countries to advocate strongly at the ICJ and ICC for accountability, particularly targeting Israel, the U.S., and other nations supplying weapons to Gaza.

Barasa highlighted the historical use of the ICC to indict African leaders and noted the significance of the ICC's recent actions against Western leaders, marking a shift. She stressed that the AU must leverage this moment to push for accountability, reflecting the widespread support for Palestine among African populations, despite their governments' different stances.

Barasa also criticised the recent use of American soldiers in attacks under the guise of humanitarian support, calling it a massacre. Barasa concluded by suggesting that once the issue with Netanyahu is addressed, there should be a broader examination of international policies on democracy. She argued that the current model is flawed, as it allows one nation to dominate others, undermining the very concept of democracy.

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