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Interview: Fabian Linder
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On the role of the international community in the Israeli genocide in Palestine. A conversation with Francesca Albanese



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ZUMA Press Wire/IMAGO

Threatening backdrop: Israeli tanks move into Jenin in the West Bank (23.2.2025)

Francesca Albanese is an Italian legal scholar and honorary UN Special Reporter on the human rights situation in the occupied Palestinian territories since 2022

Your work as UN Special Reporter since 2022 has been hampered in many ways, for example by a travel ban to Israel, which also affected your predecessors. During your visit to Germany, event organizers were deprived of rooms and you were accused of anti-Semitism. How do you deal with this?

What I have seen in Europe over the past 16 months has scared the crap out of me. Not as a special rapporteur, but as a European. Because if there is one thing I have always taken for granted, it is that in this part of the world I can think freely, that I can speak freely, that I am free to meet with others, that we have spaces where we can disagree and that people have a

right to be heard by government. All of that has collapsed this year. When you see the security you enjoy in a system disappearing, you ask yourself what you are going to do next. When those who are supposed to protect me no longer protect me but come with a baton.

I have seen the German police beating children, young girls who are taking to the streets to protest against the crimes, to protest against the slaughter of children. For me, that is a sign that we are in a very dark place. We cannot afford to hold back. If we are against it, we must say so. Jewish organizations have been attacked in this country, Jewish people have been arrested and imprisoned. What is even more shameful is that they have been lectured about anti-Semitism.

What is needed to eliminate these grievances?

Where is the reason in people? Instead of behaving like parts of a machine, they can speak critically to what is presented to them and judge that a critical attitude towards the State of Israel because of the crimes it commits against the Palestinians is not anti-Semitism. Anti-Semitism is discrimination against Jewish people because they are Jews, just as discrimination against Palestinians because they are Palestinians is racism.

This is what we should be alarmed about as people and as a society. Instead, the government claims that criticism of the State of Israel is anti-Semitic and people obey. This is normal in 2025 and is why I keep reminding myself of what Primo Levi (Italian, Jewish anti-fascist resistance fighter, Auschwitz survivor and writer, *JW*) used to say: that there are few monsters in life. The great evil is committed because ordinary citizens do not recognize the atrocities that are being committed and become part of them. Primo Levi wondered from the darkness of the concentration camp what the people who lived in nice apartments or houses thought when they saw the camp.

My question to the German people is: do they see Palestinians as human beings or not? Is it normal that we saw the bodies of children hanging on the wall after the explosion? Is it normal that we saw parents carrying the bodies of their children in plastic bags? Is it normal that a child named Hind Rajab screamed and cried for help from the car where his dead relatives lay, spoke to an emergency operator who assured her that she would be rescued, but the girl was murdered by the Israeli army with 335 bullets, as were the Palestinian rescue team? Is it normal that Mohammed Bahar, a boy with Down syndrome, was killed by Israeli army dogs and the last words he had were to forgive the dog because it was not its fault? Is it normal that Palestinians are put in prisons that have been turned into torture centers and that the rapes of Palestinians are even shown on Israeli television?

There are Israeli podcasts where participants said that seeing these people die gave them strength. What kind of monsters have we become if this doesn't shake us? If people don't move in the face of this because they don't see Palestinians as human beings, then they have learned absolutely nothing from the past.

In the context of the Israeli occupation of Palestine, Israel and other UN member states have been violating international law for decades. How does this affect that same international law?

Failure to stop a genocide that is being televised is very serious. It creates a sense of despair and illusion about the normative, preventive and remedial power of the legal order at the national level. When you have laws that are not enforced, everything weakens, including the ability to maintain law and order. You lead a society into chaos. You prepare society to live in lawlessness, where might makes right. It is no different at the international level. Even people who see international law as a tool for emancipation, to secure rights, may resort to means that are less peaceful than legal means.

So there is the element of the erosion of the power of the law. For Palestine, this is the final nail in the coffin of self-determination, after 50 years of hypocrisy. The hypocrisy of a political system that talks about peace in pursuit of statehood, while Israel continues to destroy any possibility for the Palestinians to exist as a people on what little land they have left on which to establish a state. The UN member states have been the custodians of this process. Look at where this hypocrisy has led.

It is also about a multilateral order that is confident in itself. Although the system is not perfect, we in the West in particular have benefited from it, have been protected from major wars - it is clear that we have been better off in the last 80 years than before. Unfortunately, we have taken it for granted.

How do you assess the role of the federal government?

The German government has legal obligations and what it is doing violates international law. So when I hear Chancellor Olaf Scholz denying that this is genocide and saying he thinks that assessment is inaccurate or inappropriate, then that is for the International Court of Justice, ICJ, to decide. The Chancellor is wrong when he says that it is not time to talk about genocide.

Now, when it comes to the crime of genocide, the ICJ speaks of a crime that must not only be punished, but also prevented or stopped. This is the obligation that the States Parties to the ICJ Statute have had since January 26, 2024 at the latest, when the ICJ recognized the possibility or risk that the rights of the Palestinians, which are protected by the Genocide

Convention, could be violated. This means nothing other than that there is a plausible risk that genocide will be committed. In April, the ICJ also reminded the Federal Republic and other States Parties in the Nicaragua v. Germany case that they are obliged not to supply weapons to states that could commit not only genocide but also other crimes under international humanitarian law. And it is clear that Israel is committing crimes against civilians. Germany is acting contrary to its obligations under international law.

What does this mean for the United Nations?

They are just an assembly like the General Assembly. It is a platform, as we have seen in recent years. The Security Council was necessary but not sufficient. The Council declared the settlements and colonies illegal, but nobody stopped the colonies from expanding. Ultimately, it is not the United Nations that is the problem - it is the member states that are not abiding by international law. They have entered into international obligations and treaties. The United Nations should not be used as an excuse to distract from the responsibility of all member states.



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Santiago Flores/jW

US President Donald Trump wants to expel the inhabitants of Gaza and turn the coastal region into a “Riviera of the Middle East”.

It is clear that the United States has never cared much about international law. Regardless of what it says on the international stage, it has violated international law. When I heard about Trump's comments, I really did not know what to think. We should not be having a discussion about it. Such plans are illegal and only mean that all of this - the forced displacement of the Palestinians, the ethnic cleansing, the lack of reparations for the crimes

they suffered and the permanent violation of the Palestinians' right to self-determination - becomes official US foreign policy.

Is this the new normal? Are we going to use this as a benchmark for our discussion? I don't think it's just a bluff. It's a strategy. In Europe, we are being attacked by the US, if I take seriously the words of the US Vice President at the Munich "Security Conference". He comes to lecture us about democracy. Now we understand how many people around the world have felt.

Europe should rethink its alliances in a new, multipolar order. It is time to break dependence on the United States, which has become too costly economically and politically. Perhaps we need to go through a period of austerity, and that is OK, because independence and freedom are more important than having more money to buy more goods.

A few days ago, Morocco announced a deal with the Israeli arms company Elbit. It can be assumed that Moroccan forces will also use these weapons in occupied Western Sahara. Two countries that have occupied foreign territory for decades and denied the population living there or displaced there the right to self-determination. How do you assess this increased cooperation, which aims to normalize relations with mutual recognition of the occupation?

This type of friendship has a very telling name in southern Italy that comes to mind when it comes to forming an alliance to justify each other's crimes. It is unlawful and involves unlawful actions. The fact that there are more states engaging in unlawful activities does not make the wrong right, it only makes the number of wrongdoers greater.

That is why I say this trend must be stopped. There are many ways to stop it and I urge people to consider all the peaceful means at our disposal, including the most legal avenues, such as going to court. I do not believe that the conditions in Morocco are such that the king can be held accountable in domestic courts. So there should be an outcry against this in other countries. With other members of the Arab League or the Organization of the Islamic Conference, this kind of normalisation is the worst thing because it is again a partnership around unlawful activities, a permanent occupation that violates the right of self-determination of peoples - from Western Sahara to the occupied Palestinian territories.

In the context of Western Sahara, European countries, particularly Spain, maintain close trade relations with Morocco despite the occupation. EU courts have repeatedly declared trade agreements void in the past when they include occupied territories. Why does international law work in these cases and why not when it comes to Israel and the occupied territories?

It is clearly the political system that continues to make Israel untouchable, and that should not be the case. We need to give civil society a clear idea of where the sectors are that should be investigated first. If norms are there and norms are being violated, then there are enforcement mechanisms of law. That is my toolbox as a lawyer. If our governments do not intervene, then the next step is the courts. First national courts and if that does not work, there is a European Court of Human Rights.

The European Court of Human Rights has not yet heard a case on Palestine. I do not rule out that it could happen because it is about corporate responsibility. It is also beneficial for other countries because the European Court of Human Rights also looks at international law. The Court cannot simply avoid the fact that there are certain obligations that are permanent and international, so that they cannot be delegated. One of these is the right of Palestinians to self-determination, which is being violated by multinational corporations and the arms industry.

If that is maintained because it is being violated by European companies, for example, it can have a positive impact on the way all these companies and businesses are run in other parts of the world. Because the violation of the right of self-determination by private companies is very visible in other parts of the world. Think of colonialism in Congo. King Leopold may no longer rule there, but can the Congolese really control their resources? We should make sure that companies do not engage in illegal activities, which today clearly do not only involve the violation of children's rights and women's rights or environmental rights. The focus on this is often just a face-saving checklist. It is also about them respecting people's right of self-determination.

There are other examples in the international community.

I am thinking of the nine states that launched an initiative in The Hague on January 30, the "Hague Group" (Namibia, South Africa, Malaysia, Colombia, Bolivia, Chile, Senegal, Honduras and Belize, *jW*). They have decided to break off trade relations with Israel - that is, no buying from or selling to Israel's arms industry and no transfer of military equipment. These are just a few, but the most urgent obligations of the international order. There are countries that I know for sure that are considering joining the group or are in the process of joining.

There are repeated attempts to prevent events at which you want to appear. How are you continuing to work in the face of adverse circumstances?

I know that many people are desperate, but I am not. Because the world has always been an unjust place for many, and now we see it unveiled. It can be seen in all its ugliness. Now is the time for all to see that.

That is why it is so important for me to continue to give lectures. Of course I feel insulted when the University of Munich or the Free University of Berlin betray me. But I know that they have become pawns in the hands of politicians and political interests. Ultimately, if I remain true to my commitment to have a grassroots approach, I cannot just say that to the Palestinians and Israelis. I owe it to the Germans, the Italians, the Danes and everyone else. Even if we have to sit on a meadow with our feet in the mud, I will be there, because the situation is so brutal and so extreme that we have to deal with the extreme.