University of Valencia, Faculty of Law

10-11 DECEMBER 2025

JUSTICE FOR PALESTINE

Perspectives from International Criminal and Human Rights Law

INTERNATIONAL CONFERENCE & WORKSHOP

BOOK OF ABSTRACTS AND PROGRAM

İSTANBUL 2 NOLU BAROSU

VNIVERSITAT DE VALÈNCIA Facultat de Dret

unesco Cátedra

TÜRKİYE HUKUK PLATFORMU

Uluslararası Hukukçular Birliği

الإتحاد الدولي للحقوقيين

International Jurists Union

Institut de Drets Humans Universitat de València

ANAYASA HUKUKÇULARI DERNEĞİ

Juristas por Palestina

Ziraat Bankası

HALKBANK

Day I | 10 December 2025 Wednesday

9.00-9.15 Registration
9.15-09.45 Opening Remarks

Prof. Dr. Clara Viana Ballester, Dean, University of Valencia Faculty of Law
Prof. Dr. Fethi Gedikli, Dean, Istanbul University Faculty of Law
Atty. Yasin Şamlı, Head of the Istanbul Bar II

10.00-11.30 Panel Session I: The ICC on Trial: Power, Politics, Colonial Frameworks and the Pursuit of Justice

Moderator: Prof. Dr. Mutaz Qafisheh (Hebron University, Palestine)
Prof. Dr. Lucía Aparicio Chofré, "The Fight Against Impunity and the Rule of Justice: The Contribution of the International Criminal Court over the Last 25 years. (Obstacles and Challenges)" (University of Valencia, Spain)
Prof. Saul J. Takahashi, "Strings Attached: Earmarked Funds for the ICC and Two-tier Justice" (New York University Abu Dhabi)
Sara Candel Añón, "Breaking the Cycle of Impunity: Rethinking International Criminal Justice Through the Lens of Palestine" (University of Valencia, Spain)

12.00-13.30 Panel Session II: Rendering Justice? The ICJ and the Boundaries of Responsibility

Moderator: Assoc. Prof. Dr. Jinan Bastaki (New York University Abu Dhabi)
Prof. Dr. Ali Emrah Bozbayındır, "Dolus specialis of the Crime of Genocide and the Situation in Gaza" (Boğaziçi University, Türkiye)
Prof. Dr. Akif Emre Öktem, "The ICJ Advisory Opinion of 22 October 2025 as the Ultimate Legal Ground for Autonomous Sanctions by Third States" (Galatasaray University, Türkiye)
Dr. Marco Langobardo, "The Duty to Prevent Genocide and Gaza: Which Responsibilities for Third States?" (University of Westminster, United Kingdom)

14.30-16.00 Panel Session III: Beyond the Hague: Domestic Courts and the Future of Universal Jurisdiction

Moderator: Prof. Dr. Andrés Gascón-Cuenca (University of Valencia, Spain)
Dr. Pilar Eirene de Prada, "Universal Jurisdiction in Spain and the Palestine/Gaza Dossier: Retrenchment, Resistance, and Renewed Openings" (Francisco de Vitoria University, Spain)
Assc. Prof. Dr. Selman Dursun, "The Limits of the Superior Orders Defence in the Context of Acts Committed in Gaza from the Perspective of Domestic and International Criminal Law" (Istanbul University, Türkiye)
Assc. Prof. Dr. Jinan Bastaki, "The ICC vs Domestic Courts: Prospects for Palestine" (New York University Abu Dhabi)

16.30-18.30 Worksop on 2025 International Court of Justice Advisory Opinion on the Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory

Day II | 11 December 2025 Thursday

09.30-11.00 Keynote Speech: What to Expect from the Sharm el-Sheikh Talks

Moderator: Prof. Dr. Fabiola Meco (University of Valencia, Spain)
Prof. Dr. Javier de Lucas (Professor Emeritus, University of Valencia, Spain)
Prof. Dr. Lola Bañón (University of Valencia, Spain).

11.30-13.00 Panel Session IV: From Resistance to Remedy: Civil Society and the Struggle for Justice in Palestine

Moderator: Dr. Pilar Eirene de Prada (Francisco de Vitoria University, Spain)
Prof. Dr. Berdal Aral, "The Verdict of the Gaza Court of Conscience on 26 October 2025 and its Relevance to the Palestinian Struggle for Liberation" (Istanbul Medeniyet University, Türkiye)
Prof. Dr. Mutaz M. Qafisheh, "The International Law Foundations of the Gaza-Bound Global Flotillas" (Hebron University, Palestine)
Atty. Ahmed Abofoul, "Civil Society Organisations and the ICC's Palestine Investigation: Contributions and Challenges" (International Lawyer)

14.00-15.30 Panel Session V: Limits of ICC Justice: Immunity Before the Law, Culture and Body

Moderator: Dr. Hasan Basri Bülbül (Boğaziçi University)
Assc. Prof. Dr. R. Murat Önok, "Personal immunity as a Potential obstacle to the Prosecution of Netanhayu before the ICC" (Koç University, Türkiye)
Haydee Dijkstal, "Attacks on Culture as Attacks on Identity, History, and Future: The Importance of Addressing Crimes against Cultural Heritage within the Scope of International Justice" (Barrister, United Kingdom)
Prof. Dr. María Teresa Alemany Jordán, "Sexual Violence, Reproductive Health, and Crimes Against Humanity in the International Criminal Court's Investigation on Palestine" (University of Valencia, Spain)

16.00-17.30 Panel Session VI: Profiting from Atrocity: Capital, Occupation, and International Crimes

Moderator: Prof. Saul Takahashi (New York University Abu Dhabi)
Dr. Estrella del Valle Calzada, "Financing Genocide: Corporate Power and International Crimes" (University of Valencia, Spain)
Selman Aksünger, "Beyond Pillage: The Necessity of a New International Crime for Systematic Natural Resource Exploitation in Occupied Palestine" (Maastricht University, Netherlands)
Assc. Prof. Dr. Joan-Marc Ferrando-Hernández, "The Cultural Erasure of Gaza: The Missing Charges Before the ICC" (University Rovira i Virgili, Spain)

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Prof. Dr. Lucía Aparicio Chofré
University of Valencia, Spain

The Fight Against Impunity and the Rule of Justice: The Contribution of the International Criminal Court over the Last 25 years. (Obstacles and Challenges)

Based on Cicero's well-known maxim that arms yield to togas, the presentation will focus on the important contribution of the International Criminal Court in the fight against impunity, the eradication of violence, the promotion of international justice and the guarantee of human rights since its establishment through the Rome Statute in 1998 and its subsequent effective entry into force coinciding with the start of a new millennium.

A milestone in the history of humanity and international law, guaranteeing human rights in the face of the most serious violations, especially in contexts of armed conflict and violence, both domestic and international.

To this scope, it will begin with a review of its most notable antecedents, especially the tortuous procedural process leading up to its creation. Next, its special nature as an international criminal court and international organisation will be highlighted, and its regulations, composition, structure, unique financing, powers and organisation will be also examined, emphasising its particular hybrid configuration in terms of its criminal, punitive and restorative functions, specifically the Trust Fund and the Victims and Witnesses Unit.

It will then conclude with an analysis of both its most significant judicial decisions over the last two decades and its notable contributions to case law.

Finally, the main obstacles and challenges it faces will be discussed, with special reference to the application of the crime of aggression and a brief mention of the proceedings brought to date against the State of Israel, such as the situation in the State of Palestine initiated in 2014 and the Registered Vessels of Comoros, Greece and Cambodia concluded in 2017.



Prof. Saul J. Takahashi
New York University Abu Dhabi

Strings Attached: Earmarked Funds for the ICC and Two-tier Justice

Critics of the United Nations (UN) often point to how international structures are politically weighted in favour of powerful, mainly Western and Western-allied states. Less attention has been given to the financial mechanisms those countries use to exert control over the UN: mainly the reliance the UN system on voluntary financial contributions, most of which are "earmarked" for specific purposes. The difference in approaches of the International Criminal Court (ICC) to the situation in Palestine, as opposed to Ukraine, is a case in point. As a judicial body, the ICC was created with the express intent that its core operations would be financed through assessed contributions of member states, so as to insulate it from political influence. However, in recent years, this impendence of the ICC has become increasingly precarious, as Western states have donated large sums to the ICC, stating openly their donations were earmarked for the Ukraine investigation. States have of course been less generous for the cause of Palestine, and the resulting disparity is undeniable: despite unprecedented crimes against humanity being live-streamed to the world, ICC budgets for its Palestine investigation have been but a fraction of those for Ukraine. Critics justifiably call this a two-tier justice system – justice for sale. This trend is not unique to the ICC. There has been wide-ranging and increasing reliance on earmarked voluntary contributions throughout the UN system, in particular in the human rights and humanitarian areas. This has made the UN vulnerable to political manipulation by wealthy donor states, calling into question the integrity of the system as a whole.



Sara Candel Añón
University of Valencia, Spain

Breaking the Cycle of Impunity: Rethinking International Criminal Justice Through the Lens of Palestine

Despite the establishment of the International Criminal Court (ICC) as a cornerstone of global justice, its selective engagement, political dependencies, and procedural constraints have rendered it largely ineffective in addressing systematic and long-term violations in contexts such as Palestine. The persistent impunity surrounding crimes committed in the Palestinian territories reveals how the architecture of international justice—shaped by state consent, geopolitical interests, and the asymmetries of global governance—fails to deliver impartial accountability. By situating the Palestinian case within broader critiques of post-colonial and structural inequalities in international law, this study argues that the ICC's limitations are not merely operational but also epistemic and normative, reflecting a Eurocentric conception of justice detached from the lived realities of colonized peoples. It is therefore essential to explore complementary and plural models of accountability that could coexist with or transcend the current framework. These include ad hoc tribunals tailored to specific conflicts, hybrid mechanisms combining international oversight with local legitimacy, and restorative justice approaches centred on truth-telling, reparations, and community healing. Through this multidimensional perspective, the paper contends that reimagining international criminal justice requires embracing legal pluralism and recognizing justice as a relational, rather than purely punitive, process. The Palestinian case thus becomes a critical site for rearticulating the global struggle against impunity—one that aspires not only to punish perpetrators but also to restore agency, dignity, and political recognition to victims and communities under occupation.



Prof. Dr. Ali Emrah Bozbayındır
Boğaziçi University, Türkiye

Dolus specialis of the Crime of Genocide and the Situation in Gaza

The crime of genocide solely covers some specific actions if accompanied by the special intent (dolus specialis) to destroy a group, as such. Indeed, as emphasised by the International Court of Justice in the Bosnia vs. Serbia case, "It is not enough that the members of the group are targeted because they belong to that group, that is, because the perpetrator has a discriminatory intent. Something more is required. The acts listed in Article II must be done with the intent to destroy the group as such in whole or in part. The words ' as such' emphasise that intent to destroy the protected group." Thus being so, proving the existence of genocidal intent, particularly at the ICJ, has been notoriously difficult due to the high bar of the standard of proof. The ICJ has considered that the specific intent for genocide may be sought in a State's policy or inferred from a pattern of conduct where this is the only inference that "could reasonably be drawn from the acts in question and in doing so the Court developed the test "only reasonable inference". In this regard, the first objective of this paper shall be to delineate and clarify the boundaries between the concept and meaning of intent, the standard of proof, and the concrete procedural proof required for the requisite intent. Following that, we shall evaluate the requirement of dolus eventualis in the context of the situation in Gaza. Even though the Gaza case has been increasingly regarded as a textbook case of genocide, it is still crucial to assess the facts on the ground through the lens of existing case law and scholarship. More concretely, the South Africa vs. Israel case at the ICJ with respect to genocidal intent shall be evaluated by taking due note of the Declarations of Intervention by the Governments. For instance, while Türkiye and Spain favour the interpretation of the dolus specialis, the holistic view adopted by the Court in Croatia vs. Serbia, Ireland construes the mental element of the crime of genocide as being satisfied where the perpetrator has acted deliberately in a manner designed to destroy the protected group. Furthermore, in Ireland's view, specific intent can also be inferred in any case where a reasonable person would have foreseen that the natural and probable consequence of the perpetrator's genocidal acts. The paper shall also discuss the necessity of such a change in the proof of genocidal intent in the context of Gaza, for as the most recent has aptly demonstrated by due consideration of direct and indirect evidence available to them the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, the situation in Gaza has already satisfied even the high bar set by the ICJ.



Prof. Dr. Akif Emre Öktem
Galatasaray University Türkiye

The ICJ Advisory Opinion of 22 October 2025 as the Ultimate Legal Ground for Autonomous Sanctions by Third States

In its Advisory Opinion on the "Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory The Court gives its Advisory Opinion" of 22 October 2025, the ICJ ruled that the State of Israel, as an occupying Power, is required to fulfil its obligations under international humanitarian law in order to "ensure that the population of the Occupied Palestinian Territory has the essential supplies of daily life, including food, water, clothing, bedding, shelter, fuel, medical supplies and services".

This opinion undoubtedly provides the legal basis for the implementation of autonomous and unilateral sanctions by individual states against the State of Israel. Although controversial, the possibility of imposing individual sanctions has its origins in the law of State responsibility, as set out in the Articles on the Responsibility of States for Internationally Wrongful Acts (ARSIWA, 2001) Article 48 of which stipulates that any State other than an injured State is entitled to invoke the responsibility of another State if the obligation breached is owed to the international community as a whole. In such case, any State entitled to invoke responsibility may claim from the responsible State the cessation of the internationally wrongful act, and assurances and guarantees of non-repetition as well as the performance of the obligation of reparation. Obligations owed to the international community as a whole are directly related to the concept of jus cogens, or peremptory norms of international law.

The obligations that Israel must fulfil under the Opinion mainly concern the right to life, on which all human rights logically depend and which is the prime example amongst the legal values comprised by concept of jus cogens. Consequently, third States are entitled to impose individual sanctions against Israel, even in violation of their treaty obligations, for example under trade treaties or private contracts. As long as they comply with the limits imposed by international law, these sanctions would in no way engage the responsibility of the State that imposed them, as they are legitimized by a higher norm of international law.

The ICJ Opinion requires Israel to fulfil its obligations to protect the right to life, which logically implies that this right is not being respected. Therefore, it definitively rules out any possible objection or controversy regarding the existence of a violation of peremptory norms of international law.



Dr. Marco Langobardo
University of Westminster, United Kingdom

The Duty to Prevent Genocide and Gaza: Which Responsibilities for Third States?

This paper examines the duty to prevent genocide in the context of the ongoing Israeli offensive in the Gaza Strip. Building on the International Court of Justice's 2007 interpretation of Article 1 of the 1948 Genocide Convention, which affirmed the existence of an autonomous obligation upon all States Parties to take all measures within their power to prevent genocide as soon as a serious risk emerges, the paper argues that such a risk has at least materialised in Gaza. It then analyses the scope and content of the duty to prevent genocide in light of relevant international judicial decisions, identifying the measures that states are required to undertake in fulfilment of this obligation. Finally, the paper addresses the question of state responsibility for failure to prevent genocide, with particular reference to the pending proceedings before the International Court of Justice in Nicaragua v. Germany.



Dr. Pilar Eirene de Prada
Francisco de Vitoria University, Spain

Universal Jurisdiction in Spain and the Palestine/Gaza Dossier: Retrenchment, Resistance, and Renewed Openings

This paper traces the legislative evolution of Spain's universal jurisdiction (UJ) and assesses its practical stakes for accountability in the Palestine/Gaza dossier. It reconstructs Spain's trajectory from expansive UJ to successive statutory restrictions that layered nexus thresholds—offender nationality, presence in Spain (residence or transit), limited victim nationality hooks, and a subsidiarity filter—transforming a once trailblazing jurisdiction into a markedly constrained one. It explains the drivers of reform—diplomatic pressure and foreign-policy risk management—and shows how these choices reshaped the scope in theory and practice of UJ in Spain.

Against this backdrop, the paper foregrounds Spanish civil society as a countervailing force: documenting violations, mobilizing victims and diasporas, testing the narrowed statute through strategic litigation, and advocating legislative change. It analyzes why national strategic litigation encounters structural headwinds—standing and presence hurdles, MLAT bottlenecks, deference to proceedings abroad, chronic under-funding, and fragmented coordination—and, conversely, maps opportunities that persist under domestic law and through multi-actor platforms designed to align legal, advocacy, and investigative strategies. Empirically, the paper revisits Spain-based proceedings linked to Palestine, including matters arising from the first Gaza Freedom Flotilla (Mavi Marmara), to distill lessons from decisions to close investigations and from the interplay among courts, prosecutors, and executive diplomacy. It then turns to the present: the wave of complaints related to ongoing hostilities in Gaza, cases closed or stayed under the revised framework, and the recent prosecutorial guidance calling for preliminary inquiries where jurisdictional connections exist. Particular attention is paid to evidentiary challenges (field access, chain of custody, witness protection, etc.) and to the role of on-the-ground alliances—with victims, local NGOs, and international investigators—in overcoming probative gaps.

Accordingly, the paper calls for a careful but decisive reopening of Spain's universal jurisdiction for genocide, crimes against humanity, and war crimes. Building on proposals from Juristas por Palestina, it urges two core reforms: introduce corporate criminal liability for international crimes in the Criminal Code and amend Article 23.4 of the Spanish Judiciary Act (LOPJ) to make UJ genuinely effective. These measures would restore Spain's capacity to act credibly at home—curbing impunity, helping prevent future crimes, and delivering for victims—so that Spain's UJ becomes a principled, relentless instrument of accountability: no safe haven, no immunity, no impunity.



Assc. Prof. Dr. Selman Dursun
Istanbul University, Türkiye

The Limits of the Superior Orders Defence in the Context of Acts Committed in Gaza from the Perspective of Domestic and International Criminal Law

This presentation examines the limits of the superior orders defense under domestic and international criminal law in relation to acts committed in Gaza. Although the defense of obeying orders appears in various legal systems, its doctrinal structure and admissibility thresholds differ significantly between national criminal law formulations and international criminal jurisprudence. In particular, the Nuremberg legacy, subsequently the ICTY/ICTR case-law, and finally the Rome Statute (Article 33) have consistently rejected superior orders as a ground for excluding criminal responsibility, especially where the unlawfulness of the order is manifest. This historical trajectory can also be conceptualized in doctrinal terms as a shift from absolute obedience to absolute responsibility, and ultimately to the contemporary conditional responsibility model. In this context, the allegations concerning international crimes such as genocide, crimes against humanity and war crimes arising from the recent military operations in Gaza provide a concrete and contemporary framework to test the application of this doctrine. This presentation argues that, both in international criminal law and in many domestic formulations, the decisive criterion is the manifest unlawfulness of the order and the real possibility of making a moral or legal choice by the subordinate.



Assc. Prof. Dr. Jinan Bastaki
New York University Abu Dhabi

The ICC vs Domestic Courts: Prospects for Palestine

After the atrocities in Bosnia and Herzegovina, the ICTY prosecuted individuals responsible for international crimes. Infamously, "only" the massacre in Srebrenica was considered to be a genocide, while the others were war crimes and crimes against humanity. Yet, several domestic cases in Germany in the 1990s established the existence of genocide in several towns in Bosnia and Herzegovina, and prosecuted the perpetrators on the basis on universal jurisdiction. The Palestine case, for purely political reasons, is considered more controversial. What prospects for justice exist at the ICC and in domestic jurisdictions? While exploring the legal legacy of Bosnia for Palestine, this paper will also incorporate geo-political considerations, and how these play a major role in any assessment



Prof. Dr. Berdal Aral
Istanbul Medeniyet University, Türkiye

The Verdict of the Gaza Court of Conscience on 26 October 2025 and its Relevance to the Palestinian Struggle for Liberation

The Gaza Court of Conscience, a civil-society tribunal established in 2025, issued a decisive moral and legal verdict that found Israel responsible for genocide, war crimes, and crimes against humanity against the Palestinian people. The judgment, delivered in Istanbul on 26 October 2025, represents a continuation of a long struggle for justice that has persisted since the 1947 partition of Palestine. Rooted in the principles of the Rome Statute and the Genocide Convention, the verdict places the atrocities in Gaza within the broader context of Zionist expansion, settler colonialism, and the failures of the international order to uphold its own norms. The Tribunal not only condemned the State of Israel but also underscored the complicity of third-party states, multinational corporations and some other non-state actors that sustain the machinery of occupation and violence. By demanding the restructuring of the international order, enforcing accountability on states and corporations, and reaffirming the inalienable rights of the Palestinian people—particularly the Right of Return—the Court has made a liberationist reading of international law. This article situates the 2025 Gaza Court verdict within the century-long historical and legal struggle of the Palestinian people, from the partition of 1947 and the wars of 1948-1949 and 1967 to the collapse of the Oslo process and the enduring crisis of international law. It argues that the Tribunal's moral judgment fills the vacuum left by the paralysis of official institutions and provides an alternative model of conscience-based justice in the face of ongoing colonial



Prof. Dr. Mutaz M. Qafisheh
Hebron University, Palestine

The International Law Foundations of the Gaza-Bound Global Flotillas

In light of the Israeli war of genocide on Gaza since 7 October 2023 and the recent attempts to break the blockade by the sea, more people are interested to learn about the legal aspects pertinent to such moves. This paper traces the law of the sea applicable to the Gaza Strip in light of the 2015 Palestine's accession to the United Nations Convention on the Law of the Sea (UNCLOS) and the declarations of Palestinian maritime zones and boundary demarcation offshore Gaza under the Convention in 2015 and 2019. In addition to UNCLOS, the paper looks at various related international law foundations, including human rights law, humanitarian law, international criminal law and the potential for the ICC jurisdiction, the responsibility to protect and third party obligations, particularly following the ICJ's advisory opinion on the illegality of Israeli occupation of the Palestinian territory of 19 July 2024. The paper attempts to answer certain questions that have been for long ignored within academic legal discourse that traditionally favors State powers over human rights when it comes to the law of the sea in the context of maritime belligerent occupation. The paper offers a point of departure relevant to the case of Gaza and beyond.



Atty. Ahmed Abofoul
International Lawyer

Civil Society Organisations and the ICC's Palestine Investigation: Contributions and Challenges

The International Criminal Court's (ICC) investigation into the Situation in the State of Palestine marks a defining moment in the pursuit of accountability for international crimes in contexts of protracted settler-colonial occupation and asymmetrical struggle. While the ICC's engagement has been shaped by complex questions of jurisdiction, politics, and legitimacy, civil society organisations (CSOs), particularly Palestinian CSOs, have played a decisive yet under-examined role in sustaining the Palestine investigation. This paper examines both the contributions and challenges of CSO engagement with the ICC, situating their involvement within broader debates on global justice and the localisation of international criminal law. Drawing on ICC filings, Article 15 communications, amicus curiae submissions, CSOs reports, and policy documents such as the Independent Expert Review, and the ICC's Guidelines for CSOs and Victims' Strategy, the paper argues that CSOs have functioned as indispensable intermediaries: documenting and verifying evidence, facilitating victim participation, shaping legal argumentation, and legitimising the Court's work in a politically contested environment. At the same time, their engagement exposes structural tensions in the ICC's relationship with affected communities. These include the criminalisation and imposition of sanctions against Palestinian human rights CSOs, asymmetries in resources and access between Global North and Global South actors, and the limited scope of ICC outreach and protection mechanisms. By analysing the Palestine investigation through the lens of civil society participation, the paper highlights both the promise and precarity of CSOs' involvement in international justice. It concludes that while CSOs have been vital in driving the ICC's Palestine investigation forward, the sustainability and integrity of their engagement depend on a more inclusive, transparent, and protective framework for civil society collaboration. The paper thus offers critical insights into the future of the ICC's relationship with CSOs and its capacity to deliver justice in deeply politicised contexts.



Assc. Prof. Dr. R. Murat Önok
Koç University, Türkiye

Personal immunity as a Potential obstacle to the Prosecution of Netanhayu before the ICC

Personal immunity applies to the person of certain state officials, including the Head of State and Prime Minister. Under customary international law it is well-settled that it applies before domestic courts of third states even in case of alleged international crimes. Whether it applies, as a matter of customary law, before international courts is debatable. The Rome Statute of the ICC (Art. 27) does not recognize immunities as a bar to its jurisdiction. However, when it comes to nationals of states non-parties to the Statute, such as Israel, the situation is more complex. Here, States parties to the Statute find themselves in a position to accomodate their international law obligations vis-à-vis a non-party state whose nationals are sought by the ICC, and the obligation to cooperate with the ICC arising from the Statute. This paper will focus in particular on the analysis of ICC's case-law and academic views in this regard.



Haydee Dijkstal
Barrister, United Kingdom

Attacks on Culture as Attacks on Identity, History, and Future: The Importance of Addressing Crimes against Cultural Heritage within the Scope of International Justice

With the first prosecutions of the war crime of destruction of cultural heritage before the International Criminal Court in the cases against Ahmad Al Faqi Al Mahdi and Ag Abdoul Aziz Al Hassan, it has been demonstrated that acts which destroy cultural heritage are amongst the crimes grave enough to be addressed by the Court. This presentation will discuss why it is critical that attacks on cultural heritage in Gaza are recognised as paramount to discussions of international justice, and must be considered under international criminal law. It will consider going efforts to monitor the destruction of cultural sites in Gaza, and how this evidence can be considered under international criminal law. This position is based on development of jurisprudence under international criminal law, particularly before the ICC, as well as international human rights law, which has determined that the harm caused by attacks on cultural heritage goes beyond the damage to physical buildings or objects, and must be understood as crimes against the individuals and communities who value the objects, and even against 'humankind.' This development in the law has recognised that these attacks directly impact the rights of those who value it – including rights to culture, religion, education, development, and self-determination. The presentation will draw from the Al Mahdi and Al Hassan proceedings before the International Criminal Court for the crime of destruction of cultural heritage in Mali, and how this case law intersects with jurisprudence from human rights mechanisms, such as the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights, which have considered cultural rights alongside fundamental rights. It will highlight how addressing this is central to achieving 'victim centered' justice which acknowledges the impact of the conflict on victims' culture, shared history and identity.



Prof. Dr. María Teresa Alemany Jordán
University of Valencia, Spain

Sexual Violence, Reproductive Health, and Crimes Against Humanity in the International Criminal Court's Investigation on Palestine

The investigation opened by the International Criminal Court (ICC) into the "Situation in the State of Palestine" addresses alleged war crimes and crimes against humanity committed by all parties to the conflicto since October 7, 2023. Among them, sexual and gender-based violence emerges as a dimension still insufficiently recognized, despite its repeated documentation by international mechanisms. Recent reports by the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory (established in 2021) conclude that Israeli forces may have used sexual violence, threats of rape, and forced nudity as instruments of humiliation and control over Palestinian women (2025 reports).

In addition, the Commission has also documented that "sexual and reproductive healthcare facilities have been systematically destroyed across Gaza, including maternity hospitals and maternity wards of hospitals, as well as Gaza's main in-vitro fertility clinic". It concludes that such acts, particularly the deliberate destruction of facilities providing reproductive and maternal healthcare, may amount to genocidal acts under Article II(d) of the 1948 Genocide Convention, insofar as they demonstrate an intent to prevent births within the Palestinian group.

Within the framework of the International Criminal Court (ICC) investigation on the Situation in the State of Palestine, these findings are of particular significance. They provide factual and legal grounds for the Office of the Prosecutor to examine whether the systematic targeting of reproductive health infrastructure —including the Al-Basma IVF Clinic and multiple maternity hospitals— constitutes not only war crimes under Article 8(2)(b)(xxv) of the Rome Statute, but also crimes against humanity (Article 7(1)(h)) or even acts of genocide (Article 6 (d)). Such destruction, combined with restrictions on medical access, reflects a gender-specific dimension of the conflict, where women's reproductive rights become a deliberate target of military policy, reinforcing the need for a gender-sensitive prosecutorial approach under the ICC's mandate, which is precisely what this communication seeks to achieve.



Dr. Estrella del Valle Calzada
University of Valencia, Spain

Financing Genocide: Corporate Power and International Crimes

This contribution examines the role of corporate entities in maintaining Israel's illegal occupation and its current genocide in Gaza. Drawing on observations of regulatory asymmetry in the attribution of obligations to companies in the international sphere and the impunity architecture created and sustained for corporate power, this contribution will argue that corporate collaboration with any aspect of the occupation constitutes violations of ius cogens norms and international crimes.

The International Court of Justice has ordered Israel to cease creating conditions that destroy lives and has recently reminded states of their international obligations to prevent the transfer of arms that could be used to violate international conventions. These judicial advances impose a prima facie responsibility on corporate entities not to collaborate and/or to withdraw totally and unconditionally from any associated dealings. Therefore, commercial activities that enable and profit from the destruction of innocent lives must cease. This proposal will therefore analyse the business sectors involved and their participation and complicity in the occupation and genocide. It will also attempt to provide a legal assessment and analyse the feasibility of actions to hold corporate actors and their representatives accountable.



Selman Aksünger
Maastricht University, Netherlands

Beyond Pillage: The Necessity of a New International Crime for Systematic Natural Resource Exploitation in Occupied Palestine

This paper argues that the Rome Statute's pillage provision is inadequate for addressing Israel's systematic exploitation of Palestinian natural resources. While pillage criminalizes appropriation of property for private use, this antiquated framework cannot capture industrial- scale, state-authorized resource extraction involving corporate actors. Drawing on ICC jurisprudence and the Palestinian context, this paper contends that international criminal law requires a new crime category to effectively address economic annexation through resource exploitation.



Assc. Prof. Dr. Joan-Marc Ferrando-Hernández
University Rovira Virgili, Spain

The Cultural Erasure of Gaza: The Missing Charges Before the ICC

It is well settled in International Law that attacks against cultural heritage are banned in times of war. Deliberate destruction of cultural property may amount to different international crimes depending on the circumstances at stake. Since the beginning of the war in Gaza, the Israeli Defense Forces (IDF) have targeted and destroyed hundreds of cultural properties across the Gaza Strip. So far, UNESCO confirmed the serious damage or destruction of at least 114 protected sites and properties since October 2023. According to UN bodies, the systematic nature of the cultural and religious erasure in Gaza constitutes war crimes and crimes against humanity. However, the ICC arrest warrants do not consider specific charges related to cultural property destruction. For this reason, the aim of this proposal is to analyse the possibilities of prosecuting Gaza's cultural heritage destruction at the ICC. To this end, we will firstly examine the protection of cultural property provided by international law. Secondly, we then turn to how the ICC has ruled in cases in which cultural property crimes were involved. In the last place, this proposal will suggest that the Office of the Prosecutor may bring new charges focusing on the cultural erasure in the Gaza war.

Notes


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