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**International law and Israel's terror regime in Gaza**

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While the world watches, one of the greatest crimes in history is taking place. Passivity, complicity and silence in the face of genocide have caused unimaginable suffering to the Palestinian people. No final reckoning or compensation for the Palestinian people in Gaza will ever be able to outweigh  the magnitude and gravity of Israel's horrific crimes.

Nevertheless, it is inevitable that there will be a final reckoning for those who have created a climate in which a member of the Israeli parliament felt emboldened to boast: “Everyone has become accustomed to the fact that you can kill 100 Gazans in one night... And no one in the world cares”. It is therefore high time to unequivocally establish that Israel has been terrorising the Palestinian people since its declaration of independence in 1948 and that the US and its Western allies, through their overwhelming support for Israel, have actively participated in that terror. They have continued to do so until now, for 76 years. To this very day.

As for the unrelenting stream of Israeli violence against the Palestinian people, which has been going on for many, many decades now, Israel also constantly directs its extra arrows at Palestinian armed countermeasures. This is done under the pretext that violent armed counterattacks by, for example, Palestinian resistance fighters, as is the case here, should be qualified as belonged  to a new legal category of terrorist crime, described as ‘**domestic** terrorism’.  And where does this newly created category of criminal law come from? It was first created by the US. However, it only applies to acts of terrorism in the US. It is not without reason that we are talking here about a legal category that relates solely to ‘**domestic** terrorism’. This means that this legislation only applies to **domestic** legal matters in the US.

But it is Israel  that has nevertheless usurped such legislation. However, this is not to curb **domestic** terrorism **in** Israel. Israel has hijacked such legislation from the US precisely to use it against the Palestinians. And this is especially against the Palestinians in the stolen Palestinian territories. In this way, Israel is trying not only to discredit the armed counteractions of Palestinian resistance fighters against the endless stream of war crimes and crimes against humanity committed by Israel. But even to punish the greatest conceivable terror.

But of course, new **national** legislation cannot simply be introduced by a state if it conflicts with international  law. After all, this has already endorsed and  enshrined  down by the states concerned!

With regard to this American national legislation on ‘**domestic** terrorism’, the Federal Bureau of Investigation in Washington defines its content as follows: ‘Violent, criminal acts committed by individuals and/or groups [regimes] to achieve ideological  goals arising from **domestic** influences of a political, religious, social, racial or environmental nature.’

However, this American legislation is not the only ground on which the Palestinians and Palestine cannot be judged  as terrorists by Israel  and the US. For above all, the following applies here, of course! The image that Israel, repeatedly and unjustly, presents to all people on earth is that armed resistance by Palestinian fighters against Israel  can ipso facto only be classified as ‘terrorism’. However, this  is nothing less than a blatant lie.

For itabove all, the following  growth of **international** law that, repeatedly and unjustly, presents to all peoples on earth that armed resistance by Palestinian fighters against Israel can ipso facto only be classified as ‘terrorism’.

But let us first return to the atrocities to which the Palestinians have been subjected by Israel for a lifetime. For example, the mainstream media throughout the Western world have uncritically accepted that the government labels armed Palestinian resistance to the Israeli occupation as ‘terrorism’ and national liberation groups such as the Islamic Resistance Movement (Hamas) as terrorist organisations.

By equating Palestinian resistance with terrorism, the Western mainstream media and politicians have paved the way for the authorities to use the accusation of ‘supporting terrorism’ to suppress dissenting opinions and arrest pro-Palestinian demonstrators.

Academics and activists -such as Columbia student Mahmoud Khalil, who was held for more than two months without trial in a detention centre in Louisiana, -have been arrested on the grounds that they pose a threat to US foreign policy and security. In reality, Khalil's ‘crime’ was that he stood up for the truth and for Palestine.

With some basic research, the Western mainstream media and politicians could have quickly discovered that armed resistance to the occupation of the Palestinian territories is entirely consistent with international law. It is also firmly established in international law. The Fourth Geneva Convention of 1949 and the First Additional Protocol explicitly confirm the legitimate right of the occupied population to resist occupation as part of the right to self-determination. Resistance includes armed struggle in situations of colonial domination, foreign occupation and against racist regimes. The 1977 Additional Protocols to the Convention also give legal legitimacy to the ‘use of arms by national liberation movements’.

Furthermore, these Western media and politicians would have discovered that the UN General Assembly has adopted numerous resolutions recognising the legitimacy of armed resistance as a means for oppressed peoples to achieve self-determination and independence.

Israel is a colonial, foreign and racist regime that has brutally oppressed the Palestinian people for eight decades, and resistance to it is, quite simply, justified under international law.

The Palestinian uprising could also have been understood differently if the media had presented similar cases, such as the Warsaw Ghetto Uprising in 1943 – a historic act of Jewish resistance against the Nazi occupiers during the Second World War. Today, it would be difficult to find anyone who questions the justice or legitimacy of that uprising, as is the case with the uprising of 7 October.

During the Nazi occupation of Poland in 1939, for example, the German authorities began concentrating an estimated three million Jews in Poland in a number of overcrowded ghettos in cities across the country. In the sealed-off Warsaw ghetto, approximately 350,000 people were housed in a densely populated area of three kilometres within the city.

Jews who had not died from disease, starvation or deportation to extermination camps fought back against Nazi Germany's final attempt to transport them to the extermination camps. Although they realised that victory and survival were unlikely, they refused to surrender. After 29 days of fighting, 13,000 Jews from Warsaw and 17 German soldiers were killed. After the Nazi occupiers had destroyed the entire ghetto, their final act was to blow up the historic Warsaw Synagogue, built in 1878.

The Jewish fighters knew very well what the outcome of their resistance would be. However, they chose to determine how they would die: in Treblinka or in resistance.

After years of humiliation, Palestinian resistance fighters also chose to escape from the inhumane ghetto where they had been held hostage for 58 years. Although they too knew they were facing a powerful, cruel army, they chose a ‘uprising in the Gaza ghetto’ rather than endless oppressive confinement.

Now that Israel is coming closer every day to achieving its long-cherished goal of killing as many Palestinians as the so-called ‘civilised world’ allows, it is crucial to emphasise that, under international law, peoples under colonial or foreign occupation have the legitimate right to fight for their freedom and sovereignty through armed resistance.

If the October uprising had been immediately placed within the framework of international law, perceptions might have been different and the violence of the past 19 months might not have occurred. Most importantly, 68,000 Palestinians would not have been slaughtered and ancient Gaza would not now be an ecologically devastated wasteland.

It is essential to recognise that Palestine is one of the few countries in the world that is still under direct military occupation and colonial rule. Under the auspices of the newly established United Nations, Great Britain officially transferred its colonial mandate in Palestine to the regime in Tel Aviv in 1948. Since then, Israel has never renounced its plan to conquer and control all of historic Palestine and to expel and exterminate the indigenous population by force.

In addition, attention must be paid to the opinion of the International Court of Justice (ICJ) of 19 July 2024, which states that Israel is illegally occupying the Palestinian territories (the West Bank, East Jerusalem and Gaza) and has no sovereignty over these territories. The Court also ordered Israel to end the occupation, to cease the construction of new settlements, to evacuate existing settlements and to provide full compensation to Palestinian victims, and reaffirmed the right of the Palestinians to self-determination.

However, Israel has only escalated its violence since the International Court of Justice's ruling and after the UN General Assembly adopted a resolution by an overwhelming majority to implement the Court's advisory opinion.

In resolution ES-10/24, the General Assembly demanded that Israel, within twelve months of the adoption of the resolution (18 September 2024), end its illegal presence in the occupied Palestinian territories without delay and comply with its obligations under international law.

International law is unmistakably on the side of Palestine. Nevertheless, legal provisions have not prevented Israel from assassinating Palestinian resistance leaders and dropping thousand-pound bombs on non-combatants to kill one man.

Resistance is the right of the oppressed. Mahmoud Kahlil had that right, and the Palestinians who were, are and will be, eloquently expressed in a letter to his newborn son:

‘The struggle for the liberation of Palestine is not a burden, but a duty and an honour that we bear with pride. So at every turning point in my life, you will see that I choose Palestine. The tyrants want us to submit. But we are free and we will remain free.’

Finally, let me reiterate the following. Rules of international law and international humanitarian law, once accepted by the broad international community, cannot simply be discarded by national legislative bodies. Not even if it suits the political interests of national states that have committed themselves to these rules. Many rules of international and international humanitarian law, as well as entire legal structures, also have a distinct status of ‘ius cogens’ – that is, a status of ‘mandatory law’ to which states are bound, even if they have never expressly agreed to it.

Or even have the even more far-reaching status of ‘erga omnes’, which stands for ‘towards all’ – which means that, regardless of what individual states may or may not wish, in a particular area of law of major international importance, all states in the world that are members of the United Nations are unconditionally obliged, whether they wish to or not, to in all cases endeavour to achieve a specific objective of major importance under international law.

Such an ‘erga omnes’ declaration is, to date, a very rare occurrence. Nevertheless, precisely in relation to the Palestinian question, in the case of the Israeli Wall on Palestinian territory, such an ‘erga omnes’ declaration was issued by the International Court of Justice (ICJ). Namely, the ruling that all states of the United Nations must undertake to make every effort to grant the Palestinian people full independence as soon as possible.

Nevertheless, it is primarily the State of the Netherlands which, to date – despite the erga omnes declaration of the International Court of Justice (ICJ), which was pronounced here in the Netherlands, as the host country – completely disregards this ruling. In doing so, it also blocks Palestinian independence as much as possible.

The behaviour of the Dutch State in this matter, which is of the utmost importance in terms of international law, as expressed in the ruling of the International Court of Justice (ICJ) regarding the Wall, is politically reprehensible beyond words. The State of the Netherlands is well versed in making a good impression with the Peace Palace in The Hague! But the decay of international law, and especially of international humanitarian law – all on behalf of the US and Israel – is now also causing a total breakdown of the international legal order in this country, which the political mafia in The Hague couldn't care less about. Recent history shows this.