

# THE WAR ON PALESTINE AND THE DECLINE OF DEMOCRACY AND THE RULE OF LAW



*This report maps how Western support for Israel's war on Palestine intersects with the erosion of international law and democratic safeguards in the context of the technology-enabled surveillance era.*

*Through an analysis of legal cases and official complaints from October 2023 to December 2025, it informs policy change, media coverage, public interest litigation and civil society strategies that are concerned with protecting democracy and the rule of law.*

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## SYNOPSIS

The Report evidences how erosion of core democratic and international law safeguards has accelerated since the start of the war on Gaza in October 2023 and how they might still be restored.

It weaves together legal actions and credible investigations that highlight governance failures that need to be addressed as part of a single ecosystem. The Report focuses on the US, UK, Germany and the EU because special responsibility falls upon them as Israel's key arms, trade and diplomatic partners.

Instead of fulfilling their legal duties under two 2024 International Court of Justice Opinions that triggered their obligations to prevent genocide in Gaza and reminded them of their responsibility to bring Israel's unlawful occupation of the Palestinian territories to an end, they have intensified trade and diplomatic support to Israel while refraining from imposing effective sanctions that would prevent genocide and help end occupation. They have provided military support based on risk assessments that seem to rubber stamp political decisions rather than inform them and have attacked or undermined international institutions that are seeking the application of international law.

These external policies have been accompanied by a contraction of democratic safeguards domestically. Litigation in the US, UK and Germany reveals patterns of discrimination, suppression of speech and protest, and the use of counterterrorism and immigration powers beyond their proper scope. Companies operating within these jurisdictions have engaged in unlawful trade with settlements and the Israeli military; technology firms have run high-risk surveillance systems linked both to alleged violations in Palestine and to weakened privacy protections at home; major universities and media organisations have adopted standards that marginalise international law and human rights; and corporate influence has constrained governments' capacity to act in the public interest.

The cases show both the limits of litigation as a tool of systemic change and its essential role in exposing accountability gaps and democratic risk. It offers practical recommendations for policymakers, media organisations, lawyers and civil society aimed at restoring the primacy of human rights and the rule of law - conditions necessary for democratic resilience and the functioning of a collaborative international order.

## EXECUTIVE SUMMARY

The Report finds that democratic erosion in the US, UK and Germany has accelerated over the past two years, with the Gaza war acting as a magnifier. Drawing on legal cases and credible investigations across multiple sectors that impact democracy, it traces the links between disregard for international law and the decline of civil rights and identifies pathways to restore them.

The starting point is the persistent refusal of Israel's principal allies to align policy with international law. In **January 2024** the **International Court of Justice (ICJ)** found a plausible risk of genocide in Gaza, triggering duties on Israel and third states to prevent it. In July 2024 the Court reaffirmed that Israel's decades-long occupation of Palestinian

Territories is unlawful, confirming obligations on Israel and all UN member states to end it. In November 2024 the **International Criminal Court (ICC)** issued arrest warrants for Israel's Prime Minister and former Defence Minister for alleged war crimes, putting states on further notice that credible evidence exists that should impact national arms licensing assessments, and requiring Rome Statute members to execute the arrests.

Rather than adjusting policy to comply with these rulings, Israel's key allies responded by sanctioning or threatening ICC judges, UN officials and institutions; maintaining or expanding trade and military cooperation with Israel; continuing arms transfers; and refusing to deploy effective sanctions to end occupation or prevent atrocities. The result was impunity that led Israel to escalate the scale and nature of its war crimes, the undermining of the global rules-based order, and the erosion of democratic rights at home.

In response, civil society pursued legal avenues. The courts treated arms exports licences as outside their remit, yet the cases exposed deficient risk assessments and pressured governments in Germany, the Netherlands and the UK to suspend new licences. Undeterred, the US expanded its exports despite this being in breach of national regulations. Hundreds of criminal complaints were also filed nationally and at the ICC against Israeli soldiers and some senior political figures such as a complaint at the ICC against the president of the EU Commission and a case brought by Nicaragua against Germany at the ICJ. These cases have not yet resulted in substantive trials but are exposing the facts and disrupting the sense of impunity.

In the US, UK and Germany, domestic repression has intensified as evidenced in cases involving restrictions on speech and protest, discrimination, dismissals, arrests, deportation attempts, misuse of counter-terror powers and defunding threats that chill expression. Courts have largely upheld civil liberties, yet governments have not adjusted policy accordingly. Because democracy depends on a rule of law grounded in fundamental rights, this continued disregard for legal standards at both national and international levels is itself a threat to democracy and to a functioning world order.

An EU Parliament inquiry found that commercial spyware, primarily supplied by Israeli companies and some of which is capable of zero-click infection, is endemic and widely deployed against journalists and politicians. The cases highlighted in the Report trace another source of surveillance that affects all citizens through everyday technologies: For many years, abuses of data protection and privacy rights were challenged mainly through private litigation, without resulting in stricter regulation. Instead, governments have awarded public service contracts to such companies, giving them access to nationwide data. This has created an infrastructure for state and corporate surveillance that comes before adequate civil rights safeguards are put in place. The absence of ethical constraints on such companies is evident from their provision of technologies to Israel that have facilitated occupation and scaled up war crimes. Comparable tools are now used for policing and migration enforcement in Europe and the US, including by ICE against migrants and citizens without sufficient due process. Current legal challenges include an Irish data protection complaint against Microsoft alleging that EU hosted cloud data was used for Israeli military surveillance.

Universities shape understanding of legal and political events, a role that is all the more important when democracy and human rights are under threat. Comparing jurisdictions, the Report finds that universities in the Netherlands, Belgium, Ireland, Spain and Norway centred

human rights and international law in risk assessments, leading them to suspend collaborations with Israeli institutions. By contrast, leading UK universities invoked “neutrality” as if separable from legal obligations. The universities cleared through trespass laws the encampments but failed in legal proceedings that upheld freedom of expression of students and faculty and have been put on legal notice of potential complicity in war crimes.

In the US, student opposition resulted in mass arrests, suspensions and deportation threats despite a ruling affirming equal free-speech protections for non-citizens. While universities cooperated with government policy on Israel/Palestine, federal authorities nonetheless escalated demands for sweeping administrative and curricular changes that constrain academic freedoms on other issues under threat of defunding and heavy fines. Some institutions, such as Columbia, accepted the terms, whereas others, such as Harvard and UCLA faculty, successfully challenged them in court.

An analysis of the decline of democracy and its links to Israel/Palestine is not complete without an examination of the media landscape. Large scale studies and whistleblower accounts describe systematic marginalisation of Palestinian voices and avoidance of legally salient terms such as “occupation” and “genocide” even after the ICJ 2024 Opinions. By equating neutrality with presenting two opinions rather than grounding reporting in law and evidence, media organisations have obscured obligations and reduced accountability. Furthermore, investigations have shown that digital media platforms and AI are being manipulated in terms of what content is suppressed and which enhanced, as well as by the creation of websites and bots dedicated to influencing algorithms and opinions.

The capture of policymaking by tech and other corporations increasingly constrain politicians’ capacity to safeguard democracy and the rule of law. This denies voters meaningful policy reforms even when governments change, as corporations become too big to fail, leverage their economic weight and role in public services to shape whether and how they are regulated, and entrench their influence through political finance, revolving doors, and other material inducements offered during and after public office.

Democracy needs to be safeguarded by ensuring the supremacy of national and international laws grounded in human rights and in checks and balances on power. Influential institutions such as universities, the media and parliament must anchor their neutrality and policies in human rights and the position at law, not sideline them. Instead of finding themselves at the wrong side of legal and civil society actions, they should join ranks to realign domestic and foreign policies with the position at law, seeking to halt arms transfers and trade that risk facilitating atrocities and impose sanctions that ensure compliance with obligations, regulate surveillance technologies and digital platforms, curb corporate capture of politics, and protect protest and speech.

## AIMS, CONTEXT & METHOD

The Report evidences how core democratic and international law safeguards have been weakened, with this accelerating since the start of the war on Gaza in October 2023, and how they might still be restored.

By examining case studies across jurisdictions in the US, UK, EU, and at international courts, and highlighting both shared patterns and meaningful divergences in government policies towards international and national laws, the report demonstrates that the erosions of the rule of law and democratic safeguards domestically and globally are linked and are not confined to a single national context but reflect a broader, systemic trend across the “democratic West”.

The Report focuses on the two years since the start of the Gaza war in **October 2023**. The war followed the Hamas attacks of 7 October 2023 that claimed the lives of an estimated 1,200 Israelis (859 civilians and 341 security personnel). Hamas and allied groups also took 251 hostages, with 168 of them released alive. A public enquiry into the full circumstances of the attacks, including claims of casualties through friendly fire, has been demanded in Israel but has not yet been held by its government. The tally of Israel’s war on Gaza keeps rising. In the two-year period covered by the Report, official and unofficial estimates provide a median figure of around 100,000 Gazans killed, over 70% of Gaza’s structures damaged, and 90% of its population displaced multiple times. The civilian population was left without the necessary conditions to sustain life – living in unsanitary conditions, with little access to food and water, without adequate shelter, with very limited access to medical facilities, and with much of its educational establishments destroyed. In addition, some 10,000 Palestinians are held prisoners in Israeli jails. A ceasefire agreed in **October 2025** did not result in Israel ceasing attacks on Gaza or allowing adequate aid to come in. The continuing pressures, as well as a US-led reconstruction plans that creates a resort and high-tech hub with Gazans confined and isolated into several little pockets within the strip, could force the population to be further internally displaced or leave Gaza against their will.

The report adopts an evidence-based approach that relies on legal proceedings and credible investigations with a focus on cases against states, corporations and individuals that have implications for human rights and democratic freedoms. The centring of legal actions helps shape policy decisions and media coverage by:

- 1) Establishing facts and obligations rather than relying on opinions and politicised narratives.
- 2) Underscoring the interconnectedness between rights-based national and international systems.
- 3) Providing insights as to whether the regulatory and legal systems as they stand have the necessary resilience to protect democratic freedoms and human rights.
- 4) Evidencing the rise of state and corporate surveillance, the harm they have already caused, and the risks they continue to present to democracy and human rights.
- 5) Emphasising the role of universities and comparing the different standards and approaches they have adopted across different jurisdictions while examining the implications of each of these approaches for democracy and international law.
- 6) Highlighting the importance of the media and whether its claims to non-biased reporting are possible if it is ignoring the position at law.
- 7) Highlighting the importance and limitations of public interest litigation and recommending further actions from lawyers, policy and decision makers, and the media.

The Report’s focus on legal cases means that most of the concerns it raises are already in the public sphere. However, the issues are often put in silos. The Report shows how they

are part of the same ecosystem of governance failures and require addressing simultaneously. It provides the broad perspective and detailed rights-based analysis necessary to inform urgently needed change of policy by decision makers, public interest litigation by lawyers, civil society strategies, and responsible reporting by the media.

## OVERVIEW

The Report tracks the accelerating erosion of democracy over the last two years in the US, UK, Germany and the EU, with the war on Gaza magnifying this process. By tracing legal proceedings and credible investigations that span a whole ecosystem of issues impacting democracy, it provides a detailed map of how the rule of law premised on fundamental rights and democratic safeguards has been significantly eroded and how it could be rebuilt with the help of policymakers, the media, and public interest litigators.

The starting point is the long-standing disregard for the position under international law in relation to Israel/Palestine by Israel's principal allies and corporations, universities and many media organisations within their jurisdictions.

In **January 2024**, the ICJ found, in a case brought by South Africa against Israel, a plausible risk of genocide in Gaza that triggered an obligation on it and its allies to prevent genocide and preserve the evidence. The strength of evidence of serious war crimes being committed by Israel in Gaza was confirmed when the ICC issued arrest warrants in **November 2024** against Israel's Prime Minister Benjamin Netanyahu and ex Defence Minister Yoav Gallant. In a separate case referred to the ICJ by the UN General Assembly, the court confirmed in **July 2024** that Israel's decades-long occupation of the Palestinian Territories is unlawful and should be ended by Israel and all members of the United Nations. This legal position reflects long established UN resolutions and comes ten years after an ICJ Opinion that had already asserted a similar position in the context of Israel's separation wall and related occupation systems.

Furthermore, the ICJ's **2004 Wall Opinion** and its **2024 Advisory Opinion on the Occupied Palestinian Territory** both held that Israel's policies violate Palestinians' right to self-determination and multiple human rights treaties, including the **International Convention on the Elimination of All Forms of Racial Discrimination (CERD)**. In **2024**, the Court specifically found that Israel's legislation and measures breach **Article 3 of CERD**, which prohibits **racial segregation and apartheid**. UN experts and major human rights organisations have drawn on these findings to argue that the elements identified by the Court satisfy the legal definition of apartheid, in particular prolonged domination, segregation, and systematic discrimination coupled with denial of self-determination.

The report documents how Israel's key allies responded not by adjusting policy, but by attacking or undermining international institutions that are essential for maintaining the global rules-based order. This includes not adhering to their obligations under international law, sanctioning, threatening or undermining ICC judges and UN officials and institutions, maintaining or increasing trade and cooperation with Israel, continuing to arm and provide military support for its occupation and plausible genocide, and not exerting any effective pressure such as sanctions that target ending occupation. In **2024**, EU-Israel trade reached €42.6 billion, the US provided more than \$21 billion in military aid, and the UK maintained

trade and military partnerships. The outcome is that the rules-based order that is essential to both peace and the rights framework of democracy is stressed to its limits.

Instead of assuming their obligations under international law in full, Israel's allies have sought to confine their responses to partial and symbolic sanctions on certain settlements or a few individual settlers. This framing obscures the legal reality that Israel, as the occupying power, bears responsibility for the settlement enterprise as a matter of state policy and practice.

When engaging with peace initiatives and international diplomacy, Israel's allies have ignored the lawful baseline confirmed by the ICJ: ending the occupation and ensuring Palestinian self-determination. Instead, the US and EU have persisted with political frameworks that demand concessions from Palestinians while shielding Israel from consequences and from paying for the devastation it has caused. This is even as Israel formally rejects Palestinian statehood, expands settlements, and passes annexation laws.

As a result of the impunity and assistance extended to Israel by its allies, Israel has escalated its attacks on Gaza and its occupation of Palestinian Territories. Civil society stepped in in place of governments to seek accountability as best it can. Legal challenges to arms exports and military cooperation in the US, UK, Germany, the Netherlands largely resulted in national courts being reluctant to interfere in what they considered to be political decisions for government. However, the cases have nonetheless put pressure on governments to freeze new licences and exposed risk assessments that seem geared to rubber stamp political decisions rather than guide them. Such failings are not merely procedural, they sideline the safeguards for legality and accountability that democracy mandates whether in relation to Israel/Palestine or beyond. The ICJ case brought by Nicaragua against Germany and the ICC investigations remain in process.

Civil society organisations have also instigated hundreds of legal proceedings or evidence filings against individuals, seeking accountability for war crimes or complicity in various national jurisdictions and with the ICC. Most of the cases are still in process and include filings against Israeli soldiers during their travels abroad or who are dual nationals and against leaders such as the EU Commission President Ursula Von Der Leyen, the Prime Minister of Italy Silvia Melone and the Prime Minister of Australia Anthony Albanese. Pending outcomes, the legal actions have so far resulted in changes to travel plans for those accused where risk of arrest arises, and they offer the potential for accountability where there would have otherwise been complete impunity.

Other lawsuits document internal repression across the US, UK and Germany relating to legitimate protest, academic speech and freedom of expression regarding Palestine/Israel. Governments and institutions have resorted to dismissals, shutting down events, attacking **boycotts divestments and sanctions (BDS)**, arresting journalists and activists, extending the use of counterterrorism and immigration powers, and defunding threats. Unlike the situation regarding arms licensing, the courts have largely stepped in to protect civil rights. While their rulings eventually vindicated individual plaintiffs, they did not lead to systemic corrections that bring government policy in line with national laws and court judgments.

For example, in Germany, a labour court held that footballer Anwar El Ghazi's pro-Palestine speech was lawful political expression and ordered compensation and reinstatement.

Administrative courts also overturned bans on pro-Palestinian slogans, ruling that chants such as “From the river to the sea, Palestine will be free” are not *per se* unlawful and must be assessed in context. Courts further ruled that the Schengen-wide entry ban imposed on British-Palestinian surgeon Ghassan Abu Sittah was unlawful and that restrictions on his political activity breached freedom of expression. A Berlin court also ruled that the police shutdown of the 2024 Palestine Congress was unlawful and disproportionate. Cultural institutions have cancelled prominent artists, writers and architects, including Jewish ones among them, for defending Palestinian rights or criticising Israel.

In the UK, courts and tribunals have similarly reaffirmed lawful political speech. For example, the cancellation and planned deportation of Palestinian law student Dana Abu Qamar was found to be disproportionate, interferes with freedom of expression, and that her statements could not reasonably be interpreted as support for terrorism. The Old Bailey ruled that counterterrorism search warrants used against journalist Asa Winstanley were unlawfully issued and ordered the return of seized materials. Employment proceedings by Professor David Miller against the University of Bristol confirmed that criticism of Israel and Zionism fall within protected political speech, and a private prosecution against him re-affirmed that.

In the US, federal courts have repeatedly restricted anti-BDS legislation. They have granted injunctions against state laws requiring contractors to certify that they do not boycott Israel, finding such measures likely violate First Amendment protections by penalising or compelling political expression. There are several ongoing lawsuits brought by workers, academics and students - including cases against Google, Microsoft, Cisco and UCLA - challenging discrimination, dismissals and conditions imposed on protests linked to Israeli military and surveillance programmes. Pro-Israel organisations have boasted of surveillance and doxing of individuals for life for expressing permitted views so that such speech is chilled. The report traces how this repressive template has then been extended to other criticisms of government policies or actions in the US, with “un-American” or “Antifa” labels used to justify surveillance and sanctions beyond the Palestinian context.

The vindication that court rulings offer are limited to individuals who can afford to litigate, with the judgments coming long after the event. Instead of realigning policies with the position at law, US, UK and German governments continue to act undemocratically by sidelining the law and civil rights. Certain governments are also seeking to skirt around civil rights by changing the laws in ways that undermine rather than reinforce them.

This has been the case for example in the US where the federal government has concentrated more powers in its hands, especially by presidential decree or through the application of laws in ways that are being challenged as unconstitutional or lacking due process. In the UK, the government has extended policing powers in ways that restrict protest, have increased tech surveillance without adequate checks, has used the terrorism act to arrest peaceful activists before releasing them without charge, and has proscribed a pro-Palestine direct action group while jury trials had acquitted them.

State regulatory protections for human rights have also failed by allowing a permissive environment in which certain companies undertake commercial activities that support Israeli settlement activity, military operations, and surveillance practices that are contrary to national and international laws. Once again, civil society has stepped in to fill the absence of regulatory enforcement. The Report highlights litigation and complaints targeting arms

manufacturers, technology firms, digital platforms, and consumer-facing companies using legal frameworks such as corporate due-diligence laws, supply-chain legislation, and universal jurisdiction.

Western democratic governments have also allowed, through years of lax regulation of technology companies, the development and deployment of a global surveillance architecture aimed at ordinary citizens. Gaza and the occupied Palestinian Territories show how the technologies that we use in daily life can turn us into targets in a clear warning of how corporate and state surveillance, even if initially introduced for reasons of trade or efficiency, can become tools of repression. Democracy does not rely on trust in government for its survival, it depends on the existence of checks and balances that protect fundamental rights. Adequate protections are yet to be introduced to regulate surveillance.

Credible media and NGO investigations cited in the report show that everyday consumer services – cloud computing, photo apps, social media, geolocation and messaging platforms – have been repurposed into predictive kill lists, automated targeting systems and occupation technologies in ways that contravene international humanitarian and human rights law. They are provided by companies including Google, Amazon, Microsoft and Palantir that are given access to nationwide data to power predictive policing, immigration enforcement and public services across Western democracies. Despite the threats, the US is eliminating regulations for tech companies and pressurising other countries to do the same.

Once more, civil society has stepped in where governments have failed to act. In Ireland, formal complaints have been lodged with the Data Protection Commission against Microsoft, alleging that its Azure cloud services hosted in EU data centres were used to process vast quantities of personal data for Israeli military surveillance. The complaints argue that this processing lacked a lawful basis under EU data protection law and facilitated grave violations of human rights, potentially including war crimes.

In the US, immigration and law enforcement agencies such as ICE are deploying similar surveillance technologies to ones used by Israel against Palestinians with the help of some of the same companies such as Palantir. These systems use biometric databases, facial recognition, mass data aggregation and predictive profiling systems designed to monitor, categorise and control an entire population. They can be tuned to include more or fewer people by adjusting certain parameters, allowing numerical targets to be met even if predictions or evidence become less precise.

Biometric and possibly other types of surveillance systems are being adopted in the UK with little transparency, and in the EU for migration control. Broader applications are a significant possibility. The implications for citizens have so far been different in the US, UK and EU due to variability in regulations and political contexts. Nonetheless, the cases in the Report indicate a similar playbook used across these countries with attacks on freedom of speech and peaceful protests, surveillance without sufficient democratic safeguards, and misuse of migration and terrorism laws.

Furthermore, the EU Parliament's **Pegasus and Equivalent Surveillance Spyware (PEGA)** enquiry confirmed that Israeli private spyware has been prolifically used against EU citizens and politicians, including the French and Spanish Prime Ministers as well as by certain European politicians against their foes. The Spanish investigation had to be closed after non-

cooperation by Israel. A similar picture emerges in the UK and US with this coming to light after court private court cases were brought against the spyware companies.

Policymakers concerned about protecting democratic need to ensure that safeguards are in place, rather than the current situation of individual litigants being left to assert rights on a piecemeal basis. Their ability to protect citizens and maintain digital sovereignty is increasingly constrained by corporate capture of politics at several levels. The Report provides examples of political funding rules in the US and UK that are creating conflicts of interest across party lines, weakening electoral accountability and making elections alone an inadequate mechanism for policy change. At the same time, economic concentration has handed outsized power to a small number of corporations whose resources rival or exceed those of many states, rendering them “too big to fail” and handing them disproportionate say over how they are regulated, if at all. Finally, governments’ growing reliance on private providers for core public functions - from policing and border control to defence, health services and public administration - has tightly entangled state and citizen welfare with corporations, narrowing the scope of exiting these arrangements or exercising sufficient influence over them. Therefore, reforms are also required to preserve these systemic threats to democracy.

The Report shows how universities are part of the battle ground for preserving a rule of law premised on human rights at home and abroad. It compares institutional responses across jurisdictions that reveal a sharp ethical divide. On one end of the spectrum are universities in the Netherlands, Belgium, Ireland, Spain and Norway that have carried out risk assessments that centre respect for human rights and international law and that led them to freeze collaborations with Israeli universities, sometimes despite the EU Commission making it difficult to do so for Horizon Europe projects.

A different approach was adopted by UK universities, claiming “neutrality”, even though it is not clear how this could override rather than be subject to human rights and international law. They had come under pressure from their students to conduct ethical investments with students setting up encampments to protest the war on Gaza. The universities applied to the courts to clear the encampments on grounds of trespass, which the courts granted on the basis that alternative avenues of protest were available. The International Centre of Justice for Palestinians sent legal letters to 82 universities warning that investments linked to arms manufacturers and settlement activity could expose trustees and officers to criminal liability for aiding and abetting war crimes, crimes against humanity or genocide.

Several universities initiated investment reviews and policy clarifications, distancing themselves from unethical investments more broadly. The **London School of Economics (LSE)** is one of the universities that asserted their position of “neutrality”, with its Council describing human rights and international law investment screens as “subjective” and of “de minimis effect” (negligible effect). LSE was also involved in one of the most high profile clashes between universities and students. Seven LSE students faced bans from campus facilities and disciplinary proceedings after a peaceful divestment protest targeting the university’s investments linked to Israeli military operations, settlements and fossil fuels. Following a pre action legal letter alleging violations of their rights to free expression and assembly and interventions from a UN Special Rapporteur and a UK MP, LSE lifted the sanctions and dropped the disciplinary cases while refusing divestment.

US universities are in a similar position to UK universities in not using human rights and international law as investment screens, and being generally favourable to ties with Israel. The war on Gaza started a student protest movement with student encampments at more than 100 campuses across the US. Many were violently dismantled by police with over 3,200 arrests in spring 2024, and there were thousands of suspensions and disciplinary actions by universities against their students and some faculty.

An analysis of the cases shows that US universities accepted settlements focused on alleged antisemitism without admission of liability or even clarification of the underlying facts. This is while largely ignoring repression of pro-Palestinian speech and fighting ongoing legal challenges from pro-Palestine students and faculty. For example, UCLA and Los Angeles police are facing lawsuits that claim that the university failed to protect peaceful pro-Palestinian encampments from violent counter-protesters, then cleared the encampments through mass arrests and the use of excessive force and sweeping arrests. UC Faculty have also brought unfair labour practice claims, alleging that arrests, discipline and surveillance amounted to unlawful, restrictions on protected speech.

The federal government has used immigration powers to seek to arrest and deport foreign students that hold pro-Palestinian views. This is ongoing despite a landmark federal ruling in a case brought by the American Association of University Professors and the Knight First Amendment Institute, in which a US district court held that arresting, detaining or deporting non-citizen students and academics for pro-Palestinian advocacy violates the First Amendment. The court affirmed that non-citizens enjoy the same core free-speech protections as citizens, rejecting the use of immigration law and “national security” claims to punish lawful political expression.

Despite the settlements that universities have reached with the US government and with litigants regarding alleged antisemitism, federal government escalated its attacks on universities to an existential level by cutting off their funding and imposing crippling payments on them, and expanding its demands to include wider reaching changes in content and administration that constrain academic freedoms. Some universities such as Columbia accepted government terms. Others such as Harvard university and UCLA faculty challenged the government in court and were able to restore funding without accepting the terms.

Universities face the choice between upholding values in favour of international law and civil rights or aligning themselves with undue political pressure that is targeting legitimate opposition to government policies. This Report calls for universities to adopt similar standards and a unified front that reflect the highest standards of transparency, accountability, and respect for international law and human rights. This will allow them to show that they are part of a consensus position that anchors institutional actions in legal principles and risk-based assessments, providing clear and transparent justifications for their decisions. It will better meet the moral clarity and leadership that their role in society demands and that their students and faculty have a right to expect.

Media outlets and digital platforms play an important role in shaping the environment in which government policy is perceived. The investigations surveyed in this report show that much of mainstream print, broadcast, and digital media coverage has impaired public understanding, reduced scrutiny of state conduct, and weakened democratic accountability at a moment of exceptional legal and political gravity.

Glasgow University’s Centre for Media Monitoring reviewed more than 200,000 items and found consistent bias across major outlets: Palestinian voices were marginalised and dehumanised while Israeli official narratives were foregrounded, and legally salient terms such as “occupation”, “apartheid”, “genocide” and even “Palestinian” avoided.

Whistleblowers from the BBC, CNN, the New York Times and Deutsche Welle described internal guidance discouraging the use of these terms and privileging Israeli government claims even when they lacked credibility. The consequences became more severe after the ICJ’s January 2024 finding of a plausible risk of genocide.

The Report calls for a reassessment of how neutrality and impartiality are defined in media practice and regulation where credible evidence of violations of rights exists. In such contexts, neutrality cannot mean the mechanical balancing of competing claims but must be grounded in legal accuracy and critical questioning. Government and corporate conduct that is unlawful warrants sustained independent scrutiny and accountability rather than political deference or normalisation that contributes to the continuation of occupation, war crimes, and acts prohibited under the Genocide Convention. It also urges sustained reporting on other matters eroding democracy and the rule of law such as corporate complicity, political conflicts of interest, corporate and state surveillance, and the role of universities.

The media landscape is increasingly dominated by digital platforms and the Report also considers the role that they have played. A BBC investigation reveals that Meta implemented algorithmic suppression of Palestinian content, and a case brought by an ex-employee against Meta makes similar claims. Other media investigations reveal Israel-linked websites and bots are being deployed to influence AI search results and push Israeli official narratives. The Report argues that concentrated ownership of legacy outlets, platforms, data infrastructures and AI systems in the hands of a few politically aligned actors has created a structural risk to democracy and the rule of law.

Policy makers should act on the Report’s findings by aligning policies with obligations under international law, including preventing genocide in Gaza and ending unlawful Israeli occupation. This includes an immediate halt to arms exports and military cooperation with Israel until it complies with international law; rigorous, evidence-based risk assessments for arms licences; the release of intelligence relevant to international accountability processes; and sanctions directed at the Israeli state as a whole rather than symbolic measures against individual settlers. They also need to ensure better regulation and enforcement of matters that impact democracy such as media bias, ethical standards at universities, reforms that reduce corporate influence over public decision-making, and safeguards that protect the public from unchecked surveillance technologies, such as debarring companies implicated in abuses from procurement and strengthening data protection and oversight.

Rooted in legal cases the Report is a tribute to the efforts of lawyers, civil society organisations and individuals, and parts of the media and politicians who have fought to re-establish rights, seek accountability and attempt to slow down the erosion of democracy. Even where they have not succeeded in changing policy, they have established important facts, shed light on legality or the lack of it, and put pressure where it is due. The overview it provides could guide their further actions.

The consequences of failing to sustain and expand these efforts would be severe as the international rules-based order cannot survive selective compliance; and democracy cannot exist without the rule of law, human rights and accountability.

## Recommendations

The resilience of democracy, human rights, and the rules-based international order depends on political systems that are structured to uphold them. Meaningful reform will not come from rhetorical alignment alone, but from policy choices grounded in evidence, law, and accountability. This Report contributes to that evidentiary record and underscores the essential role of public scrutiny in shaping political priorities consistent with democratic governance.

As a starting point, the disregard for obligations under international law in relation to Israel/Palestine needs to stop. The guidance set out herewith provides practical steps to help achieve this. The democratic dilutions that Gaza has accelerated and aggravated in the last two years need to be simultaneously tackled and the following guidelines also set out measures that can help restore or reinforce democratic safeguards. The recommendations are aimed at policymakers, business and institutional leaders, the media and lawyers engaged in public interest litigation.

### For Policy and Decision Makers

Decisionmakers in business and academia as well as policymakers - including ministers, parliamentarians, and civil servants - should use all available mechanisms to scrutinise, challenge, and replace policies that contravene international law, undermine civic freedoms, or erode democratic accountability. The issues are evolving and guidelines need to adapt to them. Based on the evidence set out in this Report, measures should include:

1. **Ceasing all arms exports, imports, and military cooperation with Israel** until it complies with its obligations under international law.
2. **Conducting rigorous, evidence-based risk assessments** for arms licensing and military cooperation, without reliance on assurances from the party under investigation.
3. **Releasing intelligence and data** they hold relevant to international accountability processes, including South Africa's proceedings before the ICJ, as well as otherwise **supporting South Africa in its case**.
4. **Imposing comprehensive sanctions on the State of Israel as a whole**, not limited to individual settlers or settlements. These should be designed to exert genuine pressure to end genocidal acts, ethnic cleansing, settlement activity, occupation, and related discriminatory policies.
5. ICC arrest warrants for the Israeli Prime Minister should require states to reassess diplomatic engagement and sanctions regarding his entire government as they bear collective and individual responsibilities for his actions.
6. **Preventing dual nationals from serving in the Israeli military** while Israel remains in unlawful occupation of Palestinian territory or committing war crimes.

7. **Investigating and prosecuting individuals and organisations within their jurisdictions** for war crimes and other international crimes, in accordance with domestic and international law.
8. **Refraining from measures that restrict lawful criticism of Zionism and Israeli state policies, or that limit protest or BDS.** This is while ensuring robust protection against antisemitism and all forms of hate targeting communities and faith groups.
9. **Pursuing governance reforms** to reduce the influence of private interests over public decision-making and restore democratic accountability.
10. Ensuring that **public contracts** are always subject to bidding processes, are robustly audited against conflicts of interest and corruption, and exclude companies with poor ethical and legal compliance track records.
11. **Protecting the public and national security from unchecked surveillance technologies**, including by excluding companies implicated in human rights abuses from public procurement, strengthening data protection and privacy laws, and enforcing meaningful oversight of corporate and state surveillance powers.
12. **Requiring universities to implement evidence-based due diligence**, in line with best practice in jurisdictions such as the Netherlands and Belgium, to protect charitable purposes, prevent complicity in unlawful acts. Institutional neutrality requirements should be interpreted consistently with, not as overriding, **international legal obligations**.

## For the Media

The media must reassert its role as a central pillar of democratic accountability. As part of achieving this, The Report proposes that the media should aim to report with lack of bias, with this policy adjusted to centre the position at law, and to emphasise stories that advance the public interest.

In the case of Israel/Palestine, this includes:

1. **Ensuring that reporting reflects legal norms rather than normalising its violations.** In the case of Israel/Palestine, this requires investigations, interviews and reports to bring out or take account of the following:
  - The January 2024 ICJ Opinion of plausible genocide in Gaza requires Israel and its principal allies to prevent genocide and allow unhindered humanitarian.
  - Israel and all members of the United Nations are required to end occupation and acquisition of territory by force, destruction, requisition of property, forced displacement and building settlements on all Palestinian Territories including Gaza, the West Bank and East Jerusalem.
  - Israel should respect Palestinian freedom of movement and self-determination and cease practices amounting to racial segregation and apartheid under the **Convention of the Elimination of All Forms of Racial Discrimination (CERD)**.
  - Notions of “**self-defence**” need to be grounded in the meaning of this term under international law: self-defence does not apply to an occupying power (Israel) and is legitimate to undertake for an occupied people (Palestinians) provided it does not involve war crimes (the Hamas attacks of 7 October did

- involve war crimes and ICC arrest warrants were sought against their leadership prior to these leaders being assassinated by Israel).
  - **Challenge peace proposals that undermine Palestinian rights**, including those inconsistent with UN Security Council Resolution 242 and subsequent ICJ Opinions.
  - **Question trade agreements, procurement, research partnerships, and bilateral frameworks with Israel** that could undermine efforts to end occupation and prevent genocide.
2. **Uncovering and sticking to the facts**, including:
    - **Investigating events and fact checking claims** rather than simply platforming them with an opposing view.
    - Using **language** that accurately describes events rather than euphemisms that normalise transgressions.
    - **Reflecting facts** such as Israel’s long-standing policy of rejecting Palestinian statehood rather than presenting this major obstacle to peace as attributable to a relatively recent phenomenon linked to an extreme government.
  3. **Giving equal weight to Palestinian and Israeli lives**, in both the quantity and quality of coverage.

Coverage that would help strengthen democratic norms includes:

1. **Amplifying efforts for democracy, accountability and human rights**: this includes reporting on public-interest litigation; and giving visibility to political and civil society actors advancing human rights, international law, and democratic reforms.
2. **Prioritising investigations and reports that safeguard democratic norms and human rights**, including a focus on government policies that undermine the rules-based international order; corporate crime that threatens human rights and democratic norms; conflicts of interest in political and institutional life; and the threats from state and corporate surveillance.

### For Public Interest Litigation

Litigation can clarify rights and achieve accountability. It is also indispensable for exposing the facts and creating pressure for change. Suggestions for lawyers, civil society organisations, and affected communities are encouraged to:

1. **Continue to make submissions of evidence to the ICC and national authorities.**
2. **Investigate and pursue corporations and officials implicated in war crimes and human rights abuses**, including technology firms and retailers.
3. **Investigate and consider litigation against Israel’s allies** for breaches of duties to prevent genocide and end unlawful occupation.
4. **Investigate and pursue legal actions relating to digital surveillance and spyware** where there is evidence of infringements on civil liberties or human rights.
5. **Give impact to media and legal investigations** by following up with applicable legal actions.

## PART I: How Israel and its Allies Consistently Act Above the Law

This section of the Report shows how Israel’s key allies – the US, Germany, the UK and the EU – have chosen not to abide by their legal obligations regarding unlawful occupation and plausible genocide and have instead directly or indirectly contributed to attacks on multilateral institutions, granted Israel a licence to act with impunity, and materially contributed to its ability to do so. It also shows how Israel has taken full advantage to escalate.

The examples of escalations by Israel that the Report describes demonstrate the worsening of the “plausible genocide” in Gaza and the entrenchment of Israel’s occupation of Palestinian Territory while it continues to enjoy support or hollow superficial? condemnations from its allies. They are not intended as an exhaustive list of war crimes and military escalations, as these are dealt with in other specialist reports compiled specifically to document them<sup>I</sup>. Neither do the examples extend to over ten thousand Israeli violations in the first year of the “ceasefire” agreement with Lebanon, its unprovoked extensive attacks and expanded occupation of Syrian territory, and its wars with Iran and Yemen.

The escalations are set against clear obligations under international law for Israel and its allies as clarified by the ICJ’s January and July 2024 Opinions and Provisional Measures, and arising from the ICC arrest warrants issued against Israeli officials. The legal position requires states to use their influence to end Israel’s unlawful occupation, halt settlement expansion, and prevent a plausible genocide. Israel’s key allies in the US and Europe have not imposed sanctions or other meaningful constraints. Instead, many have deepened their military, political, economic, and research ties with Israel, thereby contravening their duties to ensure respect for international law and to prevent serious international crimes.

Under international law, countries that can exert influence over Israel’s behaviour are under an obligation to take all reasonable steps to prevent genocide. To determine which countries wield such influence requires understanding Israel’s military and trading partnerships:

The **EU** is Israel’s biggest trading partner at €42,6 billion in 2024 with the top EU countries trading with Israel being 1) Germany at \$8.68B, 2) Netherlands \$6.48B, 3) Ireland \$5.47B, 4) Belgium \$4.76B, 5) Italy \$4.63B, 6) France \$4.02B, 7) Spain \$3.09B, and 8) Poland \$0.98B. The EU block is followed by the **US** at \$37 billion (US imports from Israel \$22.21bn and exports to Israel \$14.77 billion); **China** at \$20.1billion; and the **UK** at £5.8bn.<sup>II</sup>

The **US** is Israel’s largest military and political backer. Between **October 2023 and 2025**, it provided approximately \$21.7 billion in direct military aid to Israel, and when including US military operations in the region linked to the Gaza war, total US spending exceeded \$30 billion in the same period.<sup>III</sup> The US has repeatedly shielded Israel at the UN, vetoing five Security Council resolutions for a ceasefire between **December 2023 and September 2025**.

The EU- Israel trading partnership is operated under an **Association Agreement**, which terms require respect for human rights. The EU Commission has not suspended the Agreement despite calls by the likes of Amnesty International in **August 2024** to do so in compliance with the ICJ’s opinions on the illegality of the occupation and the risk of genocide<sup>IV</sup>; and after formal requests from Spain and Ireland in **October 2024** to trigger the agreement’s human rights clause<sup>V</sup>. In addition to trading between the block and Israel under

the **Association Agreement** in the value of €42,6 billion in 2024, the EU has also spent €747 million under **Horizon Europe (2021–2024)** on Israeli research<sup>VI</sup>. This has continued despite petitions from over 2000 European academics in **July 2024** and 45 civil society organisations calling for suspension of funding<sup>VII</sup>.

The **UK** likewise continues trading with Israel, providing it with military assistance even if this was curtailed in part, and imposing narrow sanctions on a handful of settlements since **October 2024**<sup>VIII</sup>.

As this section of the Report shows, Israel has been emboldened by the impunity granted to it by its key allies. Not only did they ignore Israel’s and their own legal obligations, they have doubled down on intensified? their support for Israel in a myriad of ways that underscore their complicity and that undermine both international law and their own democracies.

## 1.1 Israel and its Key Allies Ignore Obligations to Prevent Genocide

### The Legal Position

The prohibition of genocide is among the highest rules of international law. It binds all states that have ratified the **1948 Convention on the Prevention and Punishment of the Crime of Genocide** (“**Genocide Convention**”)<sup>IX</sup>. Being a higher order law, the prohibition on genocide also applies to non-treaty countries. Most States - including the UK, US and EU member states - have incorporated similar provisions into their domestic laws. Therefore breaches of the Genocide Convention have national equivalents.

Genocide is defined in **Article II of the Genocide Convention** as acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, including killing, causing serious harm, inflicting life-destroying conditions, preventing births, or forcibly transferring children.

**Articles III and IV of the Genocide Convention** makes it a crime for states and individuals (rulers, public officials and private individuals), to commit or attempt to commit genocide, conspire to commit genocide, make direct and public incitement to commit genocide, or be complicit in genocide. Complicity is similar to aiding and abetting in domestic criminal law.

On **26 January 2024**, in the case of **South Africa v Israel**, the ICJ found that the claim of genocide in Gaza was plausible and reminded countries of their obligation to prevent genocide<sup>X</sup>.

The Court issued provisional measures requiring Israel to prevent acts falling within **Article II**, to restrain its military, to stop incitement to genocide, to allow humanitarian relief, and to preserve evidence<sup>XI</sup>. On **28 March 2024** the Court strengthened those measures due to the deteriorating situation in Gaza. It required Israel to ensure full cooperation with the UN, the unhindered provision of essential humanitarian aid “at scale and without delay”, noting that famine was already setting in.<sup>XII</sup>

The **South Africa v Israel** case has triggered obligations on every state with the capacity to influence Israel to “employ all means reasonably available to them, so as to prevent genocide so far as possible” (**Bosnia and Herzegovina v. Serbia and Montenegro, 2007**). This duty under **Article I of the Genocide Convention**, arises not after genocide is proven, but the

moment a serious risk is known or should have been known.<sup>XIII</sup> Denials of genocide or deferral of judgement by politicians on whether a genocide is being committed until a final decision by the court is reached are contrary to their legal obligations which require immediate action. These politicians are wrong under law to defer action and are not being held to this standard by colleagues and the media.

The obligation falls on countries with significant influence on Israel. This would be the US, Germany, EU countries and the UK given the strength of Israel's funding, arms, trade and diplomatic relations with them. These countries should, under the Genocide Convention, be using those same levers of trade, political and diplomatic pressures to prevent the genocide.

Instead of preventing genocide, Israel's allies have aided it through material or logistical support such as supply and transport of weapons, provision of intelligence, moral and political support such as public endorsement or political and diplomatic cover. By doing so they may be committing the crime of complicity in genocide. The **International Tribunal for Rwanda** ("Rwanda Tribunal") and the **Tribunal for the former Yugoslavia** ("Yugoslavia Tribunal") confirmed that complicity is aiding or abetting, procuring means, providing moral support while knowing of the genocidal intent, even if they do not share it (**Prosecutor v. Akayesu, 1998**<sup>XIV</sup> and **Prosecutor v. Krstic, 2004**)<sup>XV</sup>. After the **ICJ January 2024 Opinion**, all countries and individuals are on notice of a possible genocide, triggering the obligation on those with most influence over Israel to act to prevent it.

Only three EU countries broke ranks with the support provided to Israel by their own EU Commission and fellow EU-member Germany and by their close partners the UK and US. This is by announcing their intention to join South Africa's ICJ case against Israel for Genocide in Gaza. This was Belgium in **June 2024**, Spain who officially joined the case in **November 2024**, and The Irish government approved Ireland intervening in support of South Africa case on **11 December 2024**.<sup>XVI</sup>

Instead, the ICJ Opinion in **South Africa v. Israel** of January 2024 was ignored and even attacked by both Israel and its key allies in multiple ways.

### **Blocking Vital Aid and UN Missions and Weaponising Food in Gaza**

Prior to the ICJ Opinion of January 2024, two UN Security Council Resolutions from **November and December 2023** had called on Israel to improve the flow of essential aid for the civilian population.<sup>1</sup> According to the UN and humanitarian organisations and to ICJ findings, these demands were not sufficiently respected by Israel to meet the aid needs or even to prevent famine setting in.

The organisation with most experience in aid distribution in Gaza that could get aid to those who need it and prevent genocide, is The United Nations Relief and Works Agency for Palestine Refugees in the Near East (**UNRWA**). It was created by **UN general Assembly Resolution** in **1949**, with its mandate regularly renewed ever since. It provides essential services to approximately 5.9 million Palestinians made refugees after the creation of the

<sup>1</sup> A Resolution from **15 Nov 2023 (S/RES/2712)** "called for" urgent humanitarian pauses and corridors to enable aid delivery and the release of hostages (<https://press.un.org/en/2023/sc15496.doc.htm>); and a month later, on **22 December 2023, Resolution S/RES/2720** "requested" expanded humanitarian assistance, the appointment of a Senior Humanitarian and Reconstruction Coordinator for Gaza and opening crossings (<https://press.un.org/en/2023/sc15496.doc.htm>)

state of Israel. This is such as education, health care, housing, and emergency aid. It works across Gaza, the West Bank, East Jerusalem, Jordan, Lebanon, and Syria.

Instead of the work of UNRWA being boosted by those concerned by Israel's restriction of aid, UNRWA faced an unprecedented suspension of funding from several key donors. This followed from unsubstantiated allegations by Israel on **12 January 2024** that 12 of its staff participated in the 7 October 2023 attacks. Although acting without evidence, UNRWA announced on the same day the sacking of nine of them for the safekeeping of its humanitarian mission.

To put this into its political context, the dismantling of UNRWA has long been part of Israeli political discourse, and in **January 2024** Israeli Prime Minister Benjamin Netanyahu called for UNRWA's mandate to be terminated as it "seeks to preserve the issue of Palestinian refugees"<sup>XVII</sup>. The Israeli parliament enacted legislation on **28 October 2024** banning UNRWA from operating in Israel and East Jerusalem. This came into effect on **30 January 2025**, resulting in office closures and denial of visas to international staff, cutting off its access to Gaza and the West Bank.

Although no evidence was ever provided to support Israel's claims, the allegations prompted important UNRWA donor states, including the US, UK and multiple EU members, to suspend their funding of the organisation. UN officials, including the Special Rapporteur on Palestine, warned that halting funding could breach state obligations under the Genocide Convention by effectively depriving millions of civilians of life-saving aid.<sup>XVIII</sup>

An independent UN review in **April 2024** led by former French Foreign Minister Catherine Colonna found that Israel had not provided any evidence to substantiate claims that UNRWA employees were involved in armed activity. Around the same time, several donor states began restoring funding between **March and May 2024**, with the notable exceptions of the US and Sweden, but Israel continued to block UNRWA's work.

In **May 2025**, the US and Israel sidestepped UNRWA, deploying the **Gaza Humanitarian Foundation (GHF)** outside of the UN framework. Its militarised aid distribution sites have reportedly resulted in over 800 Palestinians killed and thousands injured while trying to access food or assistance, as Israeli forces repeatedly fired on dense crowds travelling long distances to a handful of tightly controlled locations. GHF's model replaced the UN's wide network of local distribution centres with four fortified sites. Three were in southern Gaza and one in the centre, leaving northern Gaza cut off and forcing starving civilians to move through evacuation zones under military and armed contractor oversight. Conditions that Doctors Without Borders and other NGOs say turned the hubs into "human slaughterhouses" and "orchestrated killing" rather than humanitarian relief. They accused GHF of violating core humanitarian principles, operating with opaque practices and using armed private contractors and biometric screenings in ways that undermine civilian protection.

The UN General Assembly asked the ICJ for an advisory opinion on Israel's ban on UNRWA. The ICJ opinion was issued on **22 October 2025**, confirming previous findings that "Israel has not substantiated its allegations that a significant part of UNRWA's employees are members of Hamas...or other terrorist factions."<sup>XIX</sup> It also said that Israel must facilitate UN aid efforts in Gaza, including UNRWA's. It stated that "As an occupying power, Israel is obliged to ensure the basic needs of the local population, including the

supplies essential for their survival.” The judge added that “the court recalls Israel’s obligation not to use starvation of the civilian population as a method of warfare.”

Israel and the US have also subjected **the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (The “UN Rapporteur on Palestine”)** to a ban and unprecedented attacks. The UN Rapporteur on Palestine position was established in 1993 to investigate, monitor, and report on human rights violations in the West Bank, East Jerusalem and Gaza. Mandate-holders are unpaid independent experts serving in a personal capacity, protected under the **1946 Convention on the Privileges and Immunities of the United Nations**. The current Rapporteur on Palestine is Italian international law expert Francesca Albanese, appointed by the **Human Rights Council** on **1 April 2022** for a six-year term running until **30 April 2028**.

Francesca Albanese has faced escalating obstruction from Israel and certain allied states. In **February 2024**, Israel barred her entry, preventing her from conducting her mandate in the territory under investigation. on **9 July 2025**, the US imposed sanctions on Albanese, including an asset freeze and travel ban, alleging antisemitism and abuse of mandate. These actions were condemned by UN bodies, declaring them violations of international law and an assault on the independence of UN human rights mechanisms. The UN reaffirmed that Francesca Albanese’s mandate remained active and that she continues to enjoy full legal immunity for acts performed in conformity with her official capacity.

The obstructions and sanctions imposed on UNRWA and the Special Rapporteur on Palestine and the side stepping of the UN in favour of GHF while Israel violates the Provisional Measures imposed on it by the ICJ were carried out by Israel and the US with the support or muted objections of Israel’s European allies.

## **Intensifying Attacks on Gaza**

The ICJ required Israel in **South Africa v. Israel** on **26 January 2024** to prevent genocide in Gaza and to take several specific, binding steps to that end. This includes taking all measures within its power to prevent killing, causing serious bodily or mental harm, inflicting life-destroying conditions, or imposing measures intended to prevent births. It should ensure with immediate effect that its military does not commit such acts and that it does not create or maintain conditions of life calculated to bring about the physical destruction of Palestinians in Gaza, in whole or in part. It should prevent and punish direct and public incitement to commit genocide against Palestinians in Gaza, including by investigating and acting on statements by officials and others. It should take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to Palestinians in Gaza, including food, water, fuel, medical care and other essentials. The following facts speak for themselves in relation to Israel’s compliance with these obligations:

The Palestinian Ministry of Foreign Affairs estimates Gaza’s death toll in two years of war to be at 70,000<sup>XX</sup>. Research by the Max Planck Institute for Demographic Research in Germany and the Centre for Demographic Studies in Spain estimates the death toll in Gaza to be higher. They estimate that, **between 7 October 2023 and 6 October 2025**, up to 126,000 people (median estimate 112,000) have been killed based on a wide range of data sources, including hospital records, household surveys, and public death notices.<sup>XXI</sup>

A UN Report for **The United Nations Conference on Trade and Development (UNCTAD)** dated **30 September 2025** found that Israel’s assault on Gaza, with its destruction of healthcare, education, infrastructure and banking system, has erased 69 years of human development, and that by April 2025, 70% of structures in Gaza were damaged.<sup>XXII</sup>

In **August 2025**, Prime Minister Netanyahu called for what he described as the “voluntary migration” of Palestinians from Gaza, which is effectively forced displacement after the destruction by Israel of conditions conducive to life and its blocking of essential aid.<sup>XXIII</sup>

One month after the **Gaza ceasefire** that came into effect on **10 October 2025**, the UN warned that, on average, two Palestinian children were being killed by Israel everyday in Gaza since the ceasefire<sup>XXIV</sup>, and highlighted the “unbearable living conditions” as heavy rains flooded campsites in November 2025 with 1.7 million of Gaza’s population (out of a population of about 2.1 million) displaced.<sup>XXV</sup> Other organisations, such as Israeli rights groups put population displacement higher at 90%.<sup>XXVI</sup>

Amnesty International has warned that despite the ceasefire, Israel is “still committing genocide” in Gaza, with 327 Palestinians, including 136 children, killed by Israeli forces, and Gaza still suffering from the effects of Israel’s continued blocking of supplies, including food, vital medical equipment, shelter, and other humanitarian aid. They warned that “The ceasefire must not become a smokescreen for Israel’s ongoing Genocide”.<sup>XXVII</sup>

As this Report highlights, the escalations by Israel have been enabled by a continued arms supply, political and diplomatic cover, and boost in trade with its key allies and private companies operating within their jurisdictions. While their responses are contrary to their obligations under international law, they have been met with little scrutiny from mainstream media thereby reducing pressure on them to abide by international law.

## 1.2 Israel and UN Member States’ Decades Long Obligation to End Occupation

### The Legal Position

The matter of Israel’s ongoing occupation of Palestinian territory has been before the ICJ twice in the past two decades.

On **9 July 2004**, the ICJ concluded that the construction of the separation wall in the Occupied Palestinian Territory of Gaza, the West Bank and East Jerusalem, together with its associated permit and closure regime, was contrary to international law.

The Court found that the wall gravely impedes the Palestinian people’s right to **self-determination** and risks de facto **annexation**; has resulted in widespread destruction and requisition of property contrary to the **Hague Regulations of 1907** and the **Fourth Geneva Convention of 1949**; substantially restricts **freedom of movement** and has a serious impact on **access to work, education, health and water** in violation of human rights treaties; and contributes to demographic change through unlawful settlements and forced displacement of Palestinians. The ICJ affirmed that Israeli settlements in the Occupied Palestinian Territory breach **Article 49(6) of the 4<sup>th</sup> Geneva Convention** which states that “the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.”<sup>XXVIII</sup>

The **ICJ 2004 Opinion** regarding the wall placed obligations on both Israel and other states. It required Israel to halt construction, dismantle the sections inside the Occupied Territory, repeal related measures, and make reparation for the damage caused. The ICJ considered that all UN member states are required **not to recognise the illegal situation created by the wall and its associated regime of occupation and must not render aid or assistance in maintaining that situation.**<sup>XXIX</sup>

Two decades later, on **19 July 2024**, the ICJ addressed Israel’s occupation of Palestinian Territory at the request of the United Nations General Assembly, with its findings **reinforcing** the ICJ’s **2004 Wall Advisory Opinion**. It **concluded that Israel’s continued presence in the Occupied Palestinian Territory is unlawful**, contravening the **prohibition on acquisition of territory by force** and the **Palestinian people’s right to self-determination**. It found that Israel’s settlement policy amounts to **annexation**, and that a **discriminatory regime** that separates settlers from Palestinians breach **international humanitarian rights (IHR)** law. The Court called on Israel to **end its unlawful presence “as rapidly as possible,” cease settlement activity and evacuate settlers**, and it set corresponding **third-state duties of non-recognition, non-assistance, and cooperation to end the unlawful situation.**<sup>XXX</sup> The court attributed breaches of international law to Israel and required remedies from the state of Israel itself as the perpetrator.

Israel’s allies and companies within their jurisdictions that are doing business with it and its settlements have not respected the requirements placed upon them by the ICJ Opinions of 2024 on Genocide and on Occupation. Instead, they have made an artificial distinction between settlers and the state of Israel, as if settlers are separate from the state that is facilitating their existence and persistence.

The US, UK and EU have adopted extremely limited and selective sanctions that target a small number of individual settlers, not even extending embargos and sanctions to the settlements as a whole, let alone to Israel. They have also avoided any mention of Israel compensating Palestinians, even in the context of its destruction of 80% of Gaza. Instead, they have proposed “investments” in a development project for the ‘Gaza Riviera’. Another blatant breach of international law was the US formal “recognition” of Jerusalem as the capital of Israel on **6 December 2017** and of the Syrian Golan Heights on **25 March 2019.**<sup>XXXI</sup>

In so doing, Israel and its state and corporate allies have clearly placed themselves above international law and respect for human rights. A position incompatible with their position as democratic states and institutions entrusted with upholding the law and respecting human rights.

This has been pointed out to them repeatedly by certain parliamentarians, by UN officials, by respected civil society organisations, and by renowned international lawyers, and by sustained large scale public protests that reflect majority views. A selection of these unheeded warnings is provided in Endnote<sup>XXXII</sup>.

Instead of realigning their position with their legal obligations, this Report shows how certain governments have cracked down on individuals and organisations that are speaking up against their stance.

## Escalation of Israeli Settler and Military Attacks with Impunity

Amnesty International has reported on the **UN Office for the Coordination of Humanitarian Affairs (OCHA)** findings that “**2024** was the worst year for settler violence across the occupied West Bank, including East Jerusalem, since the organisation began keeping records 20 years ago. Between **7 October 2023** and **31 December 2024**, OCHA documented 1,860 incidents of settler violence that led to the displacement of over 300 families (1,762 people, including 856 children). OCHA also recorded a rise in the number of violent settler attacks in the West Bank from an average of two a day in 2022 to four a day in 2024.”<sup>XXXIII</sup>

On **21 October 2025**, OCHA sounded the alarm that during the olive harvest by Palestinian communities, “settler violence has skyrocketed in scale and frequency, with the acquiescence, support, and in many cases participation, of Israeli security forces – and always with impunity. In the first half of 2025 alone, there were 757 settler attacks causing casualties or property damage - a 13% increase compared with the same period last year.”<sup>XXXIV</sup> NGO Anera and others cite OCHA, claiming that Israelis have destroyed up to 1 million Palestinian olive trees since 1967.<sup>XXXV</sup>

Taking the example of the UK as one of Israel’s key allies, it has enabled this situation in several ways: In addition to trade, military cooperation, political and diplomatic cover, the UK has not imposed any meaningful sanctions in relation to settlement activity by the Israeli state. The limited sanctions they have imposed, targeting a small number of individual settlers or outposts, have been symbolic and do not address the state-led nature of the settlement enterprise.

This is by admission of Alistair Burt, former UK Conservative Minister of State for the Middle East. He spoke before a Parliamentary Committee on the Israeli-Palestinian Conflict on **3 December 2024** that was reviewing UK policies towards Israel. He said that “I think we should have taken action against settlements much earlier. I think the fact that settlements have been allowed to grow with no consequence has done a lot of damage. I think it has fuelled a sense of impunity among certain politicians in Israel. Because, if you have significant condemnation but no action, well what is anyone going to do when you take the next step. I think we should have moved on sanctions much earlier. We didn’t move on sanctions because of immense pressure on any sanctions policy as being motivated by the wrong determination. All sanctions were an expression of antisemitism was the case being put by the state of Israel. We now know this to be wrong.”<sup>XXXVI</sup>

Not only has the UK not imposed any meaningful sanctions on Israel, many politicians and institutions deploy the same chilling tactics involving accusations of antisemitism against those criticising the unlawful actions of Israel.<sup>XXXVII</sup>

The UK also allows charities to fundraise for settlements. In **August 2024**, the **International Centre of Justice for Palestinians (ICJP)** submitted formal complaints to the Charity Commission urging revocation of charitable status for UK branches of the Jewish National Fund and UK Toremot for financing settlements. The Charity Commission declined to investigate.<sup>XXXVIII</sup>

By maintaining cooperation, trade, and research ties, Western states are acting in violation of their duties of **non-recognition** and **non-assistance** under **international law**. In doing so, they are materially contributing to the maintenance of an unlawful occupation and, in the context of Gaza, acting contrary to their duty to prevent genocide. They have also, without justification, treated settlers and settlements as if they are distinct from the Israeli state that wills them into existence and sustains them politically, militarily and financially. A distinction that the ICJ has not made when it stated that Israel as a state is responsible for the occupation and de facto annexations and needs to reverse track and make reparations for them. The Court did not address itself to individual settlers or settlements but, rightly, to the state of Israel.

### “From the River to the Sea”...“There Will be No Palestinian State”

On **18 July 2024**, a few days after the **ICJ Opinion of July 2024** requiring an end to Israeli occupation of Palestinian Territories, the Israeli Knesset passed a resolution stating that “parliament opposes the establishment of a Palestinian state”.<sup>XXXIX</sup> In **October 2025**, the preliminary reading of an annexation bill passed the Knesset, extending Israeli sovereignty to settlement areas in the West Bank. In parallel, Israeli authorities approved in **September 2025** the E1 settlement plan for some 3,400 new housing units. The Secretary General of the UN described this as presenting “an existential threat to the two-State solution” that “would sever the northern and southern West Bank and have severe consequences for the territorial contiguity of the Occupied Palestinian Territory.”<sup>XL</sup>

Israel has been clear in its determination to remain in occupation of Palestinian Territory. For example, in **January 2024**, PM Netanyahu stated that "For 30 years I have been very consistent, and I'm saying something very simple. This conflict is not about a lack of a state for Palestinians but the existence of a state, the Jewish state...I clarify that in any future arrangement, the state of Israel has to control the entire area from the river to the sea. This is what happens when you have sovereignty. I say this truth to our American friends, and I also stopped the attempt to impose on us a reality that will jeopardise us. A prime minister in Israel has to be able to say no, even to the best of friends, to say no when you need to and to say yes when you can."<sup>XLI</sup>

Once more, on **21 September 2025** he reiterated what he and predecessor Israeli PMs have already made clear: “There will be no Palestinian state.”<sup>XLII</sup> Israel’s allies have not been caught off guard as this has been Israel’s open position for a long time and is not specific to an “extreme” Israeli government. In an interview with the Guardian in **2013**, Israeli Prime Minister Naftali Bennett stated that “There is not going to be a Palestinian state within the tiny land of Israel... It’s just not going to happen.”<sup>XLIII</sup> Prime Minister Yitzhak Shamir also stated in **1988** that there will be “No Palestinian state” saying that Israel will retain “security and legal control” over the territory<sup>XLIV</sup>.

### 1.3 US Retaliations Against ICC Arrest Warrants

In parallel to the ICJ proceedings, the **International Criminal Court (ICC)** has been conducting its own investigation into the **Situation in Palestine**, covering alleged crimes committed in the Occupied Palestinian Territory since **13 June 2014** by all parties, including Israeli forces and Palestinian armed groups. The investigation was formally opened on **3 March 2021** following a referral by the State of Palestine and a decision by then-Prosecutor

Fatou Bensouda that there was a reasonable basis to proceed under **Article 53(1) of the Rome Statute**.

Prosecutor Bensouda gave non exhaustive examples of the matters under investigation. She included the 2014 Gaza hostilities, settlement-related conduct, and use of lethal force at the 2018-2019 Gaza border demonstrations (The Great March of Return). She also listed alleged crimes by Palestinian armed groups such as firing rockets and use of civilians as shields.<sup>XLV</sup>

Her successor, **Karim Khan KC**, has since confirmed that the investigation encompasses the escalation of hostilities following the events of **7 October 2023**. In **May 2024**, he sought arrest warrants for Israeli Prime Minister Benjamin Netanyahu, Defence Minister Yoav Gallant, and several Hamas leaders that have since all been assassinated by Israel.

The applications against Netanyahu and Gallant for alleged war crimes include **starvation of civilians as a method of warfare, wilfully causing great suffering or serious injury, and intentionally directing attacks against a civilian population**, as well as **crimes against humanity such as murder and persecution**. In explaining the factual bases, Prosecutor Khan said in a statement that **the civilian population in Gaza was intentionally and systematically deprived of objects indispensable to survival, including food, water, medicine and medical supplies, fuel and electricity, and that relief was impeded**.<sup>XLVI</sup>

The charges presently do not include genocide, but the Prosecutor has stated that the investigation remains ongoing and may encompass additional crimes within the Court's jurisdiction.

On **21 November 2024**, the ICC's Pre-Trial Chamber I went ahead with issuing the arrest warrants for Netanyahu, and Gallant<sup>XLVII</sup>. Under the **Rome Statute**, arrest warrants create binding obligations on 125 countries - including the UK, all EU Member States, Canada and Australia - to arrest and surrender the named individuals should they enter their territory. Trials cannot proceed in absentia, so effective co-operation of states is essential to the ICC's functioning. States are also potentially required to assist with related measures such as freezing assets, producing records, and protecting witnesses.

Instead, countries acted as if compliance was optional. Hungary and the US stated that they will not comply with the arrest warrants, and Hungary announced on **3 April 2025** its intention to withdraw from the Rome Statute, the founding treaty of the ICC<sup>XLVIII</sup>. This is while France, Germany and the UK issued ambiguous or contradictory statements.<sup>XLIX</sup> This prompted then EU Foreign Policy chief Josep Borrell to remind all member states of their obligation to implement the ICC arrest warrants and flatly dismissed Israel's assertion that the decision was antisemitic.<sup>L</sup> Countries that said that they will abide by the ICC warrants include the Netherlands, Belgium, Italy, Austria, Canada and Ireland.

The ICC Investigation and arrest warrants were instigated despite tremendous pressure and intimidation from the US and Israel and some of their allies. ICC Chief Prosecutor Karim Khan stated in an interview with CNN in **May 2024** that some Western leaders told him that the "court was built for Africans and thugs like Putin, not for Western leaders". Around the same time, EU Foreign Policy Chief Josep Borell, speaking on Spanish channel TVE, said "I ask everyone, starting with the Israeli government, but also certain European governments, not to intimidate the judges, not to threaten them."

An investigation published in **May 2024** by +972 Mag and The Guardian claims that top Israeli government and security figures oversaw a nine-year surveillance operation targeting senior ICC officials and Palestinian rights workers to try and thwart a war crimes probe. The multi-agency operation allegedly started in 2015 and included Israeli intelligence surveilling and threatening the court's current chief prosecutor Karim Khan as well as his predecessor Fatou Bensouda.<sup>LI</sup>

Following an Executive Order issued by President Trump on **6 February 2025**<sup>LII</sup>, the US State Department and the **Office of Foreign Assets Control (OFAC)** announced on **20 August 2025** sanctions against four ICC officials.<sup>LIII</sup> In **May 2025** Prosecutor Khan went on a temporary leave of absence while an external investigation into allegations of sexual misconduct were conducted.

The intimidation and sanctions that officials have been subjected to while fulfilling their duties are a direct assault on international law and its institutions with implications on Palestinian rights and beyond. They clearly demonstrate that the US and Israel's European allies have placed themselves and Israel above international law and are willing to destroy the rules-based order and the multinational institutions tasked with upholding international law and human rights.

#### 1.4 Palestinian Rights Should be the Starting Point for Peace and Engagement

The ICJ's **Advisory Opinion of 19 July 2024** holds that Israel's continued presence in the Occupied Palestinian Territory, including East Jerusalem, is unlawful. Israel is obliged to end the occupation as rapidly as possible, and all states must refrain from recognising or assisting the unlawful situation and co-operate to bring it to an end.<sup>LIV</sup> This reflects the **ICJ's 9 July 2004** Wall opinion and aligns with **UN Security Council Resolution 2334 (23 December 2016)**, which deems settlements to have "**no legal validity**" and demands their cessation<sup>LV</sup>, and **UN Security Council Resolution 242 (22 November 1967)**, which conditioned withdrawal only on mutual recognition and security guarantees.

This sets a legal starting point for diplomacy and media coverage that requires an end to Israeli occupation and associated unlawful measures, with third states bearing duties of non-recognition and non-assistance of such occupation.

Instead of fulfilling their legal obligation of non-recognition and seeking Israeli withdrawal, since the **US-brokered Oslo framework of 1993**, negotiations have consistently sought land-for-peace formulas that require further territorial concessions from Palestinians. Furthermore, in contravention of its duty not to recognise the occupation as legitimate, the US has formally recognised Jerusalem as Israel's capital on **6 December 2017** and relocated its embassy to Jerusalem on **14 May 2018**, in violation of the legal position that East Jerusalem is occupied Palestinian territory. On **18 November 2019**, the US Secretary of State declared that Israeli settlements in the occupied West Bank were "not per se inconsistent with international law," contradicting Security Council and ICJ determinations. This is while the US Ambassador to Israel claims supposed biblical "rights" of Israelis while ignoring the position at law.

On **17 November 2025**, the **UN Security Council adopted Resolution 2803** based on the US brokered "peace deal" for Gaza<sup>LVI</sup>. It has been described by Euro-Med Human Rights

Monitor as “entrenching Israel’s unlawful occupations by adding a foreign colonial layer of control over Gaza, erasing Palestinian rights, and openly defying the ICJ’s order to end Israel’s unlawful presence”. Ahead of the vote, Netanyahu clearly reaffirmed that there will be “no Palestinian state.” Amnesty described the resolution on Gaza as “failing to include key human rights demands”, as it does not: 1) “end Israel’s genocide against the Palestinians, 2) reference international law, binding UN resolutions or orders of the ICJ, 3) End Israel’s brutal, unlawful occupation or apartheid regime, 4) provide a pathway to Palestinian statehood, self-governance or self-determination. Instead, the resolution allows an international force to govern and divide occupied Gaza.”

By contrast, and in line with international law, the **UN General Assembly passed a resolution on 1 December 2025** entitled “**Peaceful settlement of the question of Palestine**” demanding Israeli withdrawal from Palestinian Occupied Territories and the Occupied Syrian Golan. “The resolution saw the Assembly demand that Israel comply strictly with its international law obligations, including by ending its unlawful presence in the Occupied Palestinian Territory, ceasing all new settlement activities and evacuating all settlers from the Occupied Palestinian Territory. It also rejected any attempt at demographic or territorial change in Gaza and stressed the importance of unifying the Strip with the West Bank under the Palestinian Authority without delay. Additionally, the Assembly called for Israel’s withdrawal from the Palestinian territory occupied since 1967, the realisation of the Palestinian people’s inalienable right to self-determination, and a just resolution of the problem of Palestine refugees”.<sup>LVII</sup>

Although the UK, the EU, and their member states do not officially recognise the legality of Israeli settlements, they continue to maintain trade agreements, research partnerships, procurement contracts, and bilateral cooperation frameworks that include entities operating in or benefitting from those settlements and the state responsible for them. This engagement contradicts their stated policy of non-recognition and breaches their obligations under international law to not assist the unlawful occupation. Where limited sanctions or restrictive measures have been imposed or proposed, they have generally targeted settlement products or individual settlers without acknowledging that the settlements are state-planned, state-financed, and an integral part of Israeli government policy. This has produced a false distinction between “Israel” and “the settlements,” obscuring the fact that the settlements are not independently generated, but a direct instrument of state policy and administration.

These approaches diverge fundamentally from the international legal framework, which requires actions that end the occupation and diplomacy that creates the political horizon for a just and lasting peace that is respectful of international law and human rights.

## 1.5 Part I Conclusion

This section of the Report shows that Israel and its principal allies have consistently and systematically chosen the path of impunity that strikes at the foundations of international law.

Faced with ICJ findings of a plausible genocide in Gaza and two authoritative opinions confirming the illegality of Israel’s prolonged occupation, the US, UK, Germany and the EU have not used the considerable economic, military and diplomatic leverage at their disposal to abide by their duty to prevent genocide and end unlawful occupation. Instead, they have provided military aid and diplomatic cover to support Israel while treating their duties of

prevention, non-recognition and non-assistance as if they were optional political preferences rather than binding legal obligations. At the same time, they have maintained or deepened economic and institutional ties that entrench Israel’s occupation and de facto annexation. Trade agreements, association frameworks, research funding, charitable donations, and investment flows continue to include entities that profit from or service settlements and military operations, even as those same states profess formal non-recognition of the occupation. Where sanctions have been adopted, they have largely targeted a handful of individual settlers or outposts, avoiding measures that would touch the Israeli state itself as the enabler and protector of the settlements, and that do not challenge the corporate actors that facilitate and benefit from the occupation and war crimes. The impunity that this provides Israel has resulted in continuous escalations in its attacks on Gaza and its occupation of Palestinian territories.

This disregard for law has been aggravated by attacks on the very institutions meant to uphold it. Key Israeli allies have suspended funding to UNRWA based on unsubstantiated allegations at the height of a plausible genocide and ICC arrest warrants that name the use of food as a weapon of warfare; they tolerated or supported the dismantling of UN aid channels and the setting up of a murderous “alternative”; they ignored or undermined ICJ orders, sought to delegitimise the Court’s genocide findings; responded to ICC arrest warrants not with cooperation but with threats and sanctions against Court officials and human rights defenders that are carrying out their duties; and are forcing unjust settlements on the Palestinians that are not aligned with their rights under international law.

Both the international system and democracy at home depend on respect for rules that are anchored in the protection of human rights without exceptionalism. If law is to function as a genuine constraint on power rather than a language of convenience, the impunity documented in this Report cannot be normalised. As part of reversing this trajectory, a change of policy pressured by media reporting, court cases, and civil engagements needs to include insistence on genuine respect for international law through real pressures exerted on offending parties, ending material support for unlawful acts, and a re-centring of Palestinian rights as the legal starting point for peace.

## Part II: Investigations and Prosecutions of Israel and its Allies

### 2.1 Legal Actions Against the Israeli Military and Countries Supporting It

Arms sales and military support for Israel are the most direct ways in which the Gaza war crimes are fuelled and Israel’s occupation over Palestinian territory is maintained. The **Stockholm International Peace Research Institute (SIPRI)** reported in **October 2024** that, between 2019 and 2023, Israel’s arms imports were 69% from the US and 30%, from Germany.<sup>LVIII</sup>

Israel’s allies have invoked its right to self-defence in justifying its actions and their support for them. **Article 51 of the UN Charter** enshrines this right. The **UN Charter** is a binding multilateral treaty that occupies a position of hierarchical supremacy over all other treaties pursuant to **Article 103**, which provides that “in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their

obligations under any other international agreement, their obligations under the present Charter shall prevail” (UN Charter, Art. 103).<sup>LIX</sup>

However, the ICJ has affirmed in the **2004 Opinion on the Wall** that Israel **cannot invoke the right of self-defence under Article 51 of the UN Charter** in relation to actions taken in the occupied Palestinian territory, because **Article 51** applies only to “armed attack by one State against another State,” and “Israel does not claim that the attacks against it are imputable to a foreign State”. Therefore, the ICJ stated that **Article 51 “has no relevance in this case” (paras. 138–139)**. In the same Opinion, the ICJ also reaffirmed the prohibition on the use of force in **Article 2(4) of the UN Charter** and the principle of the **inadmissibility of the acquisition of territory by force** are foundational rules of the international legal order (**para. 87**). The Court also confirmed that the **Occupied Palestinian Territory** - including the West Bank, East Jerusalem and Gaza - constitutes **occupied territory** and that Israel is the **occupying power (para. 78)**. The Court also stated that all States have a duty **not to recognise or assist** in maintaining illegal situations resulting from such unlawful use of force or measures of occupation (**para. 159**).<sup>LX</sup>

Furthermore, states arming Israel have been regularly warned by UN officials and most UN member states that their actions risk complicity in genocide. This includes:

On **20 June 2024**, the Office of the UN High Commissioner for Human Rights sent a warning to governments, arms manufacturers and their investors around the world to cease the transfer of weapons to Israel. It said that nations transferring weapons to Israel risk "complicity in international crimes, including genocide."<sup>LXI</sup>

In **September 2024**, the UN General Assembly adopted a resolution voted for by 124 nations demanding that Israel “brings to an end without delay its unlawful presence in the Occupied Palestinian Territory”. The same resolution called on states to cease the “provision or transfer of arms, munitions and related equipment to Israel ... in all cases where there are reasonable grounds to suspect that they may be used in the Occupied Palestinian Territory”.<sup>LXII</sup>

Spain has imposed a full arms embargo on Israel and called on other nations to do the same. On **16 May 2024**, the Spanish government denied port access to a Danish-flagged ship transporting a cargo of weapons to Israel, with the Spanish Foreign Minister stating that Spain would apply the same policy to “any ship carrying arms to Israel” seeking to enter its ports. On **8 September 2025**, Spain formally consolidated a full arms embargo through a Royal Decree Law, creating a permanent legal ban on “the purchase and sale of arms, ammunition and military equipment to Israel” and prohibiting “transit through Spanish ports of all ships carrying fuel for the Israeli armed forces”.<sup>LXIII</sup>

This section of the Report provides an overview of court actions in the Netherlands, Germany, the UK and the US brought by individuals and civil society organisations to ensure that their governments abide by international and national laws and stop arms sales to Israel. The national courts have been reluctant to rule on the merits and intervene in government decisions. They also indicated that assessments need to be undertaken on a case-by-case basis rather than applying blanket bans.

This stance by the courts is problematic as it removes the possibility of citizens holding their governments to account, especially that the facts of the cases and whistleblower accounts reveal the inadequacy of the assessments conducted by the arms exporting states.

The ICJ is also due to rule on the matter as Nicaragua has instigated legal action against Germany over its arms exports to Israel. The full hearing on the merits is still pending at the time of writing.

## **The Netherlands and France**

In the Netherlands, legal actions did manage to halt exports of F35 parts destined to Israel, but only until they pass assessments of lawfulness that the court determined the government should carry out rather than the courts.

Prior to the court case, a newspaper report in **January 2024** by NRC revealed that a document leaked by civil servants working in the Dutch Ministry of Foreign Affairs contained a literal request from the Office of the Dutch PM Mark Rutte (now head of NATO) to the ministry quoting "What can we say to make it look like Israel hasn't committed any war crimes."<sup>LXIV</sup>

In a court case brought by NGOs Oxfam, Novib, PAX and The Rights Forum, the Hague Court of Appeal ruled on **12 February 2024**, in favour of the plaintiffs, ordering the Dutch government to halt the export and transit of F-35 parts to Israel. The court found that there was a "clear risk" that these parts would be used to commit or facilitate serious breaches of international humanitarian law, noting that there were "many indications that Israel has violated the humanitarian law of war in a not insignificant number of cases."

The Dutch government appealed this ruling to the Supreme Court. On **3 October 2025**, the Supreme Court overturned the procedural basis of the lower court's judgment, holding that the "clear risk" assessment should be conducted by the Minister, not substituted for by the court. However, the Supreme Court did not reinstate arms exports. Instead, it ordered the Minister to reassess the export licence using the correct legal test. The Court confirmed that exports remain suspended until a new lawful assessment is made. There are no public records of a new government assessment and the halt on F-35 parts exports to Israel should still be in effect.<sup>LXV</sup>

In other cases, both Dutch and French courts flagged the importance of tailored assessments over blanket bans, and the need for explicit legislative frameworks before bans are imposed:

In France, the courts reached divergent conclusions in cases relating to banning Israeli arms exhibitors from French arms fairs. In **June 2024**, in an action brought by NGOs, the Bobigny Tribunal found that Israeli arms companies and their delegates should be barred from French arms fairs, citing the risk of contributing to international crimes. Days later, in an action brought by the French Israel Chamber of Commerce, the Paris Commercial Court held that the blanket exclusion of 74 Israeli exhibitors was discriminatory and created a "manifestly unlawful disturbance." This is despite a French Defence Ministry instruction in **May 2024** to ban Israeli arms companies from the Eurosatory (spelling?) arms fair after President Macron had called in vain on Israel to cease attacks on the Rafah area of Gaza. The Court found that the organiser could not produce any formal administrative decision authorising such a

measure. On appeal, the Paris Court of Appeal confirmed the inability to rely on ad hoc political instructions and that a legislative framework is required to impose bans.<sup>LXVI</sup>

In the Netherlands, a coalition of ten Dutch and Palestinian NGOs (including Al-Haq and Al Mezan) brought a case in The Hague against the Dutch government, arguing that the Netherlands is breaching its duties under international law, including the **Genocide Convention**, and the **Dutch International Crimes Act** by allowing military/dual-use exports to Israel and by tolerating trade and investment linked to settlements. After a hearing on **22 November 2024**, the District Court of The Hague issued its judgment on **13 December 2024**, holding that the State should not impose a blanket ban on exports to Israel, but must assess export applications case-by-case for a “clear risk” of serious **International Humanitarian Law (IHL)** violations. It found that the State’s current practice satisfied that obligation. The NGOs appealed this decision, with the outcome pending.<sup>LXVII</sup>

## The US

Despite legal restrictions under US national and international laws prohibiting military assistance to countries that block humanitarian aid or violate international humanitarian law, the US has intensified its provision of military support to Israel throughout the war in Gaza.

Under **Section 6201 of the Foreign Assistance Act**, it is prohibited to aid any country that obstructs US humanitarian assistance. Investigations and internal memos from USAID, the State Department, and senior legal officials within the US government concluded that Israel was preventing humanitarian aid from reaching civilians in Gaza. These internal findings also indicated likely violations of US statutes, including the **Arms Export Control Act**, and core provisions of international humanitarian law, such as the **Geneva Convention**.

In **April 2024**, government attorneys, including some within the Biden administration, formally called on President Biden to halt military aid on legal grounds. They said that “the law is clear and aligned with the majority of Americans who believe the US should cease arms shipments to Israel until it stops its military operations in Gaza.”<sup>LXVIII</sup>

ProPublica and Washington Post investigations revealed that senior officials, including Secretary of State Antony Blinken, were aware that Israel was blocking humanitarian aid yet continued approving weapons transfers.<sup>LXIX</sup> Nearly 500 reports of civilian harm caused by US-supplied weapons were not investigated as required. Mike Casey, a former state department official who resigned in **July 2024** said that discussions over alleged abuses centred around how to justify them.<sup>LXX</sup>

Despite the evidence, the State Department reported to Congress on **10 May 2024** that there was insufficient proof of Israeli obstruction of aid. The report claimed that “it is often difficult to determine facts on the ground in an active war zone and the presence of legitimate military targets.” It also stated that attacking protected sites such as civilian infrastructure “do not necessarily constitute violations of international humanitarian law as such sites can be legitimate targets if used for military purposes.” Stacey Gilbert, a senior advisor at the State Department resigned stating that “there is abundant evidence showing Israel is responsible for blocking aid. To deny this is absurd and shameful. This report and its flagrant untruth will haunt us”.<sup>LXXI</sup>

Two legal actions (detailed at Endnote <sup>LXXII</sup>) were brought by citizens seeking for the courts to intervene. The courts found that they had no jurisdiction over the decision of the executive branch, despite finding, in one of the cases, plausible cause to believe that national and international laws were breached and counselling the executive to act within the law.

In **November 2025**, a group of democratic senators led by Chris Van Hollen and Jack Reed urged US Secretary of State Marco Rubio to urgently investigate hundreds of potential human rights violations committed by the Israeli military in Gaza. The senators' request is reportedly based on a classified report by the State Department's **Office of Inspector General (OIG)** that found that the State Department has a massive backlog of incidents of human rights violations involving Israeli forces that could take years to fully examine. The senators warned that delaying the investigation undermines US laws that prohibit providing military assistance to foreign military units credibly accused of gross violations of human rights. The letter highlights that the State Department has not yet declared any Israeli unit ineligible for aid.<sup>LXXIII</sup>

Where reports have been prepared that touch on Israel's respect of international and US laws, the US government has faced accusations of censorship. For example, in **January 2024**, USAID contractor Alexander Smith said that he was forced to resign after agency officials ordered him to remove references to child mortality among Palestinians, international human rights law, referencing a Palestinian state or agencies with the word Palestine in their title. Smith said, "I cannot do my job in an environment where specific people cannot be acknowledged as fully human, or where gender and human rights principles apply to some but not to others, depending on their race."<sup>LXXIV</sup>

## The UK

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UK courts have been similarly reluctant to intervene in government decision making.

UK support for Israel's military activities has reportedly included arms export licences, production of F-35 fighter jet components destined for Israel via the US, military training, intelligence and surveillance flights over Gaza, and the facilitation of US weapons shipments through RAF bases.

Under its arms export criteria, the British government is obliged to suspend licences for arms exports if it determines that there is a clear risk that British weapons might be used in violation of international law.

UK military support to Israel continued despite the ICJ January 2024 findings of plausible genocide in Gaza, and despite Israel's defence minister Yoav Gallant, now wanted for trial for war crimes by the ICC, describing Palestinians at the start of the war on **9 October 2023** as "human animals" and vowing to "act accordingly". "I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed". Israeli Defence Minister Yoav Gallant went on to have an ICC arrest warrant issued against him for war crimes committed in Gaza.<sup>LXXV</sup>

Even as early as **27 October 2023**, the **United Nations Office for the Coordination of Humanitarian Affairs** spokesperson already stated that the "scale of bombardment in such a densely populated urban area is without precedent." In **May 2024**, Former UK Supreme

Court Justice Jonathan Sumption and hundreds of civil servants<sup>LXXVI</sup> publicly warned that continuing arms sales likely breached international and domestic legal obligations, as evidence showed that UK-supplied material was being used in operations that were disproportionate and unlawful.

Despite an abundance of evidence from very reliable sources - such as the UK's own surveillance flights over Gaza undertaken with great regularity, the findings of international courts, evidence presented by UN institutions and leading human rights organisations, and publicly available footage – the UK has maintained that it does not have “reliable” information regarding war crimes committed by Israel. Instead, they have instead been seeking clarifications from the least reliable source given that they are the ones accused of the crimes – Israel itself.

The UK Parliament's research service that briefs all parliamentarians details the position in relation to the UK's arms exports to Israel<sup>LXXVII</sup>. It states that the first assessment by a special unit within the **Foreign Commonwealth and Development Office (FCDO)** tasked with assessing Israel's compliance with **International Humanitarian Law (IHL)** was on **10 November 2023**. It found that ‘the volume of strikes and the total death toll, including the proportion of those who are children “raise serious concerns” and said the FCDO was seeking further information from the Israeli Government. The final assessment, dated **8 December 2023**, said the team was satisfied about Israel's compliance with international humanitarian law’ (p.19).

The briefing also states (at pp 25-26) that ‘On **2 September 2024**, Foreign Secretary David Lammy announced the suspension of around 30 licences to Israel to the House of Commons as, according to his statement to the House of Commons, “...there exists a clear risk that they might be used to commit or facilitate a serious violation of international humanitarian law.” Mr Lammy said that it had not been possible to make a “determinative conclusion” on allegations regarding Israel's conduct of hostilities “in part because there is insufficient information either from Israel or other reliable sources to verify such claims. Nevertheless, it is the assessment of His Majesty's Government that Israel could reasonably do more to ensure that lifesaving food and medical supplies reach civilians in Gaza [...]”

A court case brought by **Global Legal Action Network (GLAN)** and Al-Haq in **December 2023** sought to compel the UK to halt the supply of F35 parts destined for Israel via the US. They submitted extensive evidence, including witness testimonies of war crimes, hundreds of pages of documentation of attacks on civilians and essential infrastructure, and statements by Israeli officials indicating genocidal intent. However, on **18 November 2024** the High Court dismissed the case. It stated that there was a “high hurdle” to find that the government's decision-making was “irrational” with no realistic prospect for the case to surmount this challenge. The decision was appealed without success.

## Germany

The German government has voiced unwavering support for Israel. In **October 2024**, a year into Israeli attacks that the ICJ described as a plausible genocide, German Foreign Minister Annalena Baerbock defended Israel's conduct by stating in parliament that “self-defence means not only attacking terrorists but destroying them. When Hamas terrorists hide behind people, behind schools...civilian places lose their protected status because terrorists abuse

it.<sup>LXXVIII</sup> Her statement was strongly criticised by Francesca Albanese, UN Special Rapporteur on Palestine, who challenged Germany to provide evidence backing these claims and warned that Germany’s political support for Israel’s actions has legal consequences under international law<sup>LXXIX</sup>.

Court proceedings have revealed that Germany may have stopped issuing new arms export licenses to Israel since **early 2024**. This did not affect existing licences and does not involve an undertaking to cease future exports.<sup>LXXX</sup> This transpired following legal proceedings against the German state in Germany brought with the support of **European Legal Support Centre (ELSC)**, as well as separate proceedings at the ICJ instigated by Nicaragua against Germany.

Two sets of legal proceedings were initiated in Germany with the support of ELSC in **February 2024**. One case was filed before the **Administrative Court of Berlin** seeking to halt German arms exports to Israel based on violations of the **Federal War Weapons Control Act**, **EU export control law**, and Germany’s obligations under the **Genocide Convention**. On **12 June 2024**, the court rejected their request for interim relief but allowed the case to proceed on the merits. On **12 November 2025**, the Court **dismissed the case on procedural grounds**, holding that there was “**no risk of recurrence**” because, by that point, the German Federal Government had **already suspended new arms export licences to Israel** and stated that further licences were under review. The dismissal rested solely on the view that the challenged 2023 export licence for 3,000 portable anti-tank weapons could not recur under current conditions, and therefore no judicial remedy was required.<sup>LXXXI</sup>

Soon after the judgement - following a “ceasefire” in Gaza that came into effect on **10 October 2025** but that saw continuous Israeli strikes on Gaza that have killed hundreds and continued restrictions on vital aid - the German government announced that it would resume arms exports to Israel from **24 November 2025**.<sup>LXXXII</sup>

The second set of legal proceedings are a **criminal complaint** submitted by families of Palestinian victims to the **Federal Public Prosecutor**, alleging that German officials and private actors are aiding and abetting genocide in Gaza and requested Germany to comply with the ICJ’s January 2024 order. As of September 2024, the Prosecutor has issued no public notice of opening an investigation.<sup>LXXXIII</sup>

Nicaragua challenged German arms sales to Israel at the ICJ. It alleged that Germany is violating the **1948 Genocide Convention** by continuing military aid to Israel and suspending funding to UNRWA after the ICJ had issued provisional measures requiring Israel to prevent genocide and ensure humanitarian assistance. Although the ICJ declined Nicaragua’s request for immediate provisional measures in **April 2024**, it warned Germany of its obligations under international law and allowed the full case to proceed, rejecting Germany’s attempt to dismiss it outright.<sup>LXXXIV</sup>

While some proceedings remain in progress, including **Nicaragua v. Israel** before the ICJ, legal efforts to halt arms transfers to Israel in the context of an unfolding genocide have repeatedly been deflected by courts unwilling to intrude on government policy in foreign affairs. This judicial restraint has limited the availability of immediate remedies, even where the underlying legal risks are grave. However, the significance of these cases does not depend on securing injunctions or final judgments alone. They compel states to place evidence on the

record, crystallise the foreseeability of harm, and narrow the space for plausible deniability. That accumulated legal record should be actively used by media, legislators, and oversight bodies to challenge continued arms transfers and to press governments toward policies consistent with their obligations under international law.

## 2.2 Complaints Against Israeli Individuals

Attempts to seek accountability for Israel's actions go back to the **2008** war on Gaza when civil society organisations pursued Israel's then Foreign Minister Tzipi Livni. They instigated investigations, arrest warrants and police requests for interviews in the UK, Belgium and Switzerland. However, there were no actual arrests nor accountability. In the UK, the government actively shielded Livni by granting her diplomatic immunity during her visits.<sup>LXXXV</sup>

There has been an intensification of efforts for accountability in relation to Israel's actions in Gaza since October 2023 in national and international courts. Complaints are still being filed on an ongoing basis with outcomes yet to be determined.<sup>LXXXVI</sup> They include:

In the **Netherlands**, the March 30 Movement and the Hind Rajab Foundation filed criminal complaints against at least nine IDF soldiers, some of them Dutch-Israeli dual nationals, in three separate proceedings. This is for alleged war crimes, crimes against humanity and genocide in Gaza.<sup>LXXXVII</sup>

In **Australia** in **March 2024**, a team of lawyers filed a 92-page **Article 15 communication to the ICC Prosecutor** alleging that Australian Prime Minister Anthony Albanese bears individual criminal responsibility as an accessory to genocide and crimes against humanity in Gaza. The communication cites five strands of alleged conduct: (1) freezing A\$6 million in funding to UNRWA based on unsubstantiated claims despite the ICJ's finding that genocide was plausibly occurring; (2) providing military aid and approving defence exports that could be used in the commission of Rome Statute crimes; (3) deploying a military contingency to the region for opaque purposes; (4) permitting Australians to join the IDF to fight in Gaza; and (5) providing political support to Israel.<sup>LXXXVIII</sup> The Australian Government proceeded to lift the temporary pause on UNRWA funding on **15 March 2024** and released the A\$6 million, noting strengthened safeguards.<sup>LXXXIX</sup>

Also at the **ICC**, a request was made in **May 2024** for an investigation into **European Commission President Ursula von der Leyen** for complicity in genocide and war crimes against Palestinians in the Occupied Palestinian Territories and the Gaza Strip. A legal brief was submitted to ICC Prosecutor by **Geneva International Peace Research Institute (GIPRI)** and the **Collectif de Juristes pour le Respect des Engagements Internationaux de la France (CJRF)** and a group of international concerned citizens. In a press release they stated that "Mrs Ursula von der Leyen is responsible for aiding and abetting the commission of crimes and violations of international humanitarian law, within the meaning of **Article 25(3)(c) of the Rome Statute of the International Criminal Court** by virtue of **Article 27 of the Rome Statute**. The President of the European Commission is complicit in violations of **Articles 6,7 and 8 of the Rome Statute** by her positive actions (military, political, diplomatic support to Israel) and by her failure to take timely action on behalf of the European Commission to help prevent genocide as required by the **1948 Genocide Convention**."<sup>XC</sup>

In the **UK**, a series of legal complaints have been submitted by the ICJP to the Metropolitan Police War Crimes Unit (SO15), alleging war crimes, crimes against humanity, and complicity by British and Israeli officials in the context of Israel’s military actions in Gaza. On **17 January 2024**, ICJP delivered hard drives and documentation alleging serious international crimes, naming senior UK politicians, Israeli ministers, and private British individuals. Their identities were withheld from the public for legal reasons. This was followed by a **22 May 2024** submission consisting of a 60-page legal complaint and approximately 800 pages of evidence focused on the use of starvation as a weapon of war and wilfully inflicting great suffering on civilians in Gaza. On **6 June 2024**, ICJP submitted a third complaint, this time targeting a British-born former Israeli official, citing evidence of hate speech, incitement to violence, and statements encouraging attacks on protected civilian infrastructure. The Metropolitan Police confirmed that specialist officers were reviewing the material to assess whether formal investigations should be opened under the UK’s universal jurisdiction framework. As of October 2025, these matters remain under police assessment.

In **October 2024**, the Hind Rajab Foundation announced the submission of complaints to the **ICC** naming approximately 1000 Israeli soldiers (including dual nationals) for alleged **war crimes, crimes against humanity and genocide** in Gaza and requested arrests of two individuals located abroad. The submission is supported by 8000 pieces of evidence demonstrating the direct involvement of the named soldiers in the atrocities.<sup>XCI</sup>

In **Belgium**, on **17 October 2024**, the Belgian-Palestinian Association filed a war crimes complaint against a dual Belgian-Israeli citizen alleged to be serving in the IDF’s Refaim sniper unit. On **18 October 2024**, the Belgian Federal Prosecutor opened an investigation and transferred the case to an investigating judge.<sup>XCII</sup> In a separate case, in **July 2025**, the Hind Rajab Foundation and GLAN filed an urgent legal complaint for war crimes under Belgium’s universal-jurisdiction framework, against two IDF soldiers attending a music festival in the country. The police questioned and released the two Israeli nationals, and the Belgian Federal Prosecutor confirmed that a formal criminal investigation is ongoing.<sup>XCIII</sup>

In **France**, the **Parquet National Anti-Terroriste (PNAT)** opened two judicial investigations on **22 May 2025** for **complicity in genocide, incitement to genocide, and complicity in crimes against humanity** against French-Israeli nationals alleged to have blocked humanitarian aid convoys between **January and May 2024** at Nitzana and Kerem Shalom.<sup>XCIV</sup>

Most of these legal actions remain ongoing as at the time of writing. They show how civil society was made to address the vacuum left by insufficient official action to prevent war crimes and seek accountability despite overwhelming evidence. This is both a response to, and a reflection of, democratic erosion and the weakening rule of law globally.

### 2.3 The Role of Corporations

Under **Article 25 of the Rome Statute** and customary international law, corporate executives may be held individually criminally liable for aiding and abetting war crimes, genocide, or crimes against humanity where they knowingly facilitate unlawful activities such as population transfer, settlement construction, or exploitation of occupied territory.<sup>XCV</sup>

While the ICC can prosecute individual executives, the liability of corporations also falls under domestic laws such as the **EU Corporate Sustainability Due Diligence Directive (2024)**<sup>XCVI</sup>, **France’s Duty of Vigilance Law (2017)**<sup>XCVII</sup>, **Germany’s Supply Chain Act (2021, expanded 2024)**, and **Norway’s Transparency Act (2022)**, which require companies to identify, mitigate, and prevent human rights abuses in their supply chains.

These obligations potentially apply, among others, to companies listed in the **UN Human Rights Council’s Corporate Database** (established under **HRC Resolution 31/36**), which as of **26 September 2025** identifies 158 companies from 11 countries engaged in settlement-related activities ranging from construction and demolition to surveillance, utilities, finance, and resource extraction (the “**UN Corporate Database**”)<sup>XCVIII</sup>.

The UN Special Rapporteur on Palestine, Francesca Albanese, reaffirmed the legal obligations of corporations in her **16 June 2025** report titled “From Economy of Occupation to Economy of Genocide”. She warned that corporate actors involved in Israeli settlement activity or supplying military or surveillance infrastructure may be liable.<sup>XCIX</sup>

Legal actions have been initiated across multiple jurisdictions, seeking to hold corporations accountable. They have mostly relied on laws relating to supply chain due diligence, directors’ liability, and the prohibition on profiting from or facilitating settlement enterprise, occupation, or military operations deemed unlawful under international humanitarian law. The cases include the following:

### Equipment, Retail and Travel

In the **UK**, a complaint against **JCB** (one of the companies listed in the UN Corporate Database) was brought under the **OECD Guidelines for Multinational Enterprises** by Lawyers for Palestinian Human Rights. The Guidelines are voluntary and apply because JCB is a multinational headquartered in an OECD country (the UK). The complaint alleged that JCB products were used in house demolitions and settlement-related construction. This resulted in a **Final Statement on 12 November 2021** by the OECD UK National Contact Point, finding JCB in breach of the Guidelines by contributing to adverse human rights impacts, and by lacking a human rights policy and due diligence process, both of which it was required to remedy.<sup>C</sup>

Also in the **UK**, ICJP issued legal notices **in October 2024 and June 2025** to **8 major UK supermarket chains** - Asda, Lidl GB, M&S, Morrisons, Sainsbury’s, Tesco, Waitrose, Aldi - threatening legal action for importing goods from illegal Israeli settlements and warning that corporate directors may be personally liable for aiding and abetting war crimes under **Section 52 of the International Criminal Court Act 2001** and money laundering prohibitions in the **Proceeds of Crime Act 2002**.<sup>CI</sup>

In the **Netherlands**, six NGOs, including Al-Haq and SOMO, filed a **June 2024 criminal complaint** with the Dutch Public Prosecution Service against **Booking.com** (one of the companies listed in the UN Corporate Database<sup>CII</sup>), alleging money laundering and complicity in war crimes by profiting from property rentals in illegal Israeli settlements.<sup>CIII</sup>

In **Germany**, a **complaint under the Supply Chain Due Diligence Act** was filed in **November 2024** against media conglomerate **Axel Springer SE** over its property platform

Yad2's involvement in settlement real estate promotion. The Federal Office rejected the complaint in **May 2025** on procedural grounds. The complainants have filed an objection, which is pending.<sup>CIV</sup>

In **Ireland**, in **October 2025**, the High Court quashed the police's refusal to investigate a complaint brought by GLAN and Sadaka Ireland, alleging that Airbnb facilitated money laundering and handling of criminal proceeds from rental listings in Israeli settlements. The court ruled that the Gardaí must reconsider the case based on proper legal principles, including extraterritorial application of Irish anti-money laundering law.<sup>CV</sup>

These cases illustrate how civil society actors have increasingly moved to fill the enforcement vacuum left by regulators in efforts to hold corporations legally accountable. Their actions reflect a permissive regulatory environment that has long enabled corporate impunity in relation to Israel's occupation and associated war crimes. The UN database on business enterprises involved in settlement-related activities explicitly recognises the role of corporate participation in sustaining illegal Israeli settlements and the resulting human rights violations. Responsibility for ensuring corporate compliance with international and domestic legal standards, however, rests with states. Governments' reluctance - and in many instances active resistance - to measures capable of exerting pressure on Israel to end its occupation exposes the gap between their stated commitment to a two-state solution and their actual policies, while also underscoring a fundamental inconsistency between those policies and their legal obligation to seek an end to Israel's unlawful occupation.

## Tech Companies

The war on Gaza shows how everyday consumer technologies have been repurposed as instruments of surveillance, accelerated killings, and population control in Gaza and the Occupied Palestinian Territories. The technologies include cloud services, facial-recognition systems, online tracking, social media surveillance and geolocation tools. They have been instrumental in enabling Israeli war crimes and illegal occupation.

Investigations show that some of the technology used by Israel to commit war crimes has been supplied by household names such as **Google, Amazon and Microsoft**, and by companies with access to nationwide data such as **Palantir**.

The arguments made for the deployment of such technology in warfare include its improved targeting capabilities that would spare protected civilians and targets. However, Israel's use of the technology in Gaza shows that it has been used in practice to accelerate war crimes.

In **August 2024**, the UN High Commissioner for Human Rights stated that the majority of those killed in Gaza since October 2023 were women and children. Given Israel's enhanced capacity for accurate targeting, investigative journalists have sought to understand more about how technology was being deployed by Israel in its war on Gaza since October 2023.

The investigations revealed that Israel's technology tools include **Google photos**, used to identify Palestinians for targeting; **Google's "Lavender"** is used to generate decisions as to who to target; **Amazon and Google's "Project Nimbus"** provide AI and cloud computing for the large data requirements of the Israeli military; and **Palantir** - a major public projects contractor in the UK, US and some EU countries - provides support for "war related missions" such as data integration and analytics and operational decision support.

An investigation by the Washington Post from **8 November 2021** describes Israel’s facial-recognition and surveillance system as holding profiles on Palestinians including photos, family links, education and a security rating.<sup>CVI</sup> Amnesty International’s Report “Automated Apartheid” from **May 2023** describes Israel’s “Red Wolf” as a surveillance system used at Israeli checkpoints in the West Bank and East Jerusalem. Its facial recognition technology is used to scan Palestinians as they pass, log them in vast databases without consent, and automatically approve or deny passage based on stored profiles/flags.<sup>CVII</sup> Blue Wolf is reportedly a lighter mobile version issued to soldiers to snap the face of Palestinians and instantly check it against a military database. The app returns color-coded prompts, such as detain, arrest, let pass.<sup>CVIII</sup>

The tactics deployed by Israel against Palestinians and in Lebanon will not stay there. Former Mossad director Yossi Cohen has openly boasted on “The Brink” podcast **on 30 October 2025** that Israel has deployed a global sabotage and espionage network which uses “booby-trapped and spy-manipulated equipment”. The methods used to target Hezbollah are now, according to Cohen, embedded in “all the countries you can imagine.” He claimed personal credit for what he termed the “pager method” during his tenure at Mossad’s Special Operations division between 2002 and 2004. “You know how many treated equipment we have in these countries? Not only booby-trapped, but spy-manipulated...in all countries you can imagine.”<sup>CIX</sup>

Despite systematic and mounting abuse by the tech industry, governments continue to treat meaningful safeguards as discretionary while expanding commercial partnerships with high-risk technology firms. At the same time, states are centralising vast quantities of personal data in the hands of these actors as well as expanding their own surveillance powers, heightening risks to civil liberties and creating a threat to the democratic system itself.

These uses also raise serious questions of corporate and state responsibility under international human rights law, data-protection law, and standards of corporate due diligence, particularly where companies have enabled, facilitated, or failed to prevent the use of their products and services in ways that contribute to grave breaches of international law.

## Google

### Google’s “Project Nimbus”

The Israeli government in **2021**, announced a \$1.2 billion contract with Amazon Web Services and Google Cloud to “provide cloud services to the Government in the first part of the Nimbus Project”<sup>CX</sup>, and according to the Israeli Finance Ministry, the deal will service the country’s “defence establishment”. **Project Nimbus** is a bespoke project tailored to the needs of the Israeli state.

Google said that Nimbus concerns government workloads and denied facilitating “sensitive military” use. Google also seems to be interpreting its internal rules in ways that would allow military use. A Google spokesperson also said in **2022** to “Defense One” that Google can do this as its internal rules are more permissive than they appear to be, which means that “our technology can be used fairly broadly by the military.”<sup>CXI</sup>

The Intercept reported on **3 December 2024** that Google’s claim that Project Nimbus is bound by the company’s general cloud computing terms of service policy are not correct. Should it be the case, it would prohibit uses that lead to deprivation of rights, injury, death or other harms. Emails and documents seen by the Intercept suggest that Nimbus is subject to an "adjusted" policy drafted between Google and the Israeli government.

**The Abolitionist Law Centre (ALC)** made a detailed submission based in legal arguments on **28 November 2024** to the **UN Rapporteur on Palestine**, alleging that Google and Amazon’s Project Nimbus violated their own company policies and have aided and abetted international law violations. According to ALC’s Submission, Google’s publicly available **Acceptable Use Policy (AUP)** states that customers must not use services to “violate... the legal rights of others”, and that Google may suspend for AUP breaches. ALC quotes the Nimbus tender, showing Israeli officials “made adjustments to the terms of use” that have not been made public. The Submission requests, among other things, that Google and Amazon release those modified terms. It was reported on **3 December 2024** that internal Google materials suggest that consultants recommended incorporating Google’s standard AI Principles as well as additional restrictions into Nimbus. However, the contract does not reflect these recommendations.

On **11 April 2025**, nine former Google employees filed a class action in the N.D. California (**Anderson et al. v. Google LLC**, No. 5:25-cv-03268) against Google for breach of the **National Labor Relations Act**. The 342-page complaint alleges unlawful retaliation for protected activity.<sup>CXII</sup>

They allege retaliatory termination following their participation in a **16 April 2024** “Day of Action” at Google offices in California and New York. The pleading describes the Day of Action as organised by “No Tech for Apartheid”, with participants opposing alleged discrimination and harassment in US offices of Palestinian, Arab and Muslim employees and calling on Google to drop Project Nimbus.

The causes of action were pleaded in eleven counts under federal state laws. On **18 September 2025**, the Judge allowed the class action to proceed based on 7 out of 11 pleaded claims<sup>CXIII</sup>, including retaliation, wrongful discharge and political ideology discrimination. As at the time of writing, these proceedings have not concluded.

## Google’s Lavender System

Israeli media +972 magazine revealed on **3 April 2024**, based on interviews with acting members of the Israeli military, that **Google’s “Lavender”** system analysed every civilian of the 2.3 million population of Gaza.

The reason they gave for use of these systems is to accelerate the rate of attacks beyond what humans can achieve. The AI decides on the kill list by scraping information about individuals from sources that are commonly used globally by all of us – such as social media profiles, mobile phone locations, as well as identifying users that are in proximity to them. Based on this information, Lavender provides people with a rating that determines whether they end up on a hit list. The rating is not based on identifying individual combatants from their personal history, but on a predictive algorithm fed to the AI that is based on the supposed behaviour of a Hamas member. Depending on the number of targets set by the army, the criteria can be widened or narrowed down to increase or decrease the pool of targets.<sup>CXIV</sup>

Israel has also reportedly integrated Lavender into drone attacks, using a multitude of data points like pictures, audio recordings and geolocation to pursue targets in real time. <sup>CXV</sup>

Several Israeli intelligence agents told +972 Magazine that they personally took 20 seconds to review and approve airstrike recommendations generated by the AI systems, using that time only to confirm if the target is male.

According to +972 Magazine, Lavender nominated 37,000 people in the first few months of the war as Hamas or connected to Hamas and put them on a kill list that the Israeli military adopted. Another AI system called “Where is Daddy” monitors the location of cell phones. When the person arrives at the location that has been determined to be their home, it notifies the army to target their house, thereby hitting all its residents. <sup>CXVI</sup>

An Israeli soldier told +972 Magazine that the Israeli army “bombed in homes without hesitation as a first option. It's much easier to bomb a family's home. The system is built to look for them in these situations.”

Instead of precision bombs, the army used unguided missiles, destroying entire buildings. The intelligence source said that “you don't want to waste expensive bombs on unimportant people.” According to some of the sources, during the first weeks of the war, army policy approved the killing of up to 20 civilians for every suspected junior Hamas operative that Lavender marked. In the case of Hamas senior officials, the army authorised the killing of hundreds of civilians. An intelligence source said that “they took down four buildings when they knew the target was in one of them.”<sup>CXVII</sup> This disregard for civilian life and property is in line with an Israeli military doctrine known as the “Dahiya Doctrine” that promotes collective punishment. The soldiers told 972 Mag that “nothing happens by accident. We know exactly how much collateral damage there is in every home.”

## Google Photos

The Israeli military has also reportedly implemented a facial recognition system across the Gaza strip, scanning Palestinians across Gaza using **Google Photos** as part of its tools. According to the New York Times, the system relies on two different facial recognition tools - one made by Israeli contractor Corsight, and the other built into the popular consumer image organising platform offered through Google photos. An anonymous Israeli official told the New York Times that Google Photos worked better than any other alternative facial recognition technology. <sup>CXVIII</sup>

Some Google former workers have claimed that such use of Google Photos goes against company policy that prohibits use of Google Photos “to promote activities, goods, services, or information that cause serious and immediate harm to people.” They also claim that it is contrary to Google’s stated support of the **Conflicts-Sensitive Human Rights Due Diligence for Information and Communication Technology Companies**, a voluntary framework that helps tech companies avoid the misuse of their products and services in war zones. This includes “use of products and services for government surveillance in violation of international human rights norms” or to “locate, arrest, and imprison someone”. <sup>CXIX</sup>

The use of Google tech by the Israeli army has resulted in protests and resignations from some Goggle workers relating to ethics and governance at Google<sup>CXX</sup>. Gabriel Subiner, a

former researcher at Google, said that "providing powerful technology to an institution that has demonstrated the desire to abuse and weaponise AI is an unethical decision. It is a betrayal of all engineers that are putting work into Google Cloud."<sup>CXXI</sup>

## Microsoft Azure

Two formal complaints were lodged in Ireland in **December 2025** against Microsoft alleging serious violations of EU data protection laws tied to Israeli military surveillance. The complaints were lodged by the **Irish Council for Civil Liberties (ICCL)** and NGO Eko with the **Irish Data Protection Commission (DPC)**. The DPC is Microsoft's lead EU supervisory authority because the company's European headquarters are in Ireland. The complaint claims that Microsoft unlawfully processed personal data belonging to Palestinians and EU citizens in its European cloud infrastructure and thereby enabled grave human rights abuses by the Israeli military. The DPC has publicly confirmed that it has received the complaint and that it is currently under assessment, which is the formal first step under the **General Data Protection Regulation (GDPR)** enforcement process.<sup>CXXII</sup>

The involvement of Microsoft and others was exposed in a joint investigation by The Guardian, +972 Magazine and Local Call published on **6 August 2025**<sup>CXXIII</sup>. It reported that an Israeli military intelligence unit known as Unit 8200 used Microsoft's Azure cloud to store a vast archive of phone records relating to Palestinians in Gaza and the West Bank. According to those reports, the system held one of the world's largest and most intrusive surveillance troves targeting a single population group, and the recordings and associated metadata were stored in Azure data centres located in Ireland and the Netherlands. Because these data centres are within the EU, the complaint argues that the processing falls within the scope of the GDPR. Eko alleges that there was no valid legal basis for the processing under EU law, no transparency for data subjects, and multiple breaches of core **GDPR** principles. The complaint argues that the Microsoft Azure services have facilitated war crimes, crimes against humanity and possibly genocide.

Activists associated with the No Azure for Apartheid campaign claim that, once the existence of the Azure-hosted archive was exposed, Microsoft worked with Israeli authorities to rapidly transfer, reconfigure or relocate the data in order to move potential evidence of serious international crimes out of EU jurisdiction.

Microsoft has also come under shareholder pressure due to its involvement with the Israeli military. Norway's National Trust Fund has the second largest equity holding in Microsoft after Nvidia. The Fund has backed a shareholder demand that Microsoft disclose how it identifies human rights dangers in sensitive markets and explain whether its internal controls are effective. It stressed that boards cannot ignore the environmental and social impact of the products they approve.<sup>CXXIV</sup>

Microsoft announced on **25 September 2025**, that it had "ceased and disabled specific Israeli military subscriptions and services," specifically referencing Azure cloud storage and related AI tools. Microsoft stated that it took this action after determining that the unit's use of its services "violated our terms of use, including our policies on surveillance and human rights."<sup>CXXV</sup>

## 2.4 Part II Conclusion

The investigations and prosecutions surveyed in this section show that despite clear warnings from the ICJ, UN bodies, humanitarian agencies, and even their own internal legal advisers and employees, Israel's principal allies have continued to supply arms, political cover, and economic support in the face of mounting evidence of war crimes, crimes against humanity, and a ruling of plausible genocide in Gaza. Instead of exercising their duties under the Genocide Convention, the UN Charter, and domestic export-control laws, governments have insulated Israel from accountability and maintained business-as-usual military and corporate cooperation.

Legal challenges brought by civil society in national courts regarding the military support provided to Israel demonstrate both the depth of public concern and the institutional barriers to enforcing the rule of law. Courts across the Netherlands, Germany, the UK, and the US have acknowledged the seriousness of the allegations and, in some cases, the possibility that their governments are facilitating grave breaches of international law. Yet they have almost all declined to intervene with what they consider to be the realm of the executive.

Parallel efforts to pursue individual Israeli officials, dual nationals, and western political leaders in multiple jurisdictions and by filing complaints at the ICC illustrate a growing civil society engagement that rejects impunity. These initiatives also highlight the entrenched resistance of democratic states to both domestic and international pressures to change policies or to impose consequences on Israel and their support for it.

The cases show how corporate actors continue to profit from and entrench Israel's occupation. With governments unwilling to regulate or sanction these companies, civil society has again been forced to pursue legal remedies to halt corporate complicity in settlement expansion, population displacement, and war crimes. The revelations from media investigations and the legal follow ups highlighted in this section show how effective this combination is at uncovering facts, flagging their implications to the public and to policymakers, and pursuing accountability.

Democratic status alone does not prevent abuse. It relies not on trust in government (elected or not), but in enforceable constraints on power and in mechanisms that ensure respect for the law, transparency and accountability. Safeguards that this sections shows to be significantly absent.

## Part III: The Crackdown on Civil Rights

### 3. Suppression of Freedom of Speech and Discrimination

The failure of governments to prevent Genocide and put a stop to illegal occupation have led people to mobilise globally in their millions through protests, petitions, grassroots boycotts and divestments, and in some cases direct action. This public sentiment was aligned with international court decisions and expert opinions from human rights organisations and UN officials.

Instead of a change of policy, governments and corporations responded with a crackdown on dissent. The cases highlighted in this section are illustrative rather than comprehensive,

providing examples of the tactics deployed by governments and the legal challenges that ensued, with the incidents of suppression of freedom of speech and discrimination likely much greater than those that end up being reported by the media or litigated.

### 3.1 Germany

This section highlights legal cases in Germany relating to government and institutional retaliation against expressions of support for Palestinian rights or criticism of Israel. Across these cases, German courts have repeatedly affirmed the primacy of freedom of expression and struck down blanket or indiscriminate restrictions, finding that many state and institutional measures taken in response to pro-Palestinian speech were unlawful, disproportionate, or lacking a sufficient legal basis. This has not led to any policy reversal, and the onus remains on individuals to initiate legal challenge if they have the resources to do so and if the courts would accept to intervene in decisions of the executive.

#### Unlawful Ban of BDS

**BDS** stands for **Boycott, Divestment, Sanctions**, a global movement launched in **2005** that exerts non-violent pressure on Israel so that it complies with international law. BDS draws on tactics used in the international campaign against apartheid in South Africa, framing Palestinian rights as an issue of decolonisation, racial equality, and accountability under international law.

The Bundestag adopted anti-BDS resolutions on **17 May 2019** and **9 November 2024**, calling for economic and cultural exclusion of BDS supporters. In **June 2024**, Germany’s domestic intelligence agency classified BDS as a “suspected case of extremism”. In **May 2025**, Berlin’s Interior Administration stated that “BDS Berlin, is for the first time, listed by the Berlin Office for the Protection of the Constitution as a proven anti-constitutional endeavour.”

There has been legal challenges to the Bundestag anti-BDS resolutions, with the German courts refusing to consider the merits of the case, stating that there is no judicial route for challenging a parliamentary resolution<sup>2</sup>.

However, other court cases do show that anti-BDS measures go against binding legal precedent from the European Court of Human Rights (**ECHR**) and from national courts: In **Baldassi and Others v. France (2020)**, **ECHR** held that BDS advocacy is protected under **Article 10 of the European Convention on Human Rights**. German administrative courts, including the Federal Administrative Court on **20 January 2022**, have also ruled that municipalities cannot deny BDS-related events access to municipal facilities.<sup>CXXXVI</sup>

#### Unlawful Ban on the Chant “From the River to the Sea Palestine Will be Free”

In **Germany**, authorities have attempted to ban and criminalise the use of the chant “From the River to the Sea, Palestine Will Be Free”. In **May 2024**, the Federal Justice Ministry and several state police forces began classifying the chant as a possible expression of support for Hamas, leading to police raids, protest restrictions and prosecutions. However, several

<sup>2</sup> VG Berlin, 2K 79/20 decision of 7 October 2021 as appealed to Berlin-Brandenburg Higher Administrative Court decision of 16 June 2023, who deferred to the Federal Administrative Court

German court cases in **2024** have confirmed that the chant is not of itself unlawful and therefore cannot be subjected to a blanket ban, although its use may be restricted where it is accompanied by explicit support for proscribed organisations such as Hamas.<sup>3</sup>

## Unfair Dismissal: Anwar El Ghazi v. FSV Mainz 05

Dutch footballer **Anwar El Ghazi** was suspended then had his contract terminated by German club **FSV Mainz 05** on **17 October 2023** after posting social media content expressing solidarity with Palestinians and using the phrase “From the River to the Sea Palestine Will Be Free.” In **July 2024**, a German labour court ruled in his favour, ordering the club to compensate him approximately **€1.7 million** (equivalent to nine months’ salary) and ruling that he must be reinstated for the remainder of his contract. The judgment affirmed that his expression fell within the bounds of lawful political speech.

## Unlawful Speech and Travel Bans

In a series of high-profile cases, German authorities imposed travel and speech restrictions on individuals invited to speak at pro-Palestine events, resulting in significant legal challenges that reaffirmed the protection of political expression.

One case related to British-Palestinian surgeon **Dr Ghassan Abu-Sittah**. He was scheduled to speak at the Palestine Congress in Berlin on **12 April 2024**, but was denied entry at Berlin Airport, detained for questioning, and prevented from participating. Berlin police forcibly shut down the conference, and a Schengen-wide entry ban was subsequently issued at the request of Germany, leading to his refusal of entry into France on **4 May 2024** where he had been invited to address the French Senate. In **May 2024**, the **Administrative Court in Potsdam (Verwaltungsgericht Potsdam)** granted urgent relief, ruling the Schengen ban unlawful and ordering its removal. On **15 July 2025**, the **Administrative Court in Berlin** held that the Berlin immigration authority’s prohibition on his “political activity” was unlawful. These rulings confirmed that restrictions imposed on Dr Abu-Sittah by the German state violated fundamental rights to freedom of expression and free movement.

Another high-profile case was that of former Greek Finance Minister **Yanis Varoufakis**. Despite being an EU citizen, he too was subjected to a travel ban by the German Interior Ministry in **April 2024** when he was due to address the Palestine Congress in Berlin. The German authorities also extended the ban to prohibit his virtual participation via livestream or video recording. German police forcibly disbanded the event and cut power to the venue to prevent his speech. On **8 May 2024**, Varoufakis filed a legal challenge before the Administrative Court of Potsdam, contesting the ban under **§ 30(5) of the Federal Police Act (Bundespolizeigesetz, BPolG)** and **§ 6(1) sentence 2 of the Freedom of Movement Act/EU**

<sup>3</sup> **Repression of Freedom of Speech in Germany/the ban on chant “From the River to the Sea”**: Under criminal law, on **8 November 2024**, the Berlin State Security Chamber (Landgericht Berlin I) convicted an individual under **§ 86a of the German Criminal Code (StGB)** not for the slogan itself, but because it was used in conjunction with imagery associated with Hamas, a banned organisation. Under assembly law, courts repeatedly held that general prohibitions were unlawful and that the legality of the slogan depends on context. On **22 March 2024**, the **Hessian Higher Administrative Court in Kassel** overturned a blanket ban imposed by the City of Frankfurt, affirming that the slogan is not per se prohibited. Similarly, on **26 June 2024**, the **Bavarian Higher Administrative Court** found Munich’s general restriction likely unlawful. However, on **9 August 2024**, the same court upheld a **targeted, case-specific restriction** at a protest where authorities presented evidence of a concrete risk associated with the specific circumstances of the event.

(Freizügig/EU), asserting his rights as an EU citizen. As at the time of writing, the matter remains pending, with no published ruling.

## Unlawful Shutting Down of Solidarity Events

The Berlin court ruled on **26 November 2025** that the dispersal and banning of the Palestine Congress was unlawful and disproportionate. On **12 April 2024**, shortly after it began, the Palestine congress was stormed and banned by police. The event aimed to discuss Germany's complicity in the genocide in Gaza, with panels scheduled over three days to speak on ideological, military and political complicity. Weeks earlier, the organisers claim that there was a smear campaign against them by the media and politicians that demanded that they be banned. The organisers said that there was now a pattern of banning Palestine solidarity that is then challenged with a decision long down the line, determining the repression to be unlawful.<sup>CXXVII</sup>

## Stripping Citizenship

In **November 2025**, a man of Arab descent was granted German citizenship, only for it to be revoked days later. This is after he posted on Instagram a photo of a Palestinian fighter with the caption "Heroes of Palestine." New naturalisation rules in Germany force individuals to affirm Israel's "right to exist", considering this to be part of "protecting German values." Authorities said that his post proves that he gave a "false declaration of loyalty" when applying for citizenship. The state used a clause that allows authorities to strip citizenship within 10 years in the case of "deception".<sup>CXXVIII</sup>

Regardless of the details of this case, what the German state could come to define as a false declaration regarding "Israel's right to exist" could include matters like those that the courts have repeatedly found to be legitimate criticism while the government persisted in seeking to repress them. Naturalised citizens' speech would be chilled for at least ten years before the threat of denaturalisation for criticising Israel is lifted.

## Cultural and Academic Cancellations

**Candice Breitz (November 2023):** The Saarland Cultural Heritage Foundation cancelled Breitz's exhibition over her public comments criticising Israel's actions in Gaza.<sup>CXXIX</sup> Although she is Jewish and condemned the 7 October attacks, her support for Palestinian rights was deemed incompatible with institutional policy.<sup>CXXX</sup>

**Nancy Fraser (April 2024):** The University of Cologne revoked a job offer to American Jewish philosopher **Nancy Fraser** due to her signing a public letter opposing the war in Gaza. Fraser publicly criticised Germany's position, stating that the decision reflected a narrowing of "responsibility to Jews" into "unquestioning support for Israeli state policy."<sup>CXXXI</sup>

**James Bridle (November 2024):** British artist **James Bridle** was stripped of a prestigious €10,000 architecture prize by the Schelling Architecture Foundation after signing an open letter advocating a cultural boycott of Israeli institutions. The Foundation stated that supporting such a boycott conflicted with responsibilities stemming from "awareness of Germany's national history."<sup>CXXXII</sup> Bridle issued a public response denouncing the decision

as part of a wider trend of institutional complicity in suppressing speech critical of Israel.<sup>CXXXIII</sup>

The cumulative effect is the dramatic shrinking of democratic space in Germany. Freedom of expression, the right to protest, academic freedom, and cultural participation are all increasingly restricted for those who stand in solidarity with Palestine. A blueprint that could be used to suppress other social and political speech.

### 3.2 The UK

The cases in this section show how the UK government has sought to revoke the visas and deport people for exercising freedom of expression in support of a legitimate cause, has used counter terrorism laws against peaceful protestors and to raid journalists, and the courts have found that attempts to suppress criticism of Zionism and of Israel are contrary to freedom of speech.

UK courts have so far safeguarded freedom of expression and due process. However, the outcome of prosecutions relating to Palestine Action and a judicial review of its proscribing as a terrorist organisation remain pending at the time of writing. The cases reveal the fragility of democratic norms when attacked by institutions that are supposed to protect them.

#### Revoke and Deport

Dana Abu Qamar, a Palestinian law student at the University of Manchester and president of the Friends of Palestine Society, had her student visa cancelled on **1 December 2023** after the Home Office concluded that her presence was ‘not conducive to the public good’ on national security grounds, alleging that comments she made on 7 and 8 October 2023 amounted to support for Hamas and the 7 October attacks. She consistently contested this characterisation, stating that she opposed attacks on civilians and that her remarks expressed lawful support for Palestinian resistance to occupation. In a decision dated **15 October 2024** by the **First-tier Tribunal of the Immigration and Asylum Chamber in Abu Qamar v Secretary of State for the Home Department**, the court allowed her appeal, holding that the Secretary of State had failed to show that her presence was not conducive to the public good and that her removal would be a disproportionate interference with her right to **freedom of expression** under **Article 10 of the European Convention on Human Rights** and contrary to **section 6 of the Human Rights Act 1998**. The Tribunal found that, viewed objectively and in context, her statements could not reasonably be interpreted as public support for Hamas or for acts of terrorism.”<sup>CXXXIV</sup>

#### Use of the Terrorism Act

On **17 October 2024**, police raided the home of journalist Asa Winstanley, associate editor of “The Electronic Intifada”, under the **Terrorism Act 2000**, seizing electronic devices. The Central Criminal Court (Old Bailey) ruled that the search warrants were unlawfully issued under **section 8 of the Police and Criminal Evidence Act 1984**, refused the police application for continued access to seized material, and ordered all property returned.<sup>CXXXV</sup>

In parallel, the director of Electronic Intifada, Palestinian-American Ali Abunimah, was detained in Switzerland on **25 January 2025** on his way to speak at a public event regarding

Israel's actions in Gaza and then deported<sup>CXXXVI</sup>. A court in Zurich ruled on **19 December 2025** that his arrest and detention violated the **Swiss constitution** and the **European Convention on Human Rights**.<sup>CXXXVII</sup>

On **1 November 2024**, **Professor Haim Bresheeth**, a Holocaust survivor's son and founder of the Jewish Network for Palestine, was arrested at a demonstration outside the Israeli ambassador's residence under the **Terrorism Act 2000**, but released the following morning without charge, with no further action taken.<sup>CXXXVIII</sup>

Home Secretary Yvette Cooper announced on **23 June 2025** her decision to proscribe Palestine Action under **section 3 of the Terrorism Act 2000**, stating that the group had moved beyond protest into "a series of violent attacks against national security targets," including serious criminal damage at defence facilities. The **Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2025** came into force on **5 July 2025**, making it an offence to belong to, invite support for, or display support for Palestine Action.<sup>CXXXIX</sup>

Palestine Action protesters had previously been acquitted under a jury trial. Activists **Joe Irving and Ferhat Ulusu** from the group Palestine Action were prosecuted for criminal damage after occupying, in 2021, the rooftop of UAV Tactical Systems, a Leicester-based subsidiary of the Israeli arms company Elbit Systems. Following trial at Leicester Crown Court, a jury acquitted both defendants on **24 May 2024**, accepting their defence that their actions were intended to prevent greater harm to civilians in Palestine.

In **September 2025**, in the case of **R (Ammouri) v Secretary of State for the Home Department**, UK human-rights groups Liberty and Amnesty UK intervened in court to challenge the ban, arguing proscription is an extreme, rights-incompatible response to direct action that should be addressed under ordinary criminal law.<sup>CXL</sup>

Richard Barrett, former director of global anti-terrorism at MI5, said that the ban on Palestine Action "goes too far" and that the mass arrests of protesters supporting the group is a waste of police time. He said that "an awful lot of people feel quite strongly about Gaza and that doesn't make them terrorists. With all the arrests that the police made... were they a sensible use of police time?" Barrett recently co-chaired a commission that found UK terror law was too broad and risked "inconsistency, perceptions of unfairness, and the treatment of legitimate protest as terrorism" because it "relies heavily on executive discretion." Being a member or showing support for Palestine Action is currently punishable by up to 14 years in prison. Some 2100 people have been arrested between 5 July and 20 November 2025, mostly for holding a sign saying "I oppose genocide. I support Palestine Action."<sup>CXLI</sup>

On **28 November 2025**, former Northern Ireland secretary and member of the House of Lords Peter Hain opposed the proscription of Palestine Action as a terrorist organisation, stating that "Nazi-like US racists and here in the UK the IRA also committed terrible terrorist atrocities targeting or killing innocent civilians, properly and rightly labelled terrorists. This government is treating Palestine Action as equivalent to Islamic State or Al Qaida which is intellectually bankrupt, politically unprincipled and morally wrong."<sup>CXLII</sup>

The **UN Human Rights Office** described the designation on **25 July 2025** as a “disturbing misuse” of counter-terrorism powers against a protest movement, warning it threatens lawful dissent and chills civil society.<sup>CXLIII</sup>

The **International Bar Association** likewise described the move as “a dangerous shift,” unprecedented for a UK protest group.<sup>CXLIV</sup>

A substantive judicial review was heard in **November/December 2025** and a judgment was not yet issued at the time of writing.<sup>CXLV</sup> There has been a certain loss of faith in the judicial review process as the judge that was meant to hear the case was suddenly removed and replaced by three others, at least one of which is perceived to have a potential conflict of interest.<sup>CXLVI</sup>

Reports from the hearing point to the extreme situation created by the proscription. In the first day of the hearing one of the judges stated that the statement “Palestine Action are not Terrorists” would be deemed as support for them. This makes it imprisonable for 14 years.

Irish best-selling author Sally Rooney told the High Court that the proscription of Palestine Action under terror laws means that she is unlikely to be able to publish new novels in the UK and may have to withdraw her current books from sale. The ban could leave her publishers, as well as the BBC who adapted two of her novels, at risk of being accused of funding terrorism if they pay her royalties she said. Her statement in court was meant as demonstration of the impact on freedom of speech of the proscription. She placed Palestine Action as part of “a long and proud tradition of civil disobedience. She said that she supports it in the context of climate justice, and “it should stand to reason that I should support the same range of tactics in the effort to prevent genocide.”

There are concerns over how the government has determined its policy towards protests. In **October 2024**, the Good Law Project and Compassion in Politics lodged a formal complaint against **Lord Walney (John Woodcock)**, the government’s “independent advisor” on political violence. The complaint alleged that he has undisclosed financial links to arms and fossil fuel firms that created a conflict of interest regarding his recommendations of harsher restrictions on protest movements. His report titled “Protecting Our Democracy from Coercion” was published on **21 May 2024**. It proposed 41 measures including bans on groups such as Palestine Action. He subsequently appeared before the London Assembly in **October 2024** advocating that protest groups be made to pay policing costs.<sup>CXLVII</sup>

## Supressing the Right to Protest

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Hundreds of thousands of people took part in some 25 peaceful national demonstrations in support of Palestine in London between October 2023 and December 2025.

The UK Government’s has proposed amendments to the Crime and Policing Bill in October 2025 that would require the police to consider the “cumulative impact” of repeated protests in the same area when imposing conditions on demonstrations. The Home Secretary Shabana Mahmood said that large scale protests over Gaza had caused “Considerable fear” for the Jewish community, especially after a deadly attack on a synagogue in Manchester. The leader of the Green Party Zack Polanski, who is himself Jewish and from Manchester, criticised the

Home Secretary’s remarks for explicitly conflating pro-Palestine protest with antisemitic violence, warning that this framing was being used to justify repression of lawful dissent.

More than 40 civil society organisations, including Amnesty International UK, Liberty, Greenpeace and the **Trade Union Congress (TUC)**, condemned the plans as a draconian crackdown on the right to freedom of expression and assembly.

### Suppressing Criticism of Israel and of Zionism

The two-state solution has been accepted by all Western states, the UN, the Arab League, and the Palestinian Authority. However, its viability has been deliberately eroded by Israel through the expansion of illegal settlements, fragmentation of Palestinian land into non-contiguous enclaves, and the formal rejection of Palestinian statehood by senior Israeli officials. Since October 2023, the Israeli government has openly repeated its aim to assert sovereignty over all historic Palestine. Its Western allies are yet to put real pressure on Israel to change policy. This is in line with Zionist ideology, which seeks to establish a Jewish only or majority state at the expense of the indigenous Palestinian population.

Critics of the two-state solution often call for one democratic state that will be for all its peoples regardless of their religion, including Jews, Muslims and Christians. They argue that this approach better aligns with international legal principles, affirms Palestinian refugees’ rights under international law, addresses the entrenched reality caused by settlements, and opens the path to genuine reconciliation. It is important to note that many Jewish people are anti-Zionist and that there are indications that this has been a growing movement since the start of the war on Gaza in 2023. They are among those insisting that Jewish identity should not be used to shield Israel from accountability, finding that this diminishes the real fight against antisemitism.

The question of whether anti-Zionism and criticism of Israel are antisemitism has reached the courts in the UK. In the case of Professor **David Miller v University of Bristol**, on **5 February 2024** (published **10 October 2024**), a UK Employment Tribunal ruled that anti-Zionism is a protected philosophical belief under **Section 10 of the Equality Act 2010**, affirming that criticism of Israel and Zionism is protected speech.<sup>CXLVIII</sup> In **October 2025**, Professor David Miller also won a private prosecution brought against him by **Campaign Against Antisemitism (CAA)** at Westminster Magistrates Court, confirming once more that his work critical of Israel falls within the bounds of protected political speech.<sup>CXLIX</sup>

Despite this, the government continues to push for the **International Holocaust Remembrance Alliance (IHRA)** definition of antisemitism that includes criticism of Israel, seeking for its adoption by institutions such as the NHS as was done at the request of Health Minister Wes Streeting in **November 2025**.<sup>CL</sup>

### 3.3 The US

#### Unconstitutional State Restrictions on BDS

Across the US, court cases have challenged state and federal measures restricting criticism of Israel and support for BDS. The cases reveal a widening pattern of laws and corporate practices that seek to silence dissenting voices, often in direct conflict with the First Amendment.

Since 2017, over 35 US states have enacted anti-boycott regulations requiring state contractors to certify that they are not, and will not, participate in boycotts of Israel. This amounts to unconstitutional viewpoint discrimination and compelled political speech.

One of the exceptions is the case of **Arkansas Times LP v. Waldrip**. An appeal ruling in the Eighth Circuit in **June 2022** did not find in favour of the Arkansas Times when it challenged the legality of the requirement made of it to sign a certification in a contract with Pulaski Technical College that “it is not currently engaged in and agrees for the duration of the contract not to engage in, a boycott of Israel”. The court held that the requirement regulated “purely commercial, non-expressive conduct” and therefore did not breach the First Amendment.<sup>CLI</sup> However, most other cases had opposite findings.

In **Koontz v. Watson** in the District of Kansas, the Judge granted a preliminary injunction on **30 January 2018**, holding that Kansas’ certification law imposed “a plainly unconstitutional choice” between abandoning protected political expression or losing state contracts.<sup>CLII</sup> Similar outcomes followed in Arizona in **Jordahl v. Brnovich (September 2018)**<sup>CLIII</sup> and in Texas in **Amawi v. Pflugerville Independent School District (April 2019)**<sup>CLIV</sup>, with the courts finding the certification clauses likely unconstitutional under the First Amendment. In each instance, states amended their laws but only to exempt small businesses.

## Chilling Speech Through Conflating Criticism of Israel with Antisemitism

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Instead of governments aligning their policies with the position under international law, they have sought to silence criticism by their citizens of their policies in various ways. One of them is by stigmatising and outlawing criticism of Israel as antisemitic.

**The American-Arab Anti-Discrimination Committee (ADC)** has filed a federal lawsuit challenging a California law that it says conflates criticism of Israel and Zionism with antisemitism, posing a direct threat to free speech in classrooms.<sup>CLV</sup> The law was signed in **October 2025** by governor Gavin Newsom, with vague language that makes it uncertain about how to teach about the war on Gaza and the ideology of Zionism.

According to the complaint, the law’s failure to define antisemitism exposes teachers to potential punishment “if they expose their students to idea, information, and instructional materials that may be considered critical of the State of Isarel and the philosophy of Zionism.” Filed on behalf of teachers, students and the LA Educators for Justice in Palestine, the suit argues that the law erases the distinction between antisemitism and legitimate criticism of Israeli policy. A middle school teacher said that he feared disciplinary action for explaining to his students that being Jewish does not necessarily mean supporting Israel, while parents wanted their children to learn diverse perspectives on Israel and to be able to engage in debates.

The consequences for individuals of being labelled antisemitic are serious. Liora Rez, the founder and executive director of “Stop Antisemitism”, in a speech at the Israeli Embassy in Washington in **December 2025** stated that her organisation is monitoring campuses, digital networks, activist groups and public officials and documenting incidents in real time to ensure there are life-long consequences for individuals engaging in what she described as “antisemitism”. She said that “thanks to Google and SEO [Search Engine Optimisation] we

will follow you for the rest of your life. When you look for a job, when you look for a spouse, when you look for a nanny, when you look for anything.”

StopAntisemitism have been sued for defamation on at least a couple of occasions and the courts have generally considered their labelling of individuals as antisemites as free speech (**Tannous v. Cabrini University et al., May 2024**). Further protections may be afforded in Illinois under the Illinois Civil Liability for Doxxing Act which took effect in January 2024 and that protects against the publishing of personally identifiable information with intent to cause harm or substantial disruption. Two students are pursuing such a case against Stop Antisemitism.<sup>CLVI</sup>

The Anti-Defamation League is another organisation that has openly stated that it is surveilling citizens and reporting them to the authorities. Its CEO Jonathan Greenblatt said on 10 January 2026 at an event in Los Angeles that “We have a whole apparatus. I have 40 analysts working full time, seven days a week, 24 hours a day, monitoring extremists. We monitor them online, social media, messaging apps, video games, cryptocurrency, podcasts, short form video, Wikipedia, LLMs. We monitor these people and we share the intelligence with the FBI... So, we’re monitoring left wing radicals like the DSA and the anti-war crazies and the pro-Palestine crazies. We’re monitoring right-wing extremists like white supremacists, armed militia groups. We’re monitoring political Islamists and Christian nationalists, all of them.”<sup>CLVII</sup>

These developments point to a troubling inversion of democratic and legal norms. Rather than bringing state conduct into conformity with international law, governments and aligned private actors have increasingly resorted to suppressing dissent, narrowing the boundaries of lawful speech, engaging in surveillance, and inflicting reputational punishments. By conflating antisemitism with legitimate criticism of Israeli state policy and Zionist ideology, these measures erode fundamental protections for freedom of expression, academic inquiry, and political participation. They also risk instrumentalising the fight against antisemitism in ways that undermine its moral force, while shielding ongoing violations of international law from accountability. The widening of the application of the same logic to other groups and political perspectives is also clear. A reversal of this trajectory is required to safeguard democratic governance while also shielding from genuine antisemitism, driven by sustained media scrutiny and reinforced through strategic legal action.

### Corporate Harassment, Retaliation and Viewpoint Discrimination

The following cases are examples of discrimination by US companies and restrictions of freedom of speech of their employees or subsidiaries in relation to Israel and Palestine. Other such cases have also been included in the technology industry and universities sections of this Report.

US Technology company **Cisco** has a long standing and deepening involvement with the Israeli government and in investments in Israeli technology start-ups. This includes providing communications equipment and security cameras equipped with facial recognition systems that are used in Occupied Palestinian Territory.<sup>CLVIII</sup> On **12 December 2024**, current and former Cisco employees filed complaints before the US Equal Employment Opportunity Commission, the National Labor Relations Board, and the California Labor Commissioner<sup>CLIX</sup>, alleging harassment, retaliation, and viewpoint discrimination for voicing concern over Cisco’s contracts with the Israeli military.<sup>CLX</sup> The complainants cited a

company-wide petition signed by 1700 employees urging Cisco to disclose and end its role in Israeli military operations. They allege that Cisco removed their letter, facilitated internal harassment, and fired organisers. As of **August 2025**, proceedings remain pending.

Under the 2000 acquisition agreement between **Ben & Jerry’s Homemade, Inc.** and **Unilever**, the ice-cream company retained an independent board with sole authority over its social mission and ethical commitments. However, since **2021**, legal disputes have arisen over Unilever’s interference with Ben & Jerry’s statements and actions supporting Palestinian human rights, which the board and founders (both are Jewish and supportive of Palestine) described as a breach of both contract and ethical governance.<sup>CLXI</sup> On **17 September 2025**, co-founder Jerry Greenfield announced his resignation after 47 years, declaring that Unilever had “stifled the independence and conscience” of the company by silencing activism around Gaza.<sup>CLXII</sup>

### Chilling Speech Through False Accusations of Support for Terrorism

Several lawsuits have sought to attack organisations on the basis that they support Hamas but failed for lack of evidence.

In **Jewish National Fund v. U.S. Campaign for Palestinian Rights**, the District Court dismissed the case on **31 March 2021** for lack of evidence that the US Campaign for Palestinian Rights provided material support to Hamas, and the appeal courts upheld the dismissals.

In **Newman v. Associated Press (S.D. Fla.)**, filed **21 February 2024**, the court dismissed claims under the **Anti-Terrorism Act** and **Justice Against Sponsors of Terrorism Act** that AP knowingly contracted and paid a photojournalists who were Hamas members, finding insufficient evidence.

Similarly, in **Lavi v. UNRWA USA National Committee (D. Del., 8 March 2024)**, the plaintiffs claimed that UNRWA “knowingly, wilfully and intentionally works...to provide material support” to support the 7 October 2023 attacks. The case was dismissed on **8 August 2025** for lack of evidence.

### An Ever-Shrinking Democratic Space

The same playbook successive US administrations - Democrat and Republican alike - have deployed to suppress opposition to policies on Israel/Palestine is now being broadened to target dissent across a widening range of political and social issues.

A **September 2025** Trump **executive order** designated “antifa” as a domestic terrorist organisation and ordered the attorney general to propose further domestic designations explicitly linking “anti-American” and “anti-capitalist” views, anti-fascist activism, and militant protest tactics as a single “threat” category. In addition, a National Security Presidential Memorandum issued on **25 September 2025** (NSPM-7, “**Countering Domestic Terrorism and Organized Political Violence**”)<sup>CLXIII</sup> instructs agencies to prioritise investigation of ideologies it associates with domestic extremism, listing “anti-fascists”, “anti-Americanism”, “anti-capitalism”, “anti-Christianity”, “support for the overthrow of the

United States Government”, “extremism on migration, race, and gender”, and “hostility towards those who hold traditional American views on family, religion, and morality.”<sup>CLXIV</sup>

A leaked DOJ memo<sup>CLXV</sup> reportedly directs federal prosecutors and the FBI to compile a list of “domestic terrorism” organisations based on these criteria. The same memo instructs Joint Terrorism Task Forces to prioritise investigations of groups engaged in activities such as doxing, aggressive protest, civil disobedience or disruptive direct action when coupled with these viewpoints.

Civil society organisations are alarmed by the sweeping broadness of these terms as they could potentially vilify and criminalise anyone the administration seeks to silence even where there is no incitement or intent to commit violence. They say that the measures chill free speech and association by signalling that opposition to administration policies, especially on immigration, race, gender and foreign policy, may trigger intrusive scrutiny or be treated as a security threat rather than legitimate democratic participation.<sup>CLXVI</sup> For example, Trump and senior Republicans have repeatedly described large anti-Trump demonstrations (such as the 2025 “No Kings” rallies) as “hate America” protests or as the work of “enemies” and “animals,”<sup>CLXVII</sup> language that advocacy groups say helps justify militarised policing, expanded surveillance and the deployment of National Guard troops against largely peaceful dissent.

The fluid definition of what can be deemed as security threat rather than legitimate protest is combined with the sidelining ordinary law enforcement and deployment of the National Guard and Marines against the will of state governors or mayors such as in LA and Washington DC, and threats to invoke the Insurrection Act<sup>CLXVIII</sup>.

There were hundreds of lawsuits in 2025 challenging Trump’s actions, with the law becoming a last refuge for upholding democratic safeguards. Many outcomes are yet to be determined.<sup>CLXIX</sup> The problem with reliance on the legal system is that it is systemically limited in its ability to keep the executive branch in check: the fact that the US judicial appointments are party political already compromises the independence of the judiciary. Added to this, media reports highlight the instrumentalisation of the Department of Justice and of the pardon system in achieving presidential priorities<sup>CLXX</sup>. Moreover, addressing governance through the courts is too piecemeal and requires deep resources that most lack. The implications for democracy in the US of these developments are very serious and extend beyond its border, with similar dynamics playing out in allied democracies.

#### 4. Embedding the Surveillance Architecture Worldwide

Rather than holding technology companies to account for their involvement in human rights abuses in Gaza and the Occupied Palestinian Territories, Western governments have continued to reward them through public contracts and by granting access to nationwide datasets that further entrench their systems, profits, and market power.

Many of these companies now command budgets exceeding those of numerous states and provide infrastructure on which both markets and public administration depend, placing them in a powerful position to shape the regulatory frameworks intended to govern them. This

influence is often exercised in political environments characterised by opaque party financing and close relationships between corporate donors and decision-makers.

This section examines a selection of legal cases that expose widespread misuse of surveillance and data-driven technologies and examines how such practices have been enabled by light-touch regulation and deregulation.

The expanding role assigned by governments to technology firms in the delivery of public sector services, combined with their growing economic and security dominance, undermines the state’s capacity to act in the public interest, erodes sovereignty, creates security risks, and facilitates the expansion of both state and corporate surveillance powers. When this is coupled with crackdowns on dissent and the facilitation of human rights abuses documented in this Report, the harm to democratic governance and fundamental freedoms has already materialised.

Democratic rights cannot rest on trust in government discretion, even where governments act in good faith. It requires robust, enforceable checks and balances on corporate and state power that are currently absent and that need to be urgently restored before the erosion of democracy gets more entrenched.

#### 4.1 US Forcing Deregulation and Increasing Data Risks

The second Trump administration has rejected outright regulatory safeguards intended to protect against the risks of technology to society and human rights. This is while simultaneously dismantling, curtailing, or politicising oversight bodies in ways that weaken their capacity for independent scrutiny<sup>CLXXI</sup>.

In the debate over the “One Big Beautiful Bill”, the House initially adopted a ten-year moratorium on AI regulation. However, a 99 to 1 Senate vote on **1 July 2025** saw the moratorium removed. Undeterred, the **White House’s July 2025 “America’s AI Action Plan”** set a deregulatory goal of removing “red tape and onerous regulation” to accelerate private-sector AI innovation.

A few months prior, the administration created the **Department of Government Efficiency (DOGE)** by executive order in **January 2025** to cut down federal agencies in what was described as a cost saving drive.<sup>CLXXII</sup> DOGE was initially headed by tech executive Elon Musk, raising conflicts of interest concerns around reducing the capacity of agencies that regulate his businesses, and around allowing him access to sensitive nationwide data.

The methods adopted by DOGE gave rise to multiple lawsuits, including the following: In **February 2025**, fourteen state Attorneys General filed a multistate suit in the US District Court for the District of Columbia alleging unlawful delegation of presidential authority and improper access to federal systems. On **18 March 2025**, a federal court halted the shutdown of USAID as likely unconstitutional and ordered restoration of staff and IT access. On **19 May 2025**, the US Institute of Peace won a case overturning DOGE-driven mass firings and board removals, with the court declaring those actions “null and void.”<sup>CLXXIII</sup>

The methods used by the **ICE** have also raised concerns over unlawful processes and risky transfers of data. For example, on **21 November 2025**, the US District Court for the District

of Columbia issued an injunction blocking **the Internal Revenue Service (IRS)** from continuing to provide ICE with data relating to taxpayer addresses as it violates **federal tax-confidentiality rules** and the **Administrative Procedure Act (Center for Taxpayer Rights et al. v. Internal Revenue Service et al)**.

These developments underscore a convergence of corporate interests, executive power and deregulation, aggravated by potential conflicts of interest linked to political funding. This dynamic erodes the independence of regulators and risks converting regulatory tools into instruments serving political or commercial agendas rather than the public good.

At the other end of the spectrum from the US, the EU currently offers the most robust legal protections against digital rights abuses as outlined in **Annex A**. However, the US is pressurising the EU and other states to deregulate. This has become contentious with the outcome having important implications for democracy and human rights.

In **August 2025**, President Trump stated that he would “stand up to countries that attack our incredible American tech companies” and that “Digital Taxes, Digital Services Legislation, and Digital Markets Regulations are all designed to harm, or discriminate against, American Technology.” In the same message he warned that, unless such “discriminatory actions” were removed, he would “impose substantial additional tariffs” on those countries’ exports to the US and “institute export restrictions on our highly protected technology and chips.”<sup>CLXXIV</sup>

This was after the European Commission moved from adoption to enforcement of the **Digital Services Act (DSA)** and **Digital Markets Act (DMA)**. Between 2024 and 2025, the Commission opened formal non-compliance proceedings against major technology companies X, Meta, TikTok, Alphabet and Apple. It imposed significant penalties and corrective obligations in **April 2025** on Apple, and in **October 2025** on Meta and TikTok.<sup>CLXXV</sup>

There were further escalations in **December 2025** after the EU Commission imposed a DSA fine of €120 million against X alongside orders to amend aspects of its platform governance.<sup>CLXXVI</sup> Elon Musk, majority shareholder and leader of X, denounced the DSA as a censorship regime and publicly attacked former EU Internal Market Commissioner Thierry Breton, describing him as the “tyrant of Europe” for his role in advancing the legislation. He also stated that “the EU should be abolished, and sovereignty returned to individual countries, so governments can better represent the interests of their citizens.”<sup>CLXXVII</sup>

The Trump administration echoed these criticisms, characterising the EU’s regulatory measures as discriminatory “economic coercion” against American firms, and in December 2025 imposed visa bans on Breton and four other EU officials associated with the EU’s digital regulatory framework. Breton rejected the sanctions as a “McCarthy-style witch hunt,” emphasising that the DSA was democratically adopted by all 27 EU Member States and arguing that the real threat to free expression lies in opaque, unaccountable platform decision-making rather than in public law.<sup>CLXXVIII</sup>

On the other hand, the EU is diluting certain protections. For example, it is allowing the use of biometric data in migration and border control systems - such as fingerprints, facial images and DNA – and is proposing expanding automated screening and profiling techniques for travellers to the EU as well as the sharing of such data across EU databases. Also, leaked

drafts of the Commission’s “digital package” suggest narrowing the definition of personal data and relaxing certain transparency and automated decision-making rules in the GDPR, prompting digital rights organisations to warn against the erosion of core EU data protection safeguards. These systems risk creating the blueprint for a wider infrastructure for mass surveillance and profiling. <sup>CLXXIX</sup>

## 4.2 The Surveillance Ecosystem Exemplified by Palantir and Data Brokers

US technology company Palantir has extensive domestic and military projects in the US, Israel and across several Western democracies.

It announced on **3 July 2023** an expanded strategic partnership with Israel’s Ministry of Defence to deploy AI on the battlefield “to bring the power of AI to the front lines,” reportedly enabling automated targeting decisions. There are concerns that these systems have formed part of Israel’s war crimes in Gaza and its unlawful occupation of Palestinian Territory.

At the same time, the company has been central to predictive policing programmes in US cities like New Orleans and Los Angeles, which were shut down in **2018 and 2019** respectively after evidence emerged of racially biased targeting and negligible crime-prevention benefits. <sup>CLXXX</sup> This did not stop ICE from granting Palantir in **2025** a \$30 million contract to develop an AI-enabled “Immigration OS” to support deportation operations. <sup>CLXXXI</sup> Although court cases have not specifically referenced Palantir systems, the processes used by ICE have been subject to multiple legal challenges in the US that have ruled that due process was not being followed.

In the UK, Palantir was awarded a £330 million NHS Federated Data Platform contract as well as military contracts. This has prompted opposition that includes Amnesty International, the British Medical Association and civil society groups. They highlighted clear risks of violations of human rights in connection with its services relating to surveillance, immigration and militarised AI, as well as objections to the opaqueness of its data practices. <sup>CLXXXII</sup> The Swiss Army also did not recommend use of Palantir to its government after completing a risk assessment, citing unacceptable risks over data sovereignty, national security, and loss of control over intelligence. <sup>CLXXXIII</sup>

Palantir uses data from different sources to create a user-friendly analytical environment that optimises the usefulness of the data and allows for real time data analysis. It is therefore an important part of a broader commercial and state surveillance ecosystem. <sup>CLXXXIV</sup> Its systems often creates long-term institutional dependence on it, effectively locking public authorities into continued use.

ICE, for example, reportedly uses data brokers and a “Mobile Companion” app that links Motorola Solutions’ nationwide license-plate reader network with data such as Thomson Reuters’ CLEAR database, allowing agents to map a vehicle’s movements across the country and pull up the driver’s digital dossier with extensive personal data information about them and those they are in a pattern of being in the vicinity of. ICE has also reportedly purchased geolocation tools called Tangles and Webloc from Penlink, which ingest commercially brokered smartphone location data and let agents draw digital boundaries around entire

neighbourhoods or city blocks and analyse the devices present and their “patterns of life” over time without obtaining individualised warrants.<sup>CLXXXV</sup>

A class action was brought regarding Thomson Reuters’ CLEAR database that sheds light on some of their practices. In **Brooks et al. v. Thomson Reuters Corporation (2021-2025)**, it was alleged that Thomson Reuters “collects a vast quantity of photos, identifying information, and personal data of American consumers, including Californians, without their consent or compensation and sells that information to corporations, law enforcement, and government agencies.” It describes CLEAR as providing “comprehensive cradle-to-grave dossiers” about people, including names, photographs, criminal history, relatives, associates, financial and employment information, and as drawing on “both public and non-public information” including data from credit agencies, Department of Motor Vehicle information, utility accounts, internet sources, social media, and third-party data brokers. The plaintiffs allege that CLEAR also includes data from “government agencies and corporations that is not available to the general public, such as live cell phone records and license plate detections,” as well as booking and incarceration records from thousands of facilities. It alleges that ICE has signed “over \$54 million in contracts with Thomson Reuters to access CLEAR for purposes of surveilling and tracking immigrants.” The claim is based on **unjust enrichment** as US data protection laws contain exemptions regarding publicly available information. Much greater protections exist in the UK and EU that would make such practices unlawful.<sup>4</sup> The federal court allowed core claims to move forward. However, Thomson Reuters settled in **2025** for \$27.5 million and agreed to improve disclosures and opt-out mechanisms for Californians, while expressly denying liability. Thomson Reuters continue to provide their CLEAR product, including to government agencies.<sup>CLXXXVI</sup>

Within this lax regulatory environment in the US, data brokers continue to expand their databases and sell access to it. Systems such as Palantir likely interact with such data as an aggregation and analytics layer with a user-friendly live information interface. This type of tracking bears striking structural similarities to Israeli military surveillance systems such as the “Wolf Pack” database discussed in this Report, which maintains detailed profiles on Palestinians that can be brought up on demand by law enforcement and is used to monitor and control their movements.

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<sup>4</sup> In the UK and EU data broker practices such as Thomson Reuters’ CLEAR have already been found unlawful under the GDPR. In 2025, the Dutch Data Protection Authority fined Experian Nederland €2.7 million and required it to shut down and delete its consumer-credit database, on the grounds that Experian had no adequate legal basis, failed to respect transparency obligations and processed large volumes of public and non-public personal data unfairly for credit-profiling purposes. The French CNIL has likewise sanctioned data brokers for building and selling large marketing databases assembled from multiple third-party sources without valid consent or legitimate interest, and for continuing to use data despite evidence that upstream collection was unlawful. In the UK, the Information Commissioner’s Office (ICO) found in 2020 that large credit-reference agencies such as Experian, Equifax and TransUnion had been aggregating personal data from public records, credit files and third-party brokers, then repurposing it for marketing and profiling in ways that were opaque to individuals and lacked a valid legal basis. The ICO concluded that this “invisible processing” breached core GDPR principles of fairness, transparency, purpose limitation and lawful basis, and issued an enforcement notice requiring Experian to stop using certain credit-derived data for direct marketing, delete data where consent had been stretched into “legitimate interests,” and provide Article 14-compliant privacy notices directly to affected individuals or else cease processing their data. Experian’s appeal led the First-tier Tribunal to overturn parts of the original notice and issue a narrower one that still obliges Experian either to inform a defined group of people about its use of their public-record data or delete it.

Such surveillance infrastructure is fundamentally incompatible with core democratic requirements, including transparency in decision-making, robust safeguards for public data, digital sovereignty, respect for individual rights, and principles of justice and accountability.

Palantir’s track record in Israel and the US should mean that it is a company that should be closely scrutinised and held to account. Instead, governments have proceeded to roll out Palantir’s systems across public services and provide them access to nationwide data without first resolving these concerns, despite their central importance to democracy and the protection of human rights.<sup>CLXXXVII</sup>

### 4.3 Habitual Disregard for Privacy and Data Protections

#### Electoral Interference

The **Cambridge Analytica** scandal emerged from investigative reporting that exposed the large-scale, unauthorised harvesting and political exploitation of personal data from 87 million **Facebook** users, revealing how opaque data-analytics practices could be deployed to manipulate democratic processes without users’ knowledge or consent.

In **2017–2018**, journalist Carole Cadwalladr, writing for *The Guardian* and *The Observer*, uncovered that Cambridge Analytica had obtained Facebook user data via the “This Is Your Digital Life” app; used that data to construct psychographic voter profiles; and deployed micro-targeted political messaging favouring Trump in the 2016 US presidential election; and allegedly interfered in the UK Brexit referendum. The reporting further revealed Facebook’s prior knowledge of the misuse, its failure to notify affected users or regulators, and the existence of opaquely funded data analytics used for political influence. These disclosures reframed the issue from a technical privacy breach into a matter of threats to democracy that triggered regulatory investigations and litigation in multiple jurisdictions.<sup>CLXXXVIII</sup>

**In the UK**, the **Information Commissioner’s Office (ICO)** concluded in October 2018 that Facebook had failed to safeguard users’ personal data and had unlawfully permitted access by Cambridge Analytica, imposing a £500,000 maximum fine under the **Data Protection Act 1998**.<sup>CLXXXIX</sup> **In the US**, the **Federal Trade Commission (FTC)** brought enforcement actions against Cambridge Analytica, its former CEO, and its app developer. This resulted in permanent bans on their involvement in data-related business activities. In **July 2019**, the FTC imposed a record \$5 billion civil penalty on Facebook/Meta for deceptive privacy practices. In **December 2022**, Meta agreed to a \$725 million settlement to resolve nationwide consumer class-action claims. In **2025** shareholders sued Meta alleging failures of oversight and disclosure by its directors, resulting in an \$8 billion settlement.<sup>CXC</sup>

Carole Cadwalladr, whose investigation was central to subsequent legal accountability, has warned in **April 2025** that “people rightly freaked out at the time [about Cambridge Analytica]. But this is chicken feed in comparison [to now].” She said that “it is the [same] blueprint: it is always the data...the East German secret police kept detailed files on almost one in three of their citizens. This is nothing in comparison to what tech companies have on all of us. The entire business model of Silicon Valley is surveillance. It harvests our data in order to sell us stuff. We are already living inside the architecture of totalitarianism. It may not have been deliberate but we now have to start acting as if we are living in East Germany and Instagram is the Stasi.” She also warned that “The Russian and American presidents are

now speaking the same words. They are telling the same lies. We are watching the collapse of the international order in real time, and this is just the start... The image of the tech bros at the Trump inauguration is Putin's playbook. He allows a business elite to make untold riches in exchange for absolute loyalty... These are global platforms. There is an alignment of interests that runs from Silicon Valley to a coming autocracy... It is a type of power that the world has never seen before."<sup>CXCI</sup>

## Invasive Biometric Data Scraping and Tracking

**Clearview AI** is a US company with technology that collects publicly available images from the internet and extracts biometric data to generate facial recognition templates. It sells these tools of mass surveillance to its customers who include the governments of the US, Panama, Brazil, Mexico, and the Dominican Republic. This biometric scraping has led to litigation against Clearview in multiple jurisdictions.<sup>CXCII</sup>

In the US, in the case of **ACLU v. Clearview AI Inc.** (Circuit Court of Cook County, Chancery Division), Clearview was sued for violating Illinois' **Biometric Information Privacy Act (BIPA)** by scraping images without consent. A consent order in 2022 permanently barred the company from selling its facial recognition database to private entities in the US and restricted use by Illinois state and local agencies (**ACLU v Clearview AI Inc, consent order 11 May 2022**). Separately, a consolidated class action over biometric scraping by Clearview resulted in a proposed nationwide settlement (filed **12 June 2024, approved 20 March 2025**) in the US District Court for the Northern District of Illinois. Instead of monetary damages, plaintiffs were granted a 23% equity stake in Clearview.<sup>CXCIII</sup>

European and UK regulators have likewise found Clearview in breach of data protection laws under **Article 3(2) EU GDPR** and **Article 2(2)(a) UK GDPR** due to their monitoring activities. They have imposed multi-million fines and ordered it to stop processing and delete EU and UK residents' data (**Italy, Greece, France and Netherlands GDPR decisions, 2022–2024; ICO v Clearview, 23 May 2022; UKUT 319 (AAC), 7 October 2025; ICO v Clearview AI Inc, UKUT 319**).<sup>CXCIV</sup>

**Meta (Facebook and Instagram)** has also been held liable for invasive biometric and tracking practices. In a landmark case on facial recognition, Illinois users successfully argued that Facebook's "Tag Suggestions" system collected biometric identifiers without consent in breach of the **Biometric Information Privacy Act**, resulting in a settlement in 2021 (**Patel v Facebook, final approval 26 February 2021**).<sup>CXCV</sup> Separately, Meta settled a long-running case over tracking users via cookies even after logging out and across third-party sites, agreeing in 2022 to pay a \$90 million fine and delete improperly collected cookie data (**Perrin Davis v. Facebook, 2017 and settlements of 2022/2024**).<sup>CXCVI</sup>

## Pervasive Surveillance

**Google** has repeatedly been found to bypass privacy protections and intercept personal data.

In the US it secretly circumvented Apple Safari's default privacy settings to install advertising cookies without consent, leading to a record \$22.5 million FTC settlement in **2012** for breaching a prior consent order.<sup>CXCVII</sup> It was also found to have captured private Wi-Fi payload data through its Street View cars in breach of the federal **Wiretap Act**, resolving the case by agreeing to delete the data and pay \$13 million to privacy groups (**Joffe v**

**Google, 2013**)<sup>CXCVIII</sup>. Google has also faced class actions over tracking users in supposedly private “Incognito” modes and agreed to delete billions of unlawfully collected records and improve disclosures, though no damages were awarded at the class level (**Brown v Google, settlement 2024**)<sup>CXCIX</sup>. It was also found to be scanning Gmail content for profiling and ad targeting in contravention of the **Wiretrap Act (Calhoun v Google, 2024)**.<sup>CC</sup> A class-action lawsuit was filed in California on **11 November 2025**, alleging that Google had granted its Gemini AI access to Gmail, Chat, and Meet data without user notification or meaningful opt-out mechanisms.<sup>CCI</sup>

In **France**, regulators have repeatedly sanctioned Google for unlawful tracking and opaque consent: the French data regulator CNIL has repeatedly fined Google for inserting ads into Gmail and dropping advertising cookies without lawful consent (**CNIL Google decisions, 2020; 2022; 2025**)<sup>CCII</sup>.

In the **UK**, the Information Commissioner found that Google DeepMind’s deal with the Royal Free NHS Trust breached transparency requirements regarding 1.6 million patient records (**Google Deep Mind ICO finding, 2017**).<sup>CCIII</sup>

In **Ireland**, after complaints in 2018 and 2019 - including by the Irish Council for Civil Liberties, that Google user data was accessible to thousands of companies without proper legal safeguards - the Data Protection Commission initiated two major cross-border investigations under the **EU General Data Protection Regulation (GDPR)**. It includes inquiries into Google's ad infrastructure and processing of personal data relating to artificial intelligence models. Both cases remain ongoing, with a draft conclusion expected in the first quarter of 2026.<sup>CCIV</sup>

**Amazon** also has an established record of covert surveillance and data misuse. In 2023, a US court found that Amazon had violated the **Children’s Online Privacy Protection Act** and **Section 5 of the Federal Trade Commission Act (FTC Act)** by retaining children’s Alexa recordings indefinitely, failing to honour parents’ deletion requests, and misrepresenting how data would be deleted or accessed, resulting in an order to change its practices, delete data and pay a \$25 million penalty (**FTC/DOJ v Amazon, 19 July 2023**)<sup>CCV</sup>.

Amazon’s home-security subsidiary Ring was separately fined in 2024 and ordered to overhaul its security after employees and hackers were found to have spied on consumers inside their homes (**FTC v Ring LLC, April 2024**).<sup>CCVI</sup> In addition, a nationwide class action alleged that Alexa devices recorded private conversations through false wakes and retained them without adequate disclosure, a claim the court allowed to proceed under state consumer protection law (**Garner et al v Amazon.com Inc, 7 July 2025**).<sup>CCVII</sup>

**TikTok** has also been found to engage in covert and excessive data capture: in a major class action in Illinois, it was accused of secretly collecting biometric identifiers, GPS data and clipboard content and sharing data outside the US in violation of federal and state privacy laws, including Illinois’ **Biometric Information Privacy Act (BIPA)**. This led to a financial settlement of \$92 million and injunctive relief requiring explicit disclosure, deletion and oversight (**TikTok BIPA settlement, final approval 28 July 2022**).<sup>CCVIII</sup> The subsequent sale of TikTok US relates to the fact that this has happened in the context of it being foreign owned. The sale does not afford additional protections to users once the company has

changed ownership.<sup>CCIX</sup> In the EU, TikTok is under multiple investigations for breaches of the **Digital Services Act (DSA)**.<sup>CCX</sup>

South Korean tech giant **Samsung** has been criticised after its users flagged that its devices (Galaxy A and M) contained “App Cloud” installed as unremovable “bloatware” -these are preinstalled applications on a device as part of its operating system - across multiple regions globally including Europe and South Asia. In **February 2025**, SMEX, a digital rights organisation based in Beirut, alleged that App Cloud secretly harvests user data and lacks an accessible privacy policy, raising legal and ethical concerns due to its ties to the Israeli firm IronSource. Other organisations have since also reported on this.<sup>CCXI</sup> However, no legal actions have yet been initiated.

## Widespread Use of Commercial Spyware

US Journalist Ronan Farrow, author of the book "Surveilled", has highlighted how modern spyware, such as Israeli-owned Pegasus, has transformed surveillance through its ability to take control of phones at a time when our personal and professional lives are integrated within those devices. He points out how spyware can turn on our microphone and camera and record us without us knowing and send the information to whoever is their client (Interview with Democracy Now, 7/12/24). His statement is supported in this report through the legal cases it documents.

The Israeli-developed Pegasus spyware, created by NSO Group, and similar tools developed by Candiru, have been at the centre of major international legal proceedings involving allegations of unlawful surveillance, hacking, and human rights abuses across multiple jurisdictions. The cases show that the spyware has been deployed against journalists, activists and politicians:

The EU Parliament’s **Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA Inquiry)** found use of this spyware to be an “EU-wide rule-of-law problem, not a handful of national scandals”. Their findings highlight that tech surveillance is not only a national security risk but that their abuse by internal actors is also undermining democracy. PEGA’s Recommendation were adopted by the EU Parliament in **June 2023**.

Some of the first legal challenges to spyware technology have come from within the tech industry upon them discovering that their applications and devices have been infiltrated through weaknesses:

Reports by Microsoft and Citizen Lab from **15 July 2021** document over 100 victims across ten countries targeted by Candiru’s spyware through government clients, exploiting vulnerabilities in Microsoft Windows and using more than 750 fake NGO/media domains.<sup>CCXII</sup>

WhatsApp and Meta secured a summary judgment in 2024 establishing NSO’s liability under the US **Computer Fraud and Abuse Act (CFAA)** and **California privacy statutes** for exploiting WhatsApp vulnerabilities to target around 1,400 users (**WhatsApp v NSO Group judgment 20 December 2024**). A jury awarded **\$168 million in May 2025**, with a motion for a permanent injunction filed on **24 February 2025** pending as at the time of writing.<sup>CCXIII</sup>

In **Apple Inc. v. NSO Group Technologies Ltd. & Q Cyber Technologies Ltd (N.D. Cal., filed 23 November 2021)**, Apple alleged that NSO used zero-click exploits to hack iPhones with Pegasus. On **23 January 2024**, the court denied NSO's motion to dismiss, but Apple voluntarily withdrew the case on **12 November 2024**, citing risks to its own security infrastructure.<sup>CCXIV</sup>

Some Apple users did not go so quietly. The infiltration of iPhone came to the fore again in the case of **Carlos Dada et al v NSO Group (filed 30 November 2022)**. It is claimed that there were hundreds of Pegasus intrusions on journalists in El Salvador and that Pegasus infected their iPhones at least 226 times using vulnerabilities in Apple infrastructure to access their messages, contacts, location, microphone and cameras using US-based servers and technologies.<sup>CCXV</sup>

In UK proceedings brought by Saudi activist Yahya Assiri, he claims that Pegasus was used against him on British soil (**Yahya Assiri v Kingdom of Saudi Arabia, permission to serve, 11 October 2024**).<sup>CCXVI</sup>

Pegasus infiltrations also extend to European heads of state and politicians with investigations ongoing: In **July 2021**, French authorities launched a criminal probe into Pegasus infections involving **President Macron** and government officials, seeking cooperation from NSO, Israel, and the US. Spanish authorities stopped their investigations in **July 2023** regarding a confirmed Pegasus attacks on the **Spanish Prime Minister** and ministers. This was due to lack of cooperation from Israel. However, the matter was reopened on **6 February 2025** after new evidence from French authorities.<sup>CCXVII</sup>

Unlawful spying using Pegasus was also done internally within the EU and was a systemic problem as noted by the EU's PEGA Committee. **Polish** authorities started investigating unlawful use of Pegasus in **February 2024** with prosecutions initiated against former Polish officials on **27 August 2024** and **4 June 2025** for illegal surveillance.<sup>CCXVIII</sup> In **Barcelona**, a criminal investigation was opened on **22 September 2025** into Pegasus and Candiru spyware attacks on Catalan politicians, naming Saito Tech and former Spanish security officials.<sup>CCXIX</sup>

A series of legal proceedings in France and Germany also highlight the role of European private technology companies in facilitating state surveillance and human rights violations in oppressive regimes. All proceedings are still ongoing:

French company **Amesys** was accused of supplying communications interception technology to Gaddafi's regime in Libya in 2007, allegedly enabling torture and repression. A criminal complaint was filed in France on **19 October 2011** and an investigation ensued. Company executives were formally charged in **2021**.<sup>CCXX</sup>

A criminal complaint was filed in France on **9 November 2017** against French company **Nexa Technologies** for providing the Egyptian regime with "Cerebro" surveillance software, alleging complicity in torture and enforced disappearances. Four executives and the company were charged in **2021**.<sup>CCXXI</sup>

**Salah Habib** and his company **Yona Star** were sanctioned by the US in **2016** for supplying military and surveillance components to Syria's Assad regime in violation of embargoes. A

French investigation began in **June 2017**, and Habib was charged in **2021** with conspiracy and complicity in crimes against humanity and war crimes.<sup>CCXXII</sup>

On **3 May 2023**, German prosecutors indicted four executives of **FinFisher** for exporting “FinSpy” spyware to non-EU countries, allegedly in violation of EU export controls, particularly regarding a €5.04 million deal with Turkey routed through a Bulgarian shell company. The parent company had ceased operations and declared insolvency in March 2022.<sup>CCXXIII</sup>

## 5. Sections 3 and 4 Conclusion

The cases examined across Germany, the UK, and the US reveal a marked retreat from democratic principles and institutional safeguards in the West, brought into sharp relief by the war on Gaza since **October 2023**. Rather than preventing or refraining from contributing to serious violations of international law, these states have enabled such violations while simultaneously suppressing domestic criticism of their policies. Instead of recalibrating their conduct in response to findings by the ICJ, ICC, and UN bodies, certain governments have collaborated with big technology companies to create and deploy a surveillance infrastructure that undermines civil liberties at home and facilitate human rights violations abroad. This has resulted in a marked contraction of the democratic space with legality and human rights sidelined and dissent increasingly constrained, monitored, and penalised.

In Germany, this has taken the form of seeking to outlaw BDS, restrict freedom of speech, impose unlawful travel bans and shut down events, and heavy handed policing of demonstrations. The state has set the tone as well as used coercion by threatening to defund institutions that do not take a similar stand. This has contributed to discriminatory cancellations, harassment and sackings that have chilled speech. Courts have repeatedly confirmed that many of these measures are unlawful, but only after the fact and for those with the resources and capacity to litigate.

In the UK, similar dynamics play out to shield Israel and government policies towards it by criminalising dissent. This includes attempts to deport a Palestinian student for lawful speech, the use of the Terrorism Act to raid and arrest journalists and activists, and the proscription of Palestine Action as a terrorist organisation when its members were previously acquitted in a criminal jury trial and despite outcry from leading human rights organisations. The recognition of anti-Zionism as a protected belief in David Miller’s case shows that legitimate discourse is being shut down in favour of an official narrative that is being enforced without legitimacy.

In the US, attacks on freedom of speech have taken place on a larger scale. They include anti-BDS legislation that courts found to be unconstitutional, chilling speech by conflating criticism of Israel with antisemitism, corporate retaliation, the use of immigration laws to target critics of Israel and US policy towards it, and a crackdown on students and academics (discussed below). This is in the context of targeting individuals through tech surveillance, including social media and messaging monitoring. An approach that has been expanded to include other reasons for dissent or criticism of government policies. All now risk designation as “domestic extremism” with demonstrations potentially met with heavy handed or

militarised policing. The independence of the justice system is being undermined, making legal redress much less certain.

While the approach in the US, Germany and UK may vary to accommodate their own political contexts, they share the same willingness to repress civil rights and pursue international policies that disregard human rights. This is by reshaping the narratives away from international legal norms and pursuing policies that contradict their obligations under international law; attacking or undermining the institutions that preserve the international rules based order; recasting internal critics as extremists; deploying immigration, counter-terrorism, policing and the military to discipline or exclude those who dissent; undermining the ability to seek legal redress; deploying commercial spyware or allowing its proliferation outside of legitimate security grounds in use against political opponents, journalists and civil society actors, and building or allowing the development of a private and public digital surveillance infrastructure that is breaching human rights abroad and encroaching on civil rights at home. It has been left to individuals to resort to the law at great personal cost on a piecemeal basis long after the event, and with little to no change in government policies.

Democracy is not built on trust in governments and institutions. Trust is secured through checks and balances on power to ensure it is not abused. Governments are failing to put such measures in place, while also acting in unlawful and undemocratic ways at home and away. International and national laws are systematically interlinked as part of the same rights based ecosystem. Violating them is antithetic to democracy, which requires that no one be above the law and that laws be premised on human rights.

This dynamic not only impacts Palestinians and those who stand with them, it normalises and entrenches a model of governance in which speech is chilled, executive power and policing are expanded, and judicial and constitutional safeguards are eroded. Unless robust safeguards are restored and strengthened, the shrinking democratic space documented in this Report risks becoming a permanent feature.

Such systemic weaknesses undermine good governance and underscore the need to prioritise reforms by politicians, encouraged by media discourse and civil society engagement that aims to strengthen democratic resilience.

## 6. The Role of Universities

Universities are not regular private enterprises. They are often tax subsidised charities that form generations, with responsibilities towards their students, academic staff and to wider society. They are also important investors and collaborators with industry. This places a responsibility on them to act ethically and transparently, and with respect for international law.

Yet many world-leading universities find themselves at the centre of warnings from the UN special rapporteur on the rights to freedom of assembly and association. Gina Romero warned in **October 2024** that "the brutal repression of the university-based protest movement is a profound threat to democratic systems and institutions." She said that universities must respect peaceful activism and revise repressive policies targeting the pro-Palestinian solidarity movement on their campuses.<sup>CCXXIV</sup>

Many have also not been sufficiently transparent. For example, following an action brought in the Netherlands by NGO The Rights Forum, The District Court of Gelderland ruled in in **December 2023** that public universities had mishandled Freedom of Information requests seeking records about human-rights considerations and ties related to Israel/Palestine.<sup>CCXXV</sup> Whether by coincidence or design, new ethical frameworks, assessment tools and reports followed soon after at certain Dutch universities, making collaboration decisions easier to justify.

## 6.1 Major EU Universities Suspending Collaborations with Israeli Institutions

**Horizon Europe (2021–2027)** is the EU’s flagship research and innovation programme, with a budget of around €95.5 billion, supporting universities, startups and small to medium enterprises, providing funding and access to pan-European networks and infrastructure that improve impact and accelerate results.

Associated countries, including Israel, can participate on equal terms with EU entities and “provide a financial contribution to the EU budget” under their association agreements. Israel has received around €747 million between 2021 and 2024 under the Horizon framework.<sup>CCXXVI</sup>

While the European Commission claims that participation in Horizon Europe is conditional upon respect for human rights and international law, it has yet to take any formal action to suspend funding to Israeli institutions despite evidence provided by university reviews and petitions by more than 2,000 European academics and 45 civil society organisations.<sup>CCXXVII</sup>

Numerous universities across at least eight EU countries and two associated countries suspended their collaborations with Israeli universities that they found to be implicated in Israeli occupation, settlement and war policies, only to find themselves still forced into such collaborations under Horizon Europe. According to a **June 2025** statement by the rector of the University of Antwerp, the EU Commission has restricted ethical considerations to assessments of the actual project at hand rather than the wider unethical behaviour linked to the Israeli institution.<sup>CCXXVIII</sup> He also pointed out the counterproductive situation whereby if the University of Antwerp withdraws, the project continues with the Israeli partner still on board and they may even “get a piece of the budget that was originally supposed to go to the University of Antwerp.” The university also risks having to repay advances and damages to other partners in the consortium. He said that “This had made it almost impossible to stop collaborating on international research projects in which Israeli partners are involved.”

Nonetheless, several universities did remove themselves from existing or prospective programmes while Israeli partners remained. This includes Vrije Universiteit Brussel withdrawing from the MULTISPIN.AI Horizon Europe consortium after a negative ethics review regarding the involvement of Israeli partners Bar-Ilan University and SpineEdge. Also, the University of Antwerp withdrew from a soil carbon Horizon Europe project that involved Tel Aviv University. In **May 2025** Utrecht University said that it would not start any new Horizon collaborations with Israeli entities “until further notice,” aimed to withdraw from a running project that included the Israeli Ministry of Health, and terminated its Haifa student exchange.<sup>CCXXIX</sup> On **20 June 2025**, the University of Amsterdam decided “no new Horizon Europe collaborations with Israeli organisations for the time being.”<sup>CCXXX</sup> In **June 2025** Erasmus University Rotterdam froze ties with three Israeli universities and said that in

Horizon consortia it may participate only if there is no direct collaboration with those universities.<sup>CCXXXI</sup> The University of Ljubljana Senate resolved on **18 August 2025** that the university “will not enter into project consortia involving Israeli universities or other Israeli institutions” and called on the European Commission to seek suspension of Israel’s participation in Horizon Europe.<sup>CCXXXII</sup>

The assessments undertaken by **Dutch and Belgian universities** of their Israeli partners is of particular interest to the evidence-led approach of this Report. At least a dozen Dutch universities reviewed their ties with Israeli universities, many citing the Hamas attacks of 7 October 2023 and the ensuing war in Gaza as the trigger for the reviews. A similar process was followed by Belgian universities, requesting their ethics committees to review their links with Israeli universities.

The reviews in the Netherlands and Belgium used similar assessment approaches, typically drawing on the UN and ICJ materials and making risk assessments based on “credible indications” of involvement in international humanitarian law or human-rights violations. The reports related to specific universities that they partner with rather than being a generic assessment of all Israeli universities. They typically looked at whether the Israeli partner universities (i) have entanglements with the **Israel Defense Forces (IDF)** and other state-security structures; (ii) their exercise of academic freedom; (iii) discrimination and inclusion risks on campus; and (iv) knowledge-security and safety concerns (risks that research or cooperation might be misused for military, security or strategic purposes).

It was a recurrent finding among the Dutch and Belgian universities that certain Israeli universities show credible, structural links to military programmes, the defence industry or activities on occupied territory. This creates a risk of involvement in serious breaches of international human rights law or international humanitarian law that are incompatible with institutional-level cooperation. Many recommended freezing or suspending institutional collaborations and not entering new partnerships. They broadly allowed for individual academic contacts to continue. For examples of their findings see Endnote <sup>CCXXXIII</sup>.

Such findings led at least twelve Dutch universities and five Belgian Universities to find that there are credible risks that their partnerships with specific Israeli universities could compromise their own values and responsibilities and proceeded to suspend such ties. A list of some of these universities is provided in Endnote <sup>CCXXXIV</sup>.

In Ireland, Italy, Spain, and Norway university senates and faculties have also adopted resolutions calling for suspension of cooperation with Israeli academic institutions. More details are provided in Endnote <sup>CCXXXV</sup>.

## 6.2 UK Universities Applying Narrow Ethical Criteria

Like their counterparts in Europe, UK universities have the legal ability to suspend collaborations and investments on international law and human rights grounds. However, most of them have chosen not to do that.

**Universities UK (UUK)** is the main sector body regulating UK universities. It has long opposed blanket boycotts but does not preclude targeted, evidence-based due diligence. The **Charity Commission guidance CC14** provides that trustees may lawfully exclude

counterparties or investments where this protects the charity's purposes, avoids serious ethical or reputational risk, or prevents complicity in unlawful acts. However, most UK universities have adopted only narrow Environmental, Social and Governance (**ESG**) exclusions - typically limited to fossil fuels, tobacco, or indiscriminate weapons, rather than applying partner specific international law assessments.

The **Higher Education (Freedom of Speech) Act 2023** and subsequent **Office for Students guidance (2025)** require institutional neutrality. However, free-speech and neutrality do not prevent the duty to behave ethically and risk-based human-rights assessments, especially when aligned with authoritative international law findings such as the **ICJ** rulings on Israeli occupation of Palestine and the duty to prevent the risk of genocide in Gaza.

For example, the **London School of Economics (LSE)** Council stated that it would not divest where doing so could be seen as “expressing an institutional position on a controversial political dispute.” By contrast, Belgian and Dutch universities applied structured human-rights reviews grounded in international law, resulting in findings that their Israeli university partners were in breach of ethical standards, and did not frame this as taking sides in a “controversial political dispute”.

Accordingly, UK universities have undermined their ethical credibility and exposed themselves to legal challenges. On **1 May 2024**, the ICJP sent legal letters to **82 UK universities**, warning that investments linked to arms manufacturers and companies operating in Israeli settlements may expose university officers to **criminal liability** under both **UK and international law**. The ICJP argued that university trustees and investment managers could be liable if they knowingly or negligently profit from companies whose products or services are used in the commission of **war crimes, crimes against humanity, or genocide**.

The ICJP's legal analysis draws on **Article 25(3)(c) of the Rome Statute of the International Criminal Court (aiding and abetting)**, the **Genocide Convention**, and **Sections 51–52 of the UK International Criminal Court Act 2001** that criminalise complicity in international crimes. ICJP also cites the **International Court of Justice's provisional-measures orders in South Africa v. Israel (January and May 2024)**, which found a “**plausible risk of genocide**” and thereby, in ICJP's view, heighten universities' legal duty to avoid foreseeable complicity.

ICJP maintains that where universities knowingly invest in entities such as Elbit Systems, which produces 85% of Israel's drones and land-based military equipment, or companies linked to settlement infrastructure, their decision-makers could satisfy the knowledge and contribution thresholds for aiding and abetting under international criminal law. ICJP offered to provide universities with the evidence it has submitted to the UK Metropolitan Police War Crimes Unit in support of its complaint.

Under heightened student pressure and legal scrutiny, certain UK universities conducted investment reviews and policy clarifications, but the majority stopped short of suspending collaborations and investments linked to Israeli occupation and war crimes.

For example, The LSE Council reaffirmed after the university’s ESG review of **July 2025** that it would not adopt human rights or international law investment screens, calling them “subjective” and of “de minimis effect.”

Other universities sought to appease criticism without explicitly declaring freezes on collaborations that support Israeli breaches of international law and human rights. For example, The University of York stated in **April 2024** that it “no longer holds investments in weapons and defence” as a category altogether. Cardiff University responded to encampment demands by stating on **29 May 2024** that it held no direct or indirect investments in the specific companies named by protesters, such as BAE, Elbit, Airbus, Thales, EX Libris, Northrop Grumman, Rolls-Royce, and pointed to its socially-responsible investment policy.<sup>CCXXXVI</sup> The University of Edinburgh stated on **11 December 2024** that “we do not hold any investments in Israeli arms”.<sup>CCXXXVII</sup> King’s College Cambridge announced in **May 2025** that its governing body voted to adopt a new investment policy divesting from arms companies and from firms engaged in generally recognised illegal activities - including “occupation” - with full implementation by the end of 2025.<sup>CCXXXVIII</sup>

Students sought to pressurise their universities through encampments. These were removed through court orders, mostly because the courts took the view that other channels of protest were available to the students. The **University of Birmingham case of 11 June 2024** became the authority for the reasoning by the High Court that there are other lawful ways to protest without occupying the land, while determining possession on ordinary property/trespass grounds.<sup>5</sup>

Universities also instigated disciplinary proceedings against student protestors, with one such case leading to legal action. On **7 July 2024**, seven students at LSE, who became known as “**the LSE 7**”, were subjected to disciplinary measures following a peaceful on-campus protest calling for the university’s divestment from companies linked to (1) Israeli military operations and settlements, (2) arms manufacture, (3) fossil-fuel industries, and (4) financial institutions funding those sectors. The students also sought full investment transparency and democratic oversight of LSE’s endowment.

LSE imposed on the LSE 7 campus bans and exclusion from academic and welfare facilities. It justified this by citing an “extremely hostile environment” and the protests coinciding with the 7/7 London bombings anniversary. The evidence it gave included students wearing keffiyehs and face coverings.

Their case drew international human rights attention. On **7 October 2024**, UN Special Rapporteur Gina Romero wrote formally to LSE warning of “stigmatisation and reprisals” against peaceful protesters. On **10 December 2024**, MP Zarah Sultana urged the university to uphold free-speech protections.

Represented by Leigh Day solicitors, the students sent a **pre-action protocol letter** alleging violations of their **rights to free expression, peaceful assembly, and freedom from discrimination**. Internal LSE emails disclosed by Leigh Day described the protest as “a

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<sup>5</sup> Other encampment eviction orders followed, including London School of Economics (28 June 2024), University of Nottingham (9 Jul 2024), Queen Mary (University of London) (10 July 2024), University of Sheffield (26 Jul 2024), SOAS (31 Jul 2024), University College London (6 Aug 2024), and the University of Cambridge (27 Feb 2025).

temper tantrum by children” and discussed potential expulsions and police escalation. On **6 December 2024**, after receiving the legal letter, LSE lifted all sanctions, and by **13 December**, the LSE Students’ Union confirmed the disciplinary proceedings were dropped.

LSE refused divestment calls but agreed to review its campus risk management procedures and to carry out staff cultural-awareness training.

### 6.3 US Universities in Full Blown Crisis

Most US universities use ethics frameworks, such as investment stewardship, committee reviews, or “grave social injury” tests. They do not however operate under rules that require factoring Israel’s occupation/genocide-risk into their investment or partnership decisions. In fact, most US universities explicitly oppose Israel-focused boycotts and divestments.<sup>CCXXXIX</sup>

Many students and faculty mobilised after the ICJ Opinion of a plausible genocide in Gaza. The Columbia University student encampment that started on **17 April 2024** ignited a nationwide student movement in over 100 US campuses in 46 states, demanding university disclosures and divestments from companies linked to Israel’s war in Gaza and occupation of Palestinian territory.<sup>CCXL</sup> The consequences of the protests and the crackdown on them were considerable for the students, the universities and for society at large.

There was a clear disconnect between what the students were protesting and demanding and how their actions were being framed and responded to. Their publicly announced demands departed from government, institutional and corporate policies, but were aligned with international law, ethical considerations as implemented by certain European universities, and with majority public opinion.

There were attempts to frame the students as radicalised, such as after **New York Police Department (NYPD)** cleared Columbia University’s Hamilton Hall from students protesters, and a senior NYPD official publicly displayed an academic text “Terrorism: A Very Short Introduction”, as “evidence of radicalisation.” Thirteen conservative US federal judges weighed in, declaring that they would not hire Columbia law graduates, saying that the university is an “incubator of bigotry”.<sup>CCXLI</sup>

Despite characterisations of the protests as violent and antisemitic, a media investigation by Middle East Eye found that over 99 percent of protests were inclusive of pro-Palestine Jewish students, peaceful, centring on teach-ins, art, prayer, and community building. They did involve take-overs of buildings, such as at Columbia and Princeton, and slogans that called for Palestinian resistance to occupation. However, when violence occurred, it reportedly tended to be linked to police crackdowns and violence from counter protests.<sup>CCXLII</sup>

The Associated Press estimated that there were more than 3,200 arrests on US college campuses in **spring 2024**.<sup>CCXLIII</sup> The UN Special Rapporteur on Education, Farida Shaheed, warned in **May 2024** that such repression signalled “a concerning erosion of intellectual freedom and democratic principles.”<sup>CCXLIV</sup>

US campuses became a focal point for claims of discrimination and restrictions of freedom of speech by faculty and students.

For example, at **Hobart and William Smith Colleges**, political theorist **Jodi Dean** was suspended in **April 2024** over a blog post on Gaza but was later reinstated after an external investigation.<sup>CCXLV</sup> At **Muhlenberg College**, the termination on **30 May 2024** of tenured professor **Maura Finkelstein** - a Jewish anthropologist - over an Instagram repost critical of Zionism led the **American Association of University Professors (AAUP)** to investigate. In **April 2025** the AAUP found the college had violated AAUP standards on academic freedom and due process, and in **June 2025** it censured the college. While AAUP censure has no legal force, it is an important signal that conditions for tenure and academic freedom at that institution are unsatisfactory.<sup>CCXLVI</sup>

Students protesters secured legal wins in cases such as **Students for Justice in Palestine v. University of Maryland**, filed **25 September 2024**. The students challenged the university's blanket cancellation of events on **7 October 2024**, including a Gaza vigil, based on security threats from pro-Israel actors. On **1 October 2024** the court granted a preliminary injunction, holding that the university's ban was motivated by "fear of disruption, and anger of opponents," reasons "the Constitution simply does not countenance," and reiterating the rule that "the loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." The vigil went ahead, and the parties later settled on **6 August 2025** without admission of liability.

## The Government "Muzzling Free Speech" and "Jawboning" Academic Freedom

Under US law, criticism of nations or political movements on university campuses can be protected speech if it does not involve threats, targeted intimidation, vandalism, or obstruction. Such events trigger duties by universities to resolve the situation and keep adequate records of incidents and how they were dealt with. The applicable rules are **Title VI of the Civil Rights Act (1964)** which prohibit discrimination and a hostile environment based on race, colour, or national origin, including shared ancestry (Jewish, Muslim, Arab, or Palestinian), which must be balanced with **first-amendment rights to free speech**.<sup>CCXLVII</sup>

**Trump Presidential Executive Orders 13899 (2019) and 14188 (2025)**<sup>CCXLVIII</sup> directed federal agencies to consider the **International Holocaust Remembrance Alliance (IHRA) definition of antisemitism** when enforcing **Title VI**. This is despite the person who led on drafting the 2016 definition, Kenneth Stern, cautioning in a congressional testimony against using it to "muzzle campus free speech".<sup>6</sup>

**Title VI** should protect both pro-Israel as well as pro-Palestine speech. In addition to multiple complaints of antisemitism on campus, by **May 2024**, the **US Department of Education's Office for Civil Rights (OCR)** said that it was also opening investigations into **Emory University** after pro-Palestine students documented doxing, harassment and discrimination. OCR also said it would investigate **Columbia University** following NYPD mass arrests of students. Another complaint was filed on **19 August 2024** with OCR against the **University**

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<sup>6</sup> Kenneth Stern said that the IHRA definition "was designed primarily for European data collectors to be able to craft reports over borders and time to measure the level of antisemitism... There were examples about Israel, not to label anyone as antisemite but because there was a correlation, as opposed to causation, between certain expressions and the climate for antisemitism. But it was never intended to be weaponised to muzzle campus free speech." See <https://www.help.senate.gov/imo/media/doc/06e69363-9e5d-54f9-8019-dbe95168b2a9/Stern%20Testimony.pdf>

of **Chicago** by the United Students Coalition, alleging a hostile anti-Palestinian environment, discriminatory rule-enforcement, physical assaults, doxing threats, racialised surveillance and a chemical “stink” attack.

In practice, OCR announced investigations of 60 universities under **Title VI**, with threats of termination of federal funding if violations relating to alleged antisemitism are not cured.<sup>CCXLIX</sup> As at August 2025, OCR reached agreements with 14 universities. The “**Resolution Agreements**” were reached before factual findings were concluded and therefore do not provide insights into the substance of the complaints.

Despite **Columbia** University shutting down student protests, on **7 March 2025**, OCR and other departments announced the immediate cancellation of approximately \$400 million in federal grants and contracts to it for falling short of **Title VI** requirements. In **July 2025**, Columbia entered into a **three-year resolution agreement**, consenting to pay \$200 million over three years to the government. This led to the reinstatement of “a vast majority of the federal grants”. Funding restoration was made subject to compliance with measures that include expanding faculty appointments linked to the Institute for Israel and Jewish Studies; committing not to maintain **Diversity Equity and Inclusion (DEI)** programmes and submitting to oversight by an independent monitor jointly selected with the government.

Leading civil liberties and higher-education organisations, including the **American Civil Liberties Union (ACLU)**, Knight First Amendment Institute, the **Foundation for Individual Rights and Expression (FIRE)**, and the **American Council on Education (ACE)**, sharply criticised the federal government’s cancellation of Columbia University’s funding on 7 March 2025, arguing it violated constitutional and procedural safeguards. An ACLU statement endorsed by eighteen constitutional scholars stated that the government cannot threaten funding cuts to coerce institutions into suppressing protected speech and that the Columbia decision ignored **Title VI**’s requirements for notice, hearing, and program-specific remedies.<sup>CCL</sup> The Knight Institute described the administration’s tactics as unconstitutional “jawboning”<sup>7</sup>. This is the informal use of state power to pressure universities into censorship that the government could not impose directly. FIRE likewise condemned the settlement extracted under such pressure, while ACE called the funding withdrawal “arbitrary and harmful,” warning it undermined due process and set a dangerous precedent for politically driven interference in academic life.<sup>CCLI</sup>

The government took no notice of these objections as it issued similar defunding threats to other US universities, including Harvard and UCLA.

Through court cases and Title VI agreements with OCR, **Harvard University** agreed to reforms. It settled on confidential terms a Title VI lawsuit in **Kestenbaum v. Harvard (January 2024)** that alleged “deliberate indifference” by the university to harassment of Jewish students. A second lawsuit, **Louis D. Brandeis Center v. Harvard (May 2024)** alleged the same, and in **January 2025**, Harvard settled the case without admitting liability. The settlement agreement included that Harvard adopts the IHRA definition of antisemitism

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<sup>7</sup> Legally, jawboning is unconstitutional when it crosses the line from permissible persuasion into coercion. In **Bantam Books v. Sullivan** (1963) official “informal censorship” via threats to book distributors violated the First Amendment. Courts look at context and signals of coercion: the official’s words, their regulatory leverage, whether adverse action was hinted, and how the target reasonably understood the message.

and expands academic initiatives<sup>CCLII</sup>. In parallel, OCR had opened an investigation against Harvard for **Article VI** breaches in **February 2024** and had reached a settlement with the university by **January 2025**.

Despite this agreement, on **3 April 2025** the federal government froze Harvard’s research funding and imposed sweeping demands for reforms, including dismantling DEI programmes, auditing faculty for “viewpoint diversity,” and reporting foreign students to security agencies.

The **11 April 2025** demand letter<sup>8</sup> requires Harvard to comply with major changes that include ideological compliance with vague standards under threat of reprisals with interference in appointments of faculty and administration, student enrolment and, academic freedom regarding teaching programmes. Non-compliant individuals are to be excluded and reported to the government while those ideologically aligned will have their powers increased over other faculty and students. The letter demonstrates how repression relating to Israel/Palestine has been expanded to suppressing any dissent that the government deems undesirable.

The letter also insists on “viewpoint diversity” without defining what this means. This likely refers to Trump’s pledge to use federal funding threats to end what he calls “wokeness” and “left wing indoctrination” in education, targeting schools that “promote critical race theory, transgender insanity and other inappropriate racial, sexual or political content”, to abolish diversity, equity and inclusion offices, and to shut down the Department of Education, which he claims has been “infiltrated by radicals”.<sup>CCLIII</sup>

The letter states that Harvard should:

- empower “from among the tenured professoriate and senior leadership, exclusively those...committed to the changes indicated in this letter” while “reducing the power held by students and untenured faculty” and “by faculty (whether tenured or untenured) and administrators more committed to activism than scholarship” ; and reducing “decentralization that interfere with the possibility of the reforms indicated in this letter.”
- “reform its recruitment, screening, and admissions of international students to prevent admitting students hostile to the American values...including students supportive of terrorism or anti-Semitism”.
- “immediately report to federal authorities...any foreign student, including those on visas and with green cards, who commits a conduct violation.”
- “these reforms must be durable and demonstrated through structural and personnel changes; comprehensive throughout all of Harvard’s programs; and, during the reform period [2025-2028], shared with the federal government for audit.”
- “commission an external party, which shall satisfy the federal government...to audit the student body, faculty, staff, and leadership for viewpoint diversity...Every department or field found to lack viewpoint diversity must be reformed by hiring a critical mass of new faculty within that department or field who will provide viewpoint diversity; every teaching unit found to lack viewpoint diversity must be reformed by admitting a critical mass of students who will provide viewpoint diversity... This audit shall be performed

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<sup>8</sup> We recommend reading the letter setting out the government demands in full at <https://www.harvard.edu/research-funding/wp-content/uploads/sites/16/2025/04/Letter-Sent-to-Harvard-2025-04-11.pdf>

and the same steps taken to establish viewpoint diversity every year during the period in which reforms are being implemented, which shall be at least until the end of 2028.”

- “commission an external party, which shall satisfy the federal government...to audit those programs and departments that most fuel antisemitic harassment or reflect ideological capture...The report of the external party shall include information as to individual faculty members who discriminated against Jewish or Israeli students or incited students to violate Harvard’s rules following October 7, and the University and federal government will cooperate to determine appropriate sanctions for those faculty members within the bounds of academic freedom and the First Amendment.”

Harvard responded by taking legal action in federal court, arguing violations of **Title VI** procedures, the **Administrative Procedure Act**, and the **First Amendment**.<sup>CCLIV</sup> The District of Massachusetts ruled in favour of Harvard on **4 September 2025**, holding that the funding freeze was retaliatory, imposed unlawful coercive conditions, and was “arbitrary and capricious.” The injunction permanently barred the government from re-imposing the sanctions, marking a landmark defence of academic freedom and procedural due process.<sup>CCLV</sup> The government said that it will appeal the decision.

In addition, The White House issued a proclamation on **4 June 2025** suspending foreign student visa entries to Harvard and the university challenged this through a separate lawsuit. The Judge blocked the entry ban and later issued a preliminary injunction against the revocation, allowing Harvard to continue enrolling international students while the case proceeds.<sup>CCLVI</sup>

**The University of California (UC)** has also been at the centre of legal and federal actions since the 2024 Palestine Solidarity encampments.

In **December 2024**, the UC entered into a voluntary **resolution agreement** with OCR regarding reforms<sup>CCLVII</sup>. On **29 July 2025**, the DOJ issued a Notice of Findings concluding that UCLA had violated both **Title VI of the Civil Rights Act** and the **Equal Protection Clause** by showing “**deliberate indifference**” to a **hostile environment for Jewish and Israeli students during the encampment period**<sup>CCLVIII</sup>. The DOJ’s findings drew on reports of assaults, access blockages, and delays in university intervention. At the same time, UCLA settled without admission of liability the case of **Frankel v. Regents of the UC**, brought by Jewish students<sup>CCLIX</sup>. The order, which included a permanent injunction and a \$6.3 million payment, required UCLA to prevent the exclusion of Jewish students, faculty, and staff from campus spaces.

UCLA also faced several lawsuits from students that were part of the encampments. In **Blair v. Regents of the UC**<sup>CCLX</sup>, a case was filed in **October 2024** by two students and two faculty members represented by the ACLU of Southern California. The Plaintiffs describe the encampment as a nonviolent protest, claim that UCLA failed to protect demonstrators from a violent counter-protest attack on **30 April 2024**, cleared the encampment and had participants arrested on **2 May 2024**, and applied university policies and disciplinary actions in ways that target pro-Palestinian expression and chill speech. The case remains ongoing in the LA Superior Court.

A separate action filed in **March 2025** is also still ongoing. It was brought by thirty-five plaintiffs against UCLA, the **Los Angeles Police Department (LAPD)**, and the **California**

**Highway Patrol (CHP)**, alleging that the university and police failed to prevent a five-hour counter-protester attack on the encampment on **30 April 2024**, then used excessive force - including batons, flash-bangs, and “kinetic impact projectiles” - in a mass arrest sweep two nights later<sup>CCLXI</sup>.

In another related case - **Abdullah Puckett et al. v. State of California and City of Los Angeles**<sup>CCLXII</sup>, filed in **May 2025**, it is also alleged that there was excessive force and unlawful arrests during the **2 May 2024** sweep, citing the firing of at least 61 “less-lethal” rounds by CHP and LAPD officers.

The UC was also sued by faculty when on **19 September 2024** the **Council of University of California Faculty Associations (CUCFA)** filed **unfair-labour-practice charges** before the **California Public Employment Relations Board (PERB)** under the **Higher Education Employer-Employee Relations Act (HEERA)**, alleging that the UC interfered with protected faculty speech about Gaza through arrests, discipline, campus bans and surveillance, calling it an “illegal content-based restriction.”

Despite the settlements that UC agreed to with the federal government, federal agencies froze over \$500 million in UCLA research grants by **August 2025**<sup>CCLXIII</sup>. UC Faculty (rather than the university itself) successfully challenged the federal funding freeze in **American Association of University Professors et al. v. Trump et al. (N.D. Cal., 2025)**. They secured orders in **August and September 2025** requiring the **National Science Foundation (NSF)** and the **National Institute of Health (NIH)** to fully restore the grants on the basis that the mass funding cuts communicated through form letters, can be deemed arbitrary and capricious under the **Administrative Procedure Act (APA)**.<sup>CCLXIV</sup>

The Trump Administration also sought \$1.2 billion from UCLA as a condition for full restoration of funding. The terms of the draft agreement can be read in full on a link provided in Endnote <sup>CCLXV</sup>. In another challenge by faculty, the court ordered in **November 2025** an injunction barring blanket funding cuts to the UC system. The judge agreed with the plaintiffs that Trump’s settlement demands and funding threats amount to an “unlawful threat” of funding cuts “to coerce the university system into ‘suppressing free speech and academic freedom rights,’” and she characterises the administration’s conduct as “coercive and retaliatory.” Her order notes that officials have used a “playbook of initiating civil rights investigations of preeminent universities to justify cutting off federal funding, with the goal of bringing universities to their knees and forcing them to change their ideological tune”.<sup>CCLXVI</sup>

## **The Deportation of International Students Supportive of Palestinian Rights**

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From **January 2025**, the clamp down on campus protests supportive of Palestinian rights escalated to an immigration-based crackdown under the “**Catch & Revoke**” programme. This followed from two executive orders signed by President **Donald Trump**, one on **20 January 2025** announcing a policy to protect the US from “aliens who intend to commit terrorist attacks, threaten our national security, and espouse hateful ideology”. Another dated **29 January 2025** ordering a federal “crackdown on anti-Semitism” by “prosecuting, removing, or otherwise holding to account” perpetrators, and tasking the Secretaries of State, Education and Homeland Security to investigate and remove “aliens” who endorse designated Foreign Terrorist Organizations.<sup>CCLXVII</sup>

The “**Catch & Revoke**” programme applies visa-revocation powers under the **1952 Immigration and Nationality Act** to cancel student and scholar visas on asserted national-security or foreign-policy grounds, rendering them “out of status” and therefore removable. Secretary of State Marco Rubio stated on **27 March 2025** that he had revoked “more than 300” visas of students he described as “antisemitic” or “anti-US,” and expanded the remit further after the **10 September 2025** killing of MAGA influencer **Charlie Kirk**, announcing that those who “celebrate” such violence should “prepare to be deported.” Civil-liberties groups and student organisers reported that this had a chilling effect on speech, particularly for non-citizens.

The programme is not restricted to students and is part of the government’s drive to deport illegal immigrants or legal migrants that have allegedly violated laws. The way the arrests have been carried out has triggered legal challenges such as over racial profiling and due process.

Two individual cases of student arrests and attempted deportations became emblematic:

**Rumeysa Öztürk**, a Turkish Fulbright scholar at Tufts whose valid F-1 visa was revoked shortly before masked ICE agents arrested her on **25 March 2025**. DHS asserted that investigations had found her to be engaged in “activities in support of Hamas,” but offered no specifics. The reasons that Öztürk’s lawyers pointed to for her detention were a **26 March 2024** Tufts Daily op-ed calling for divestment from companies tied to Israeli abuses. They highlighted that Tufts’ President Sunil Kumar’s, in a **1 April 2025** statement, said that the university had “no information” suggesting conduct warranting arrest or an immigration law breach. The **ACLU** challenged her detention in federal court in Vermont on **First Amendment** and **due-process grounds**. After about six weeks from her arrest, a federal judge ordered her released, and on **16 May 2025** the court held she had “demonstrated substantial claims of First Amendment and Due Process Clause violations” and that there was no evidence to justify continued detention. While she is no longer detained, the case seeking to remove her from the US remains pending at the time of writing.<sup>CCLXVIII</sup>

**Mahmoud Khalil**, a 30-year-old Columbia international-affairs graduate student and lawful permanent resident was arrested by ICE in New York on **8 March 2025**. The government alleged undisclosed employment details and, more broadly, invoked a State-Department “foreign-policy” determination to justify removal based on unsubstantiated accusations of Hamas support. On **11 June 2025**, a US district judge barred the government from detaining or removing Khalil on that foreign-policy ground, criticising the use of immigration tools to punish speech. On **20 June 2025**, the **District of New Jersey** ordered his release on conditions, and the **Third Circuit** later affirmed earlier protections for him. When the government added a later, post-hoc removal charge based on alleged omissions in his green-card application, the district court on **8 August 2025** declined to enjoin that separate charge and left in place the earlier injunction against removal on foreign-policy grounds. In **January 2026**, an appeals court held that the federal court lacked jurisdiction in ordering the release of Khalil before the immigration court makes its decision and did not address the question of breach of his First Amendment rights, “expressing no view” on this matter. Khalil is appealing.<sup>CCLXIX</sup>

If their deportation is allowed, this would be despite a ruling in **AAUP v. Rubio** filed in the **District of Massachusetts** by the **American Association of University Professors** and the

**Knight First Amendment Institute.** The ruling affirmed that non-citizens enjoy the same core First Amendment protections and that deportation, detention and visa revocation cannot be lawfully based on protected political expression dressed up as “foreign policy” or “security” grounds. AAUP challenged the legality of using the **1952 Immigration and Nationality Act** to deport students for their speech and claimed that ideological visa revocations and deportations violate the **First Amendment** rights of both the non-citizens and the US academic community, are unconstitutionally vague, and contravene the **Administrative Procedure Act (APA)**, pointing in particular to **Congress’s 1990 amendment** barring removal “because of the alien’s past, current, or expected beliefs, statements, or associations, if such beliefs, statements, or associations would be lawful within the United States.” On **30 September 2025**, the district court issued a **161-page opinion** (D. Mass. No. 1:25-cv-10685-WGY) holding that the administration’s policy of arresting, detaining and deporting lawfully present non-citizen students and faculty for pro-Palestinian advocacy violates the First Amendment and that such non-citizens have “the same free speech rights as the rest of us.”<sup>CCLXX</sup>

#### 6.4 Conclusion of the Role of Universities

European, UK and US universities are influential actors whose choices over partnerships, investments and protest responses have significant consequences for international law, democracy and academic freedom.

Major European universities, such as in the Netherlands and Belgium, used structured, evidence-based human-rights assessments rooted in UN and ICJ findings to identify credible risks of complicity in Israeli occupation and war policies. This has led to the suspension of institutional collaborations with specific Israeli universities, even when constrained by Horizon Europe rules.

By contrast, most UK universities relied on narrow ESG screens and claimed institutional “neutrality” to avoid applying comparable international law criteria to their investments and partnerships, leading to almost no Israel-specific suspensions despite legal warnings that continued financial links could amount to complicity in war crimes or genocide.

US universities have generally opposed Israel-focused divestments and did not integrate occupation/genocide risk into policy. They have been part of branding protests as “antisemitic” even when evidence or due process are lacking. Where they have unfairly repressed students and faculty in relation to Israel/Palestine they have established a dangerous precedent for forcibly breaking up protests, muting academic and personal freedoms, and marginalising democracy, human rights and international law. The significance of this is heightened by the fact that the US government has escalated its interference in freedom of speech and academic freedoms within universities to encompass the Trump administration’s broader ideological MAGA agenda and the deployment of ICE to arrest and deport foreign students and faculty for pro-Palestine views. Acting on principle and in accordance with international norms relating to human rights and international law provides a compass for navigating this complex and coercive environment in which institutions risk retribution or complicity. The universities or faculty that pushed back against funding freezes have sought to survive an existential threat. The fight needs to extend to issues that are existential in other ways, preserving democracy, international law and human rights.

The cases show how universities in Europe, the UK and in the US are central to the battle for whether international law and democratic principles prevail when under stress. Three directions have emerged: one that is prevalent in certain European countries has chosen a principled approach that aligns with respect for international law and human rights; another, such as in the UK, has sought to claim political neutrality even where that stance effectively supports war crimes and contributes to human rights abuses; and a third common to many US universities, prioritises institutional funding and alignment with government policies, even when these are at odds with international law, human rights and the protection of democracy.

This study invites universities globally to be guided by and unify around the highest ethical standards that support democracy and the rule of law.

## 7. The Role of the Media

Media coverage plays an important role in shaping public opinion and constraining or enabling policy choices. When it is systematically biased, it corrodes trust in journalism as a credible source of information, distorts democratic deliberation, and weakens mechanisms of public accountability. In the context of Israel and Palestine, such bias allows politicians to sustain policies that contravene international law and human rights by shielding them from scrutiny, reinforcing misleading narratives, obscuring the impact on Palestinian lives and rights, and normalising the erosion of the rule of law, civil liberties and democratic standards.

These consequences are especially grave given the **ICJ January 2024 ruling**, which found a **plausible risk of genocide**. The ruling raises serious questions about **media complicity under the Geneva Convention** and **international humanitarian law**<sup>CCLXXI</sup>, particularly where coverage has contributed to dehumanising Palestinians, minimising scrutiny of Israeli actions relieving pressure on political actors to change policy or enabling them to continue to be in violation of international law.

Independent media platforms have broken the chokehold of mainstream media in disseminating information on what has been widely described as the first live streamed genocide in history. With public opinion turning against Israel's actions in Gaza, the dangers of losing control over the narrative were highlighted by Sarah Hurwitz, a Democratic party speechwriter under Obama. She stated at a conference in the US in **November 2025** that “the problem is that young people have access to information and are forming their own opinions on Israel. We simply cannot have that. We need politicians, academia and the mainstream media to curate a narrative and tell young people what opinions they’re allowed to have”.

Most mainstream media have obliged in this respect. Reports that have analysed or investigated media coverage of the war on Gaza since **October 2023** have documented consistent bias across major news outlets. They found that the narrative of “Israel’s right to defend itself” was overwhelmingly foregrounded, while meaningful examination of Palestinian rights and the legal limits on an occupying power’s invocation of self-defence were largely absent. Most mainstream outlets avoided using the term “genocide” altogether. Instead, they routinely foregrounded Israeli government denials when the issue was raised.

Many outlets claimed to “show both sides of the story,” but genuine neutrality requires objectivity, which in turn depends on investigations, fact-checking and alignment with

verifiable evidence from eyewitnesses, NGOs, and court findings, and fidelity to international law and human rights.

Human-rights lawyer Craig Mokhiber referred in a **September 2024** interview<sup>CCLXXII</sup> to precedents from the **Nuremberg and Rwanda tribunals** as reminders that both genocide and complicity in genocide are crimes that have been punished under international law, and that media actors can bear responsibility where their actions facilitate such crimes. He considered that the ongoing atrocities in Gaza are made possible by political and military support, principally from the US and Europe, and that this support depends, in part, on a compliant media landscape. Editors and journalists who knowingly distort or suppress facts in a way that enables the continuation of mass atrocities, he warned, could potentially meet the threshold of **complicity in genocide**.

This section collates some of the investigations and reports that evidence systemic bias, highlighting the role of the media in enabling atrocities in Palestine and the consequent erosion of the rule of law and of human rights.

### 7.1 Widespread Systemic Bias Against Palestinians/In Favour of Israel

A report by Glasgow University's **Centre for Media Monitoring (CFMM)** of **March 2024**<sup>CCLXXIII</sup> analysed more than 200,000 articles and TV reports and concluded that reporting has not been fair. The report states that Israelis were 11 times more likely to be referred to as "victims of attacks" compared to Palestinians, while 76% of online articles framed the conflict as an "Israel-Hamas war", while only 24% mentioned Palestine or Palestinians, indicating a lack of context and the erasure of Palestinian identity in the midst of a plausible genocide. There is also a lack of scrutiny around several seminal stories, with the discredited beheaded babies story mentioned 361 times, with only 52 challenges made of it.<sup>CCLXXIV</sup>

The US-based **Institute for Middle East Understanding (IMEU)** reported on **11 November 2024** on eight trends in mainstream media coverage of Palestine: 1) treating Palestinian lives as less worthy through dehumanising language, passive voices while coverage of Israeli lives is humanising and personal; 2) spreading Israeli military propaganda without fact-checking; 3) ignoring major news from Gaza; 4) excluding Palestinian voices; 5) excluding key context from stories such as the decades-long oppression of Palestinians by Israel; 6) failing to disclose connections to the Israeli military; 7) embedding with the Israeli military and presenting biased one-sided stories that are subject to military control while foreign press remains banned from Gaza; and 8) not putting the spotlight on the murder of Palestinian journalists by Israel when they are colleagues targeted in the fulfilment of their job.<sup>CCLXXV</sup>

A similar approach can be observed across different countries and organisations: According to an internal memo obtained by The Intercept, the New York Times editorial guidelines instruct journalists when reporting on Israel's war on Gaza, to avoid terms like "genocide" and "ethnic cleansing" and "occupied territory", to refrain from using the word "Palestine" "except in very rare cases", and to avoid the term "refugee camps" to refer to historically internally displaced Palestinians.<sup>CCLXXVI</sup>

At Germany's state broadcaster **Deutsche Welle (DW)**, thirteen workers and former correspondent Martin Gak (who is Jewish and worked for the network for 10 years) told

Aljazeera in **December 2024** that “Senior newsroom figures...are cultivating a culture of fear among journalists who are tasked with reporting on Israel’s war on Gaza...They accuse Deutsche Welle of pro-Israel and anti-Palestinian bias, allege that they have heard colleagues make Islamophobic and dehumanising remarks about Palestinians and protesters in the Berlin office with impunity, and have shared with Al Jazeera several internal documents – one of which lists “possible comebacks” for anchors to use during live interviews with “pro-Palestinian voices” who make “controversial statements”, such as accusing Israel of war crimes... A handout from an anti-Semitism awareness training event suggests that “hatred of Jews is expressed using codes such as the ‘Zionists’ or the ‘Israelis’ ... Therefore, criticism of Israel can also be a form of Israel-related anti-Semitism.”<sup>CCLXXVII</sup>

Journalists from the **BBC** and **CNN** spoke anonymously to Al Jazeera's Listening Post's episode "Inside Western Media's Reporting on Gaza". They said that coverage by their organisations had a systematic pro-Israel bias that prioritises Israel's narrative even when it has been proven or transpires to be false. They said that “Israel has a right to defend itself” was the editorial line drilled into journalists. It is used by them as a response even when interviewees talk about Palestinians starving or aid being blocked or other genocidal acts. They said that colleagues frequently did not seek to hold Israeli officials to account in any robust way and downplayed Israeli atrocities. They said that the truth was not what they were aiming for. They confirmed what has been observed by media researchers, stating that journalists avoided and challenged the use of the term genocide.

Examples of editorial and journalistic willingness to go with Israeli narratives even when they have been debunked include a **November 2023 CNN report**. Colleagues stated anonymously that CNN correspondent Nic Robertson accompanied Israeli forces inside Al-Rantisi hospital after Israel bombed it, claiming that Israeli captives were being held in its basement by Hamas. Israeli military spokesperson Daniel Hagari showed Robertson a paper on the wall purporting to be a Hamas timetable. The paper, written in Arabic, was just a calendar. This had already been debunked and multiple CNN staff pointed this out to Nic Robertson. His response reportedly was "are you meaning to say that Hagari is lying to us?" and he insisted that the report goes out.<sup>CCLXXVIII</sup>

## 7.2 Examples from the BBC

The BBC is a UK publicly funded broadcaster with global influence, that plays an especially important role in spreading public awareness and the related pressure that this exerts on politicians and policy.

In addition to the Aljazeera reports from BBC whistle blowers, Drop Site News spoke to thirteen former and current staffers at the **BBC**<sup>CCLXXIX</sup>. They reportedly spoke on condition of anonymity out of fear of professional retribution. They said that “imbalance is structural and has been enforced by the top brass for many years...They also allege that internal complaints about how the BBC covers Gaza have been repeatedly brushed aside.”

The tone was reportedly set at the start of the Gaza war by BBC’s then CEO Deborah Turness. She held a meeting in **November 2023** with staff to discuss Gaza coverage and said that "we've got all to remember that this all started on 7 October". Many of the journalists thought that the context of occupation was also relevant, that coverage should be probing of

official Israeli statements, and that the fact that Israel is preventing access to journalists should be raised. Their concerns were reportedly dismissed.<sup>CCLXXX</sup>

Journalists went public in a letter signed by one hundred BBC employees in **December 2024**. They accused their organisation of bias and breach of its own standards, stating that “We, as a group of largely industry professionals, want to see the best possible journalism coming out of the region and ask these broadcasters for accuracy across the board, including, but not limited to: reiterating that Israel does not give external journalists access to Gaza, making it clear when there is insufficient evidence to back up Israeli claims, highlighting the extent to which Israeli sources are reliable, making clear where Israel is the perpetrator in article headlines, providing proportionate representation of experts in war crimes and crimes against humanity, including regular historical context predating October 2023, use of consistent language when discussing both Israeli and Palestinian deaths, and robustly challenging Israeli government and military representatives in all interviews. Many of us have raised concerns across the organisation via the appropriate channels, to no avail.”<sup>CCLXXXI</sup>

Another high-profile example of the BBC’s approach to coverage of Gaza relates to the documentary “Gaza: Doctors Under Attack”. The BBC decided not to broadcast this investigation into Israeli war crimes reported by Senorita Ramita, despite its own senior editors reportedly describing the film as important, powerful, and in the public interest. She describes how, after she protested attempts to remove her as narrator, BBC managers argued that her social media posts appeared one sided, giving this as a reason to change how her role was presented. In response, she pointed to her track record of credible reporting on human rights abuses in many other countries without ever being accused of bias and suggested that the BBC was seeking to shield the institution from anticipated criticism over a film that had passed rigorous factual, legal and ethical checks and been repeatedly cleared internally.<sup>CCLXXXII</sup>

Indeed, after the BBC dropped the documentary, it was broadcast by Channel 4 and went on to win in **December 2025** the Foreign Journalism prize at the British Journalism Awards, where judges described it as the most powerful eyewitness account of Gaza they had seen that year. It also received a Society of Editors Press Freedom Award and was a finalist for the Sony Impact Award at the Rory Peck Awards, which honours public-interest reporting.<sup>CCLXXXIII</sup>

BBC’s alignment with government and establishment sensitivities over its coverage of Israel/Palestine raises wider concerns about how it handles powerful interests more generally. In **November 2025**, Rutger Bregman was invited to deliver the prestigious Reith Lectures. He revealed that the BBC removed a line from his recorded talk in which he described Donald Trump as “the most openly corrupt president in American history”, despite the lecture having already passed editorial review and been delivered before a live audience. Bregman emphasised that this was not a throwaway insult but a claim he believed could be substantiated and warned that “self-censorship driven by fear” should alarm anyone concerned with the health of democratic institutions, regardless of political orientation.

This came against the backdrop of Trump threatening and, in **December 2025**, filing a defamation lawsuit in Florida against the BBC claiming \$10 billion in damages<sup>CCLXXXIV</sup>. This is over a Panorama documentary that spliced portions of his 6 January 2021 speech in a way he says misrepresented him as directly inciting violence. If part of the purpose of such

litigation and threats is to intimidate the BBC into more favourable or less critical coverage of the president, the corporation’s willingness to comply suggests that this strategy of legal and political pressure is already having a chilling effect that extends beyond any single programme or topic, undermining the BBC’s ability to report in the public interest.<sup>CCLXXXV</sup>

### 7.3 Manipulation of the Online Environment

A **November 2025** report by Freedom House found that the internet has become a major tool for authorities to control information and crackdown on dissent in both autocracies and democracies. Half of the 18 countries that the report had previously scored as free have seen their scores decline, including the US and Germany among those who dropped the most. “Manipulated information”, including accounts for paid commentators, fake websites and misleading AI generated content that is intended to influence public discourse and push favoured narratives has seen the most consistent increase. The report highlights that tackling decline in online freedom, including fake news, is dependent on the introduction of government regulation against the misuse of AI and surveillance as well as countering censorship.<sup>CCLXXXVI</sup>

The digital space is another frontline in the Israeli/Palestinian conflict. Netanyahu said as much in comments he made in **September 2025**. In a meeting with friendly influencers, he described TikTok as “the most important purchase that is going on right now” and framed social-media platforms as a key “battlefield” on which Israel must fight to shape global opinion, especially among younger audiences who increasingly get their news from such apps.<sup>CCLXXXVII</sup>

This section highlights some of the strategies deployed to shape information or misinformation in the digital space.

#### Shadow Bans and Censorships

A BBC investigation published on **18 December 2024** found that Meta significantly restricted the reach of Palestinian news outlets since October 2023. The report states that “In a comprehensive analysis of Facebook data, we found that newsrooms in the Palestinian Territories - in Gaza and the West Bank - had suffered a steep drop in audience engagement since October 2023. The BBC has also seen leaked documents showing that Instagram ... increased its moderation of Palestinian user comments after October 2023... During a period of war, audience engagement might be expected to rise. However, the data showed a 77% decline after the Hamas attacks on 7 October 2023... We carried out the same data analysis on the Facebook pages of 20 Israeli news organisations such as Yediot Ahronot, Israel Hayom and Channel 13. These pages also posted a large amount of war-related content, but their audience engagement increased by nearly 37%.”<sup>CCLXXXVIII</sup>

In **November 2025**, YouTube deleted more than 700 videos documenting Israeli violations in Gaza and the West Bank that were hosted by three Palestinian human rights groups: Al-Haq, Al Mezan Centre, and the Palestinian Centre for Human Rights.<sup>CCLXXXIX</sup>

Facebook was accused by some of its employees of algorithmic suppression of Palestinian content during Israel’s war on Gaza that started in 2023, and of retaliating against an employee for internally raising the issue. In the case of **Ferras Hamad v. Meta Platforms**

filed on **4 June 2024** in California, the plaintiff alleges wrongful termination, discrimination, and retaliation against a Palestinian-American engineer who flagged systematic suppression of Gaza-related content. The complaint cites biased enforcement of moderation policies and internal censorship of Palestinian expression. Meta denies wrongdoing and the case remains in process.<sup>CCXC</sup>

## Fake Accounts

The New York Times has exposed in **June 2024** an Israeli influence campaign aimed at swaying US lawmakers and public opinion run by Israel's Ministry of Diaspora Affairs. It employed hundreds of fake accounts posing as real Americans to post pro-Israel comments. Such campaigns are known as astro turfing, the practice of creating a false appearance of grassroots support or opposition for a political cause or policy. The fake accounts also reportedly promote Islamophobic content.<sup>CCXCI</sup>

It was also reported on Democracy Now in **May 2024** that Meta has removed a network of hundreds of fake accounts tied to Israeli company STOIC that posted AI generated comments to defend Israel's assault on Gaza and to amplify claims of antisemitism on college campuses. Some of the fake accounts were set up to look like concerned Jewish students and African American citizens.<sup>CCXCII</sup>

## Targeted Influence Campaigns

US firm “Show Faith by Works” has been contracted by Israel to geofence churches and Christian colleges in several US states, track congregants’ phones, and target them with pro-Israel ads, while also paying pastors and recruiting celebrities to deliver tailored messaging.<sup>CCXCIII</sup>

## Reshaping the Information Architecture to Influence Search Results

Media reports indicate that the Israeli government is not only seeking to influence public debate through content manipulation, but to shape the underlying information architecture used by AI systems, search engines and recommendation algorithms to favour Israeli state narratives.<sup>CCXCIV</sup>

An Israeli deal with “Clock Tower X LLC”. It states that the aim is to reach Gen Z with pro-Israel content, build new websites to influence how systems like ChatGPT frame Israel-related topics, and use the MarketBrew AI platform to game search-engine ranking in favour of preferred narratives. These projects reportedly sit alongside larger initiatives such as “Hasbara AI” and STOIC’s “ZeroZeno” operation. These aim to systematically steer AI models and moderation systems toward pro-Israel narratives.<sup>CCXCV</sup>

OpenAI and Meta disclosed that for-hire Israeli operation STOIC had used generative-AI tools to fabricate articles and comments praising Israel’s assault on Gaza, attacking UN bodies and branding US campus protests as antisemitic, which were then seeded across Facebook, Instagram, X, YouTube and Telegram with inauthentic engagement before the networks were taken down.<sup>CCXCVI</sup>

This marks a shift from informative persuasion to manipulation of the building blocks of digital and AI infrastructures to influence the public. They raise serious concerns for information integrity and the public’s ability to assess events in the context of grave international crimes.

## Media Consolidation

The risk of media manipulation is made worse by consolidation between legacy news and entertainment companies, streaming platforms, social media platforms and data infrastructures in the hands of a small number of companies that align themselves with certain politicians and policies, or who then hold the power to sway politicians and policies across the political spectrum. It raises serious public interest concerns over a chokehold on information or the risks of disinformation, and the expansion of the possibilities for interference in other countries through control of traditional news and entertainment output, recommendation algorithms, and data-driven targeting. It is a direct risk to democracy, human rights and the rule of law.<sup>CCXCVII</sup>

A prominent example of media concentration is that of Larry Ellison, the billionaire founder of Oracle. His donations and statements make clear what his political leanings are: he has donated very large sums to Republican aligned super PACs and candidates closely tied to Trump’s agenda. Undeterred by Israel’s illegal occupation, Ellison made the single biggest donation to the IDF in its history in 2017, giving 16.6 million dollars to Friends of the IDF.<sup>CCXCVIII</sup> His son David Ellison leads Skydance Media, which in 2024–25 negotiated and then completed an \$8.4 billion merger with Paramount Global, creating “Paramount, A Skydance Corporation”. The group controls CBS, CBS News, Paramount Pictures, the Paramount+ streaming service, Nickelodeon, MTV, Comedy Central, Channel 5 in the UK and other major brands. The enlarged Paramount–Skydance entity has since moved to expand further, including a bid for Warner Bros Discovery, whose portfolio includes CNN and HBO. Larry Ellison’s company Oracle already has access to large scale private data that he has stated is used in AI training.<sup>CCXCIX</sup> Ellison is also among prospective investors in a US-controlled TikTok spin-off<sup>CCC</sup> that has been mentioned by Netanyahu as one of the most important acquisitions for narrative control that favours Israel, and that is intended to play a central role in shaping the online media landscape. Ellison’s Oracle is also playing a central role in AI development. Larry Ellison stated in **October 2025** that the industry has already moved on from training on public data. He emphasised that for AI systems “to reach their peak value they need to be trained on private data. This is where Oracle plays a particularly important role because most of the world’s high value data is already in an oracle database. We just had to change, that is in the past tense because we did change, the Oracle database to make it available to AI models for reasoning, not just on public data but on private data.” Oracle claims that this is done with appropriate user consent and that they therefore keep private data private.<sup>CCCI</sup>

Concentrated data-driven media ownership now constitutes a structural risk to democratic governance and the protection of human rights. The safeguards of democracy are eroded when a narrow group of actors exercises decisive influence across broadcast media, digital platforms, data infrastructures and AI systems while simultaneously financing partisan political agendas and supporting foreign policies that contravene international legal norms. Addressing this concentration of power is therefore not only a matter of market regulation, but a necessary component of upholding the rule of law and the international human rights framework on which democratic societies depend.

## 7.4 Piecemeal Regulatory Investigations: the example of the UK

In the UK, broadcast media are regulated by **Ofcom** under the **Communications Act 2003** and the **Ofcom Broadcasting Code**. Ofcom is also the online safety regulator under the **Online Safety Act 2023**. This is while the **Information Commissioner’s Office (ICO)** regulates data protection, privacy and electronic communications including cookies, online advertising and tracking. Print media falls under the oversight of the Independent Press Standards Organisation (**IPSO**) and its **Editors’ Code of Practice**.

UK media are not free to mislead audiences on matters of fact. However, they are free to express editorial and political bias if it is clearly expressed as opinion rather than false factual assertions.

Ofcom’s statutory remit requires it to uphold standards of **impartiality, accuracy, and fairness**, and while it primarily acts on complaints, it retains powers to open investigations on its own initiative where serious breaches are suspected. Both Ofcom and IPSO decisions can be challenged by **judicial review** if they are alleged to have failed in their statutory duties, acted unfairly, or misapplied their regulatory remit. Ofcom is also **accountable to Parliament**, with MPs empowered to scrutinise its decisions where widespread public concern exists about its performance.

Most complaints received by Ofcom relating to Israel/Palestine from both sides of the divide were dismissed, not because the contested stories were proven accurate, but because regulators judged them to be editorially reasonable based on the information available at the time. Ofcom maintains that it must balance obligations of **due impartiality and due accuracy** with protection of **editorial independence**.

One high profile case of a complaint being upheld relates to the BBC documentary “Gaza: How to Survive a Warzone”. Ofcom found on **17 October 2025** a serious breach of **Rule 2.2 (materially misleading) of the Broadcasting Code** because the BBC failed to tell viewers that the 13-year-old narrator was the son of an official in the Hamas-run administration. The decision narrowly addresses the lack of disclosure rather than finding the content of the documentary misleading or incorrect.<sup>CCCI</sup>

By contrast, OFCOM found no breach of the rules regarding the completely debunked story that was widely reported hundreds of times across media outlets claiming that Hamas beheaded babies as part of the 7 October attacks. These stories were not treated as infringing the code for accuracy on the basis that they presented the information with the right levels of certainty based on the facts known to the editors at the time.<sup>CCCI</sup>

Overall, the reactive, case-by-case approach by media regulators raises serious concerns about their capacity to address entrenched or structural bias in coverage. By assessing each complaint in isolation and on narrow technical grounds, Ofcom and IPSO risk overlooking broader and recurring patterns of distortion that both undermine public understanding of major international crises and depart from interpretations of events consistent with international law.

It is therefore important that regulators strengthen their mandates to allow for systemic monitoring of bias, especially in reporting on situations where the ICJ has found a plausible

case of genocide, where whistleblowers have exposed biased editorial standards, and where data analysis reveals persistent patterns of bias. In the case of Israel and Palestine, there is evidence of erosion of media integrity, weakening of journalism’s role in accountability, impaired informed democratic debate, and possible facilitation of complicity in genocide.

## 7.5 Conclusion

Media practices shape the political environment in which grave violations in Gaza and the Occupied Palestinian Territories have continued. The documented patterns highlighted in this Report are not limited to isolated errors. They include recurring framing choices, omissions, and editorial constraints that have reduced the visibility of Palestinian rights and the illegal character of Israel’s conduct and that of its supporters. It has amplified or privileged official narratives at the expense of establishing facts and encouraging respect for human rights and international law.

These concerns take on heightened significance in light of the ICJ’s **January 2024** Opinion of plausible risk of genocide. Against that legal backdrop, prominent media outlets continued to foreground Israel’s “right to defend itself” even when discussing starvation, blocked aid, and other war crimes while avoiding terms such as “genocide” “ethnic cleansing”, and “occupied territory”, and even the use of the word “Palestine”, and ignoring Palestinian rights, the legal limits on the use of force by an occupying power, and the relevance of international court findings.

The problems are not limited to a couple of media outlets or a few stories. The Centre for Media Monitoring’s March 2024 analysis of more than 200,000 media items, IMEU’s November 2024 assessment, whistleblower account, and public letters from media workers point to systemic bias.

Information and disinformation sources extend well beyond legacy journalism into digital platforms. This Report highlights the suppression of Palestinian content through reduced reach and removals on major platforms. It also records explicit recognition by Israeli officials that digital platforms constitute strategic “battlefields”, with reported efforts to shape search results, recommendation systems, and AI framing to influence public perception at scale.

The evidence in this section requires a reassessment of how neutrality and impartiality are defined in media practice and its regulation when credible evidence of violations of international human rights and humanitarian law exists. In such context, neutrality must be anchored in legal accuracy and evidentiary scrutiny, not in the mechanical balancing of competing claims. Reporting or policy positions that reproduce official narratives without interrogating their truthfulness or their consistency with international law should be considered misleading and as contributing to the normalisation and continuation of occupation, war crimes, or acts prohibited under the Genocide Convention. Conduct that contravenes these legal norms warrants sustained independent scrutiny and accountability, rather than deference or amplification.

For policymakers and regulators, this section exposes the limitations of existing oversight frameworks and their consequences for democratic accountability and the rule of law. Complaint-led, case by case models centred on narrow assessments of contemporaneous accuracy are ill suited to detecting cumulative and systemic distortions across modern media ecosystems. Regulators should adopt proactive approaches capable of identifying persistent

patterns of information suppression and amplification that conflict with established facts or international law, contribute to human rights harms, and impair informed democratic deliberation.

## Part IV: The Rule of Law vs The Law of the Jungle

This section focuses on increasingly entrenched conflicts of interest that constrain politicians' ability to serve the public and highlights the desirability of a rules-based order grounded in human rights over dominance through the exercise of power with impunity.

### 8. Actual and Perceived Conflicts of Interest

#### 8.1 The UK Political Party Funding System

Under UK law, political donations to parliamentarians are governed by the **Political Parties, Elections and Referendums Act 2000 (PPERA)** and the **House of Commons Code of Conduct (2023)**. MPs may accept money or in-kind support only from “permissible donors”. These are individuals on the UK electoral register, UK-registered companies conducting business in the UK, and certain registered organisations such as trade unions and building societies. There is no cap on donation amounts, but contributions above £500 must come from a verified source, and those exceeding £1,500 must be declared in the **Register of Members' Financial Interests** within 28 days. Donations would be in breach of the rules if the donor is foreign or anonymous, if they are not declared, or if they are linked to paid advocacy or conditional influence such as where an MP promotes a donor's commercial interests in return for support. Oversight of the system is shared between the **Electoral Commission** and the **Parliamentary Commissioner for Standards**.<sup>CCCV</sup>

Although the system requires transparency through disclosure, MPs are generally considered compliant once they have declared donations, even from those with direct interest in their policy areas. For example, in **October 2024**, the Good Law Project published an analysis of political donations declared by Wes Streeting during his time as a Labour MP and Shadow Health Secretary. The analysis concluded that over 60% of the funding Streeting reported between 2015 and 2024 came from companies and individuals with links to private healthcare, totalling £311,400 over nine years - an average of £34,600 out of £57,600 in annual donations.<sup>CCCV</sup> Streeting later became Health Secretary in July 2024. The concentration of financial support from donors with commercial interests in the expansion of private healthcare coincides with his approach of favouring a greater role for the private sector in NHS service delivery. Although all the donations were lawful and transparently declared, they highlight structural problems in the UK's political financing. The rules give rise to both the perception and real possibility of private sector capture of policy decisions through weak conflict of interest scrutiny and limited transparency over sector-specific funding concentrations that overlap with parliamentary functions.

In a report from **June 2024**, The Good Law project also pointed to two loopholes. One is that there is no need to declare donations from unincorporated associations unless they give more than £37,270 in any one donation or calendar year. Another is that gifts of less than £500 can be kept entirely anonymous, with the possibility of multiple such donations from different

donors in a synchronised way. The unincorporated associations can receive funds from people who are not allowed to donate to politicians and pass on the funding. They state that unincorporated associations have paid £5.3m into the three main political parties since 2022. The Tories are said to have received £3m of such funding during Sunak's premiership.<sup>CCCVI</sup>

Other 2024 investigations reinforce the picture. Novara Media reported in **March 2024** that Labour Together, a group central to Keir Starmer's leadership bid, failed to report £739,000 in donations between 2017 and 2020 and was fined only £14,250 by the Electoral Commission. Open Democracy reported in September and October 2024 that Labour's £4m donation from Quadrature Capital - the party's largest ever, and the sixth largest in UK history - came from a Cayman-registered hedge fund with substantial investments in arms, tech and logistics firms.<sup>CCCVII</sup>

This system has been criticised by the Committee on Standards in Public Life and the Institute for Government due to the absence of donation caps, limited conflict-of-interest rules, and weak enforcement mechanisms. It leaves UK democracy vulnerable to undue financial influence and highlights the need for stronger constitutional safeguards.<sup>CCCVIII</sup>

## 8.2 The US Political Party Funding System

The ruling in **2010** in the case of **Citizens United v. FEC** is widely considered as opening the floodgates to low restrictions on special interest funding of US politics, allowing large anonymous donations and the flourishing of Super PACs.

The single biggest sector contributing to the 2024 election was the crypto sector, accounting for 44% of the \$274 million corporate spend. Stepping back into a longer time frame that reflects the past 14 years, the 2024 crypto contributions alone “trail only fossil fuel corporations” whose contributions total \$176 million over that overall period. This is according to an **August 2024** report by Public Citizen<sup>CCCX</sup>, a well-established US nonprofit organisation focused on protecting the public interest. It found that corporations in the crypto sector spent “over \$119 million” on the 2024 US elections through the Fairshake group of super PACs. This is a network of political committees funded by major cryptocurrency companies, with most spending coming from Coinbase and Ripple, as well as Andreessen Horowitz. Launched in **2023**, the Fairshake PAC and related ones such as Protect Progress and Defend American Jobs, were active across the Democratic and Republican parties, supporting candidates on both sides that are friendly to the digital assets industry and opposing those advocating tighter regulations.

Other major tech funding and support came from single donor Elon Musk, who reportedly funded Trump's campaign by spending \$75 million over three months through an organisation he created.<sup>CCCX</sup>

The other major PACs shaping the US election were focused on influencing US policy over Israel. Israeli-American billionaire Miriam Adelson spent \$95 million in 2024 on her **Political Action Committee (PAC)** supporting Donald Trump according to the US Federal Election Commission (**FEC**).<sup>CCCXI</sup> Trump personally acknowledged her influence on key US policy, addressing her directly when speaking at the Knesset on a state visit in **October 2025**. Trump's Knesset speech openly tied to her and her husband the US recognition of Jerusalem as Israel's capital and of Israeli sovereignty over the Golan Heights, clearly demonstrating

significant foreign policy shifts and defiance of international law to satisfy donor interests.<sup>CCCXII</sup>

Another major Israel focused group that shapes US policy is AIPAC. Like the crypto sector super PAC, its influence extends to both sides of the political aisle. According to an investigation by the Intercept of the 2024 congressional, primary and general elections, AIPAC backed 233 Republicans, who collectively received over \$17 million; 152 Democrats, who received over \$28 million; and three independents, who received roughly \$300,000 between them. The organisation's largest outlays reportedly targeted members of the progressive "Squad," notably Reps. Jamaal Bowman (New York) and Cori Bush (Missouri), both of whom were defeated after record-breaking primary spending. The Bowman-Latimer race alone drew around \$22–25 million, with AIPAC as the dominant spender, while between \$9 and \$12 million was spent on Missouri's First District to unseat Bush. In Maryland, AIPAC spent around \$4.5 million backing Sarah Elfreth, while smaller but significant sums were spent in states such as California, Texas, and Florida.<sup>CCCXIII</sup>

This shows how AIPAC leverages financial power to reshape the political landscape. This is not only by supporting candidates aligned with their agenda, but also by demonstrating their ability to unseat incumbents critical towards Israel or the interests of its major donors.

AIPAC, despite its close ties to a foreign government, is not registered with the **Foreign Agents Registration Act (FARA)** and enjoys tax-exempt status.

A Guardian US investigation from **January 2024** looked at all members of congress and their responses from 7 October to mid-November 2023. It found that 93% called for US military or financial support for Israel, 81% supported Israel's response, 17% criticised Israel or called for a ceasefire, and 17% contextualised the war referring to settlement expansion and human rights violations by Israel prior to 7 October.

A Bernie Sanders statement of **10 December 2024**, provides context for the fact that only 19 senators voted against the sale of arms to Israel. He said that many more democrat senators had privately expressed to him that what is happening is outrageous but that they would not vote against the sale of arms to Israel as the consequence would be that AIPAC would fund opponents to defeat them at the primary elections.

The expanding influence of corporate super PACs and AIPAC in determining electoral outcomes and shaping the agendas of both major political parties in the US is eroding democracy's core purpose: to elect representatives who serve the interests of their constituents rather than the narrow priorities of wealthy individuals, corporations, and lobbyists. These interests are not only distinct from the public interest, they can also be directly opposed to it. When financial power pushes both parties toward convergent positions on critical issues - such as technology regulation, fossil fuel policy, monetary policy, or support for foreign states - voters are denied a genuine choice. In this environment, voting becomes largely performative, offering the illusion of democratic participation without the substance of real political alternatives. The system begins to resemble the rule of powerful interests more than a democracy.

In addition to political funding, the US government is also introducing the influence of private funding on public sector institutions through seeking direct investments. The FT reported on **21 October 2025** that the US army is tapping private equity groups to help fund a

\$150 billion infrastructure revamp, stating that “the move marks an unprecedented effort to enlist some of Wall Street’s biggest investors directly in US national security.”

Moreover, in the age of pervasive technological surveillance, the convergence between unaccountable government policy and a lightly regulated tech industry that permeates every aspect of private, commercial, and public life creates a profoundly dangerous ecosystem that mirrors the dynamics of authoritarian surveillance states and poses an existential threat to democratic governance.

### 8.3 Careful What You Wish For: The End of Multilateralism?

We stand at a global crossroads with two alternatives - rules based multilateralism that promotes mutual prosperity and collaboration or arms and technology races that are centred on dominance through strength and that reinforce the decline of rights-based democracies.

The view that is centred on dominance through military and technological strength is often sceptical of multilateralism and the centrality of human rights. It is exemplified by the views of Palantir CEO Alex Karp, whose company is entrusted with extensive, highly sensitive nationwide datasets in the West.

In an interview with Axios in **November 2025**<sup>CCCXIV</sup>, he has acknowledged that “AI can go wrong in lots of ways”, but argued that “we need to absorb a lot of risk there as it will either go right or wrong for us or for China... People are worried about surveillance and of course there are huge issues there, but you will have far fewer rights there if America is not in the lead.” Karp also characterised the human rights concerns around AI as “a lame UN-driven discussion about human rights that only serves people who want to live in a world that does not work.” In other words, civil liberties and human rights are secondary concerns to US primacy.

While Karp is a very influential figure, he obviously does not speak for the US government. However, the views he has expressed mirror elements of US past and present policies under both democratic and republican administrations, such as disregard for international law in relation to Israel/Palestine and attacks on multilateral institutions in this context, such as UN agencies and the ICC.

The disregard for multilateralism by the US extends more globally. Contemporaneous examples include US threats to take over Greenland and Canada, downplaying Ukraine’s rights under international law in negotiations with Russia and taking military action against small boats linked to Venezuela in 2025. The UN Commissioner for Human Rights described US attacks on small boats as being in breach of international law<sup>CCCXV</sup> and they were characterised by independent UN experts as “extrajudicial executions.”<sup>CCCXVI</sup> The US’ Western friends have been selective in their disapproval, vigorously invoking international law with regards to threats to them, as if the rules are only made to protect them.

However, the protection of civil rights and of the rules based international order are not aspirational alternatives to security, prosperity, and democratic resilience; they are its precondition. When democracies normalise state and corporate surveillance of their own populations and repress civil rights, allow war crimes and occupation, and attack multilateral

institutions – as shown in this Report - they are implementing an authoritarian and hegemonic playbook and destroying the rules based order for everyone.

Claims by Karp and others that China poses a greater threat to democracy and human rights than the US hold true with respect to China’s record of internal repression. Yet this comparison masks the accelerating erosion of rights within the US and Europe alongside their central role in enabling prolonged human rights violations and, more recently, genocide by their ally Israel against Palestinians. A continued race to the bottom over the desirability of international law and human rights risks placing democracies on a trajectory increasingly indistinguishable from authoritarian regimes.

Indeed, China has adopted a more multilateral approach than the US on several important issues, including consistently affirming the internationally acknowledged two-state solution for Palestine/Israel and calling for global AI governance. For instance, Chinese President Xi Jinping called in **November 2025** for the creation of a World Artificial Intelligence Cooperation Organisation that would establish global AI governance rules and strengthen international collaboration. He said the body could make AI a “public good for the international community.”<sup>CCCXVII</sup> The remarks made at the **Asia Pacific Economic Cooperation (APEC)** leaders’ summit have been read as positioning China as a counterweight to the US in shaping the future of AI and trade policy.

With all major global actors prioritising economic growth, there is shared ground on which more stable and peaceful pathways to mutual prosperity can be built - pathways rooted in respect for international law and human rights. The European Union itself demonstrates that such a model is possible, having transformed a continent marked by centuries of rivalry and devastating wars into a framework of cooperation and relative stability. The democracy, security, and prosperity fostered through post-war multilateralism in the West represent one of its most significant achievements. They should not be treated as a historical anomaly but defended and renewed as a foundation for the future.

## Part V: Conclusion

The Report brings into focus structural problems that are undermining the interlinked systems of democracy, human rights and the rule of law.

What emerges is not a series of isolated policy failures in disparate areas but a single ecosystem that is systematically eroding democratic governance and the rule of law across Western democracies.

The response of Western states to Gaza has laid bare a willingness to treat international legal obligations relating to genocide prevention and occupation as optional or selectively applicable. This erosion of legal consistency has not only enabled grave violations in Gaza and the Occupied Palestinian Territories but has also eroded the rules based international order itself. When states undermine or retaliate against international courts, UN bodies, and human rights mechanisms, they weaken the very institutions that are meant to constrain power and protect populations everywhere.

Gaza is a prism through which the condition of democracy itself is revealed through the willingness of democratic states to trample rights, suppress opposition, and water down protections when they are inconvenient.

The report also shows that this trajectory is not inevitable. Across jurisdictions, civil society organisations, journalists, whistleblowers, students, academics, and lawyers have resisted the erosion of democratic norms through litigation, investigation, and public mobilisation.

The post-Gaza tech surveillance age marks a point of either democratic renewal or further decline. Western democracies can continue down a path in which tech surveillance, repression, and human rights abuses are normalised in the name of security, efficiency, or political alliances. Or they can recommit to a model of governance that preconditions respect for the law and accountability anchored in good governance, multilateralism and human rights.

## ANNEX A: EU Legislation and Guidelines Safeguarding Rights in the Digital Age

Under the **ePrivacy Directive** and the **EU Charter of Fundamental Rights**, covert interception, tracking and blanket data retention by states or companies without a clear legal basis, informed consent and robust oversight are unlawful, and the **Court of Justice of the EU (CJEU)** has repeatedly held that general and indiscriminate retention of traffic and location data is incompatible with EU law. These standards complement the GDPR’s requirements of lawfulness, necessity and proportionality, and aim to balance data-gathering with fundamental rights to privacy, data protection and freedom of expression under **Articles 7, 8 and 11 of the Charter**.<sup>CCCXVIII</sup>

The EU adopted the **Digital Services Act (DSA)** and the **Digital Markets Act (DMA)** in **2022 as well as the Artificial Intelligence Act (AIA) in August 2024 with implementation by August 2026**. The **DSA** introduce rules for online services such as marketplaces, social media networks, app stores, and online travel and accommodation platforms, stipulating certain protections for online users. It requires **Very Large Online Platforms (VLOPs)** and **Very Large Online Search Engines (VLOSEs)**, defined as services with more than 45 million monthly active users in the EU, to fulfil a range of responsibilities.

The **DMA** applies to designated gatekeepers with the Commission investigating any non-compliances and stipulating remedies. The designated gatekeepers so far are Alphabet, Amazon, Apple, Booking, ByteDance, Meta, Microsoft.<sup>CCCXIX</sup> On **4 March 2024**, the European Commission fined Apple over EUR 1.8 billion for abusing its dominant position on the market for the distribution of music streaming apps to iPhone and iPad users (“iOS users”) through its App Store.<sup>CCCXX</sup>

The **DSA** establishes a risk-based regulatory framework that shifts EU digital governance beyond content moderation to the structural features of online platforms that shape societal outcomes. Although the DSA does not expressly define “systemic risk,” it conceptualises such risks as those with widespread societal impact and categorises them into four core areas: the dissemination of illegal content; adverse effects on fundamental rights (including freedom of expression and media freedom); threats to civic discourse, electoral integrity, and public security; and harms relating to gender-based violence, public health, well-being, and the protection of minors. The DSA VLOPs and VLOSEs to assess how their service design—particularly algorithmic recommender systems, content moderation tools, and advertising models—contributes to these risks, recognising that platform architecture can amplify harmful content. Platforms must adopt effective mitigation measures that respect fundamental rights, supported by independent audits and internal compliance structures. The provisions seek system-level regulation, embedded into platform design, governance, and business models rather than treating harm as a downstream or incidental problem.

The **Artificial Intelligence Act (AIA)** introduces a tiered, risk-based regime under which AI systems used in areas such as law enforcement, migration and border control, employment, education, access to essential public services and credit are classified as “high-risk” and may only be used if they comply with certain requirements on data quality, bias mitigation, transparency, accuracy, cybersecurity and human oversight. While these high-risk uses are not generally prohibited, the Act does ban certain “unacceptable-risk” practices, including most real-time remote biometric identification in publicly accessible spaces for law-enforcement purposes, subject only to narrowly defined exceptions.<sup>CCCXXI</sup>

In response to Pegasus and similar abuses, the European Parliament’s 2023 **PEGA Recommendations** concluded that existing safeguards are insufficient and proposed far-reaching reforms that are yet to be fully implemented by the European Commission: legal protection of end-to-end encryption; stronger monitoring, logging and reporting of spyware operations; EU-level investigative support and redress for victims; tighter export controls with mandatory human-rights due diligence; coordinated sanctions against abusive vendors; and enhanced security and resilience of critical telecommunications infrastructure.<sup>CCCXXII</sup> The recommendations stress that national spyware frameworks must meet standards developed by the CJEU, the European Court of Human Rights and the Venice Commission’s Rule of Law Checklist, but most of PEGA’s proposals have not yet been transposed into binding EU legislation or systematically implemented by the Commission or member states.<sup>CCCXXIII</sup>

The UK and France initiated the **Pall Mall Process**<sup>CCCXXIV</sup>, establishing in 2025 a voluntary international Code of Practice for states to apply responsible use and export controls on cyber and surveillance technologies. Endorsed by the US and several EU states, the Code includes many of the PEGA Recommendations and other human-rights safeguards in export licensing, procurement, vendor oversight, and coordinated sanctions. Yet, like UN frameworks such as the **UN Guiding Principles on Business and Human Rights** and voluntary cyber norms, the Pall Mall Code lacks binding enforcement. Furthermore, this is not intended to tackle consumer technologies that are doubling up as surveillance infrastructure.

## Appendices/References

<sup>I</sup> <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>

<sup>II</sup> Brown University Costs of War Project, Oct 2024 & Oct 2025 updates; U.S. Congressional appropriations data; Public Law 118-50, 24 April 2024

<sup>III</sup> Brown University Costs of War Project, Oct 2024 & Oct 2025 updates; U.S. Congressional appropriations data; Public Law 118-50, 24 April 2024

<sup>IV</sup> Amnesty Letter to Josep Borrell, 12 August 2024

<sup>V</sup> Statement by Prime Minister Pedro Sánchez, 25 October 2024

<sup>VI</sup> European Commission, Horizon Funding Data

<sup>VII</sup> Academics' Open Letter to European Commission, 10 July 2024

<sup>VIII</sup> UK Foreign, Commonwealth and Development Office, Sanctions Announcement, 2024

<sup>IX</sup> [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1\\_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

<sup>X</sup> ICJ Order, 26 January 2024: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>. See para. 54 (plausible cause), para 41 (duty of states to prevent genocide), para 74 (real and imminent risk of the commission of genocide).

<sup>XI</sup> ICJ Order, 26 January 2024: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>. See measures specified in paragraphs 78 to 82.

<sup>XII</sup> <https://www.un.org/unispal/wp-content/uploads/2024/03/192-20240328-ord-01-00-en.pdf>. See paras 18 (deterioration of conditions), para 21 (famine setting in), p.13: allow aid in at scale and cooperate with UN

<sup>XIII</sup> <https://api.icj-cij.org/sites/default/files/case-related/91/091-20070226-JUD-01-00-EN.pdf> See para. 430: “The obligation each State thus has to prevent genocide is one of conduct and not one of result; the State is thus obliged to employ all means reasonably available to them, so as to prevent genocide so far as possible.” Para 438: “A State’s obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed.”

<sup>XIV</sup> **Prosecutor v. Akayesu (ICTR Trial Chamber, 2 Sept 1998)**

<https://www.un.org/en/preventgenocide/rwanda/pdf/AKAYESU%20-%20JUDGEMENT.pdf>

“Aiding means giving assistance to someone. Abetting... involves facilitating the commission of an act by being sympathetic thereto... either aiding or abetting alone is sufficient... it is not necessary for the person aiding or abetting... to be present during the commission of the crime.” (¶484–485; pp. 125–126)

“As regards the physical elements of complicity in genocide (Actus Reus), three forms... are recognized... complicity by instigation, complicity by aiding and abetting, and complicity by procuring means.” (¶533; p. 134)

“A person who, by his mere presence in a group of aggressors provided moral support to the assailants... is liable as an accomplice.” (¶548; p. 138)

“the mens rea... for complicity in genocide is knowledge of the genocidal plan, coupled with the actus reus of participation...” (¶544; p. 137)

“An accused is liable as an accomplice to genocide if he knowingly aided or abetted or instigated one or more persons in the commission of genocide, while knowing that such a person or persons were committing genocide, even though the accused himself did not have the specific intent to destroy, in whole or in part, a protected group.” (¶545; p. 137)

<sup>XIV</sup> **Prosecutor v. Krstić (ICTY Appeals Chamber, 19 Apr 2004)**

<https://www.icty.org/x/cases/krstic/acjug/en/krs-aj040419e.pdf> :

“This... raises the question of whether, for liability of aiding and abetting to attach, the individual charged need only possess knowledge of the principal perpetrator’s specific genocidal intent, or whether he must share that intent. The Appeals Chamber... has explained... that an individual who aids and abets a specific intent offense may be held responsible if he assists the commission of the crime knowing the intent behind the crime... The conviction for aiding and abetting genocide upon proof that the defendant knew about the principal perpetrator’s

genocidal intent is permitted by the Statute and case-law of the Tribunal.” (¶140–141). The judgment then canvasses comparative law confirming that an aider and abettor need only know the perpetrator’s intent (¶141–¶142). Judge Shahabuddeen’s opinion: “It has to be shown that the aider and abettor had knowledge of the intent to commit genocide, not that he shared that intent... What has to be shown is that he had knowledge that the perpetrator had that intent.” (Separate Opinion, ¶65–¶67)

**XVI Media Reports Regarding EU Countries Joining South Africa in its ICJ case against Israel: Ireland:** <https://www.un.org/unispal/wp-content/uploads/2025/01/192-20250106-int-01-00-en.pdf>; **Spain:** <https://www.un.org/unispal/wp-content/uploads/2024/07/192-20240628-int-01-00-en-compressed.pdf>

<sup>XVII</sup> MEE, 31/1/24

<sup>XVIII</sup> Aljazeera, 28/1/24

<sup>XIX</sup> Aljazeera, 22/10/25

<sup>XX</sup> <https://www.aa.com.tr/en/middle-east/heavy-rains-flood-dozens-of-tents-for-displaced-palestinians-in-southern-gaza/3753465>

<sup>XXI</sup> <https://www.mpg.de/25778228/1125-defo-gaza-study-reveals-unprecedented-losses-of-life-and-life-expectancy-154642-x>

<sup>XXII</sup> <https://unctad.org/news/gazas-economy-collapsed-83-2024-pushing-all-23-million-people-poverty>

<sup>XXIII</sup> <https://apnews.com/article/israel-palestinians-hamas-war-news-13-08-2025-7775eb3b3424dd181401c56a150ce100>

<sup>XXIV</sup> <https://news.un.org/en/story/2025/11/1166420>

<sup>XXV</sup> <https://www.middleeasteye.net/news/heavy-rain-floods-gaza-displacement-camps-un-warns-bleak-situation>

<sup>XXVI</sup> <https://www.aa.com.tr/en/middle-east/2025-marks-deadliest-and-most-destructive-year-for-palestinians-israeli-rights-groups-say/3760049>

<sup>XXVII</sup> <https://www.amnesty.org.uk/press-releases/israels-genocide-against-palestinians-not-over-despite-ceasefire-new-amnesty>

**XXVIII ICJ 2004 Opinion Regarding Israel’s Wall: International Laws that Israel is Breaching**

<https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907/regulations-art-46?utm> : Article 46 respect for private property, Article 52 limits on requisitions; Article 43: The occupant “shall take all the measures in his power to restore, and ensure, as far as possible, public order and civil life...”

[https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.33_GC-IV-EN.pdf) : Article 53 prohibition on destruction of property; Article 52(2) (Measures aiming at creating unemployment): “The Occupying Power may not undertake any measure of such a character as to produce or to favour the creation of... conditions of labour which constitute a burden on the resources of the occupied territory”

See liberty of movement under Article 12(1) of the International Covenant on Civil and Political Rights; Articles 6,11,12,13 of the International Covenant on Economic, Social and Cultural Rights; Articles 24,27,28 of the Convention on the Right of the Child – all found by the ICJ to be applicable in the Occupied Palestinian Territory.

**XXIX ICJ 2004 Opinion Regarding Israel’s Wall: What the Court required of Israel and of Other States:** <https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/ICJ%20Wall%20Advisory%20Opinion.pdf> :

### **Israel’s Obligations:**

“Israel accordingly has the obligation to cease forthwith the works of construction of the wall being built by it in the Occupied Palestinian Territory, including in and around East Jerusalem. ... Cessation of those violations entails the dismantling forthwith of those parts of that structure situated within the Occupied Palestinian Territory, including in and around East Jerusalem. All legislative and regulatory acts adopted with a view to its construction, and to the establishment of its associated régime, must forthwith be repealed or rendered ineffective, except where of continuing relevance to Israel’s obligation of reparation.” (¶¶150-151).

**Make reparation:** “Israel has the obligation to make reparation for the damage caused to all the natural or legal persons concerned... Israel is accordingly under an obligation to return the land, orchards, olive groves and

other immovable property... In the event that such restitution should prove to be materially impossible, Israel has an obligation to compensate the persons in question for the damage suffered.” (¶¶152–153).

### **Obligations of Other States:**

**Non-recognition & non-assistance:** “Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction.” (¶159).

**Ensure respect for the Geneva Conventions:** “Article 1 of the Fourth Geneva Convention ... provides that ‘The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.’ It follows ... that every State party ... whether or not it is a party to a specific conflict, is under an obligation to ensure that the requirements of the instruments in question are complied with.” (¶158).

<sup>xxx</sup> ICJ July 2024 Opinion Regarding Israel’s Occupation and Contraventions by its Allies:  
<https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>; <https://www.icj-cij.org/node/204176>

<sup>xxxI</sup> <https://www.govinfo.gov/content/pkg/DCPD-201700887/pdf/DCPD-201700887.pdf> (**Jerusalem proclamation**); and <https://trumpwhitehouse.archives.gov/presidential-actions/proclamation-recognizing-golan-heights-part-state-israel> (**Golan Proclamation**)

### <sup>xxxII</sup> **Warnings to Israel’s Allies to Refrain from Illegal Actions Go Unheeded:**

Governments with influence over Israel were repeatedly presented with evidence and urged to act by UN institutions, reputable NGOs, leading specialists, Parliamentarians within their own country, and other governments. This includes the following:

After the ICJ Opinion of Plausible Genocide of January 2024, the Foreign Minister of Norway, Espen Barth Eide, said that countries that export weapons to Israel must evaluate whether they are contributing to potential genocide."

On **31 January 2024**, UK MP Imran Hussain stated during Parliamentary question time that "Article 1 of the Genocide Convention makes it absolutely clear the UK has a legal obligation, not just a moral duty, to act to prevent genocide. Yet whilst the government is rightly fulfilling these obligations in part in Burma, they allowed arms sales to Israeli military to continue despite the concerns of the foreign office's own legal advisors that the Israeli military's actions in Gaza were unlawful. Now that the ICJ's interim ruling agrees it is legally plausible, under international law, that a genocide is being committed in Gaza, possibly using arms sold by the UK, will the government immediately suspend the sale of arms to the Israeli military." The response of Andrew Mitchell MP was that "his interpretation of what the ICJ is saying is not the government's interpretation, or indeed many members of the House. And the throwing across the Chamber of accusations of genocide in respect of Israel's activities in Gaza are extraordinarily offensive and, in my view totally wrong."

In **March 2024**, over 130 UK Parliamentarians endorsed a letter addressed to Foreign Secretary David Cameron calling for a ban on arms exports to Israel. (MEMO, 27/3/24)

In **April 2024**, Michael Mansfield KC was one of the signatories to a 17-page letter by experts warning the UK government about breach of international law through continued arms sales to Israel. (MEE, 5/4/24)

In the US, Major Harrison Mann submitted his resignation on **1 November 2023** from the Defense Intelligence Agency citing policies that had "empowered the killing and starvation of tens of thousands of innocent Palestinians." He made the letter public on 13 May 2024, shortly before his resignation became effective. (<https://www.armytimes.com/news/your-army/2024/05/14/army-major-resigns-commission-over-us-support-of-israel-in-gaza>)

Josep Borrell - High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission from 2019 to 2024 - stated on **26 May 2024** that "Introducing caveats, objections or exceptions based on non-legal grounds damages the rules-based order, damages our values and will damage our international standing and weaken our position on other issues including Ukraine". He stated that "If one of the parties is not satisfied by the decision of the court it can of course address a specific request for interpretation but not disregard it." He added that "it is time for the EU to take its responsibilities in front of a catastrophic situation of an unprecedented magnitude. We have to act. Our moral and political credibility is at risk." ([https://www.eeas.europa.eu/eeas/international-court-justice-ruling-regarding-gaza\\_en?utm](https://www.eeas.europa.eu/eeas/international-court-justice-ruling-regarding-gaza_en?utm) )

On **28 May 2024**, British MPs Richard Burgeon and Imran Hussain submitted to the ICC a dossier of evidence compiled from a series of expert panels they organised in Parliament that were attended by eighty parliamentarians from eight parties. They called for ending all arms sales to Israel, halting trade with Israel's illegal settlements, imposing trade sanctions, and sanctioning Israeli officials involved in the crimes.

In **June 2024**, a group of 30 experts, including several UN special rapporteurs, said arms manufacturers supplying Israel should halt their transfers of war material "even if they are executed under existing export licenses. These companies, by sending weapons, parts, components, and ammunition to Israeli forces, risk being complicit in serious violations of international human rights and international humanitarian laws." (Aljazeera English, 20/6/24)

Commenting on the South Africa case against Israel at the ICJ, Dr Sam Fowles, a barrister at Cornerstone Chambers said "there is now a clear risk that a UK individual who assists in the Israeli war effort in Gaza specifically, runs the risk of criminal liability in the form of aiding and abetting in the commission of war crimes." Tim Bierly, campaigner at Global Justice Now said that "The UK government is putting its own ministers and civil servants at risk of prosecution by its continued failure to withhold support for Israel's actions." (Novaramedia, 21/8/24)

In **August 2024**, Mark Smith, a civil servant who had raised concerns "at every level" in his department regarding the legality of arms sales by the UK resigned. He warned colleagues via email that "Senior members of the Israeli government and military have expressed open genocidal intent, Israeli soldiers take videos deliberately burning, destroying and looting civilian property." He said that "whole streets and universities have been demolished, humanitarian aid is being blocked, and civilians are regularly left with no safe quarter to flee to. Red crescent ambulances have been attacked. Schools and hospitals are regularly targeted. These are war crimes." In addition, hundreds of Foreign Office staff signed a letter in protest at UK policy in Gaza. (Declassified UK, 21/8/24)

In **October 2024**, over 40 MPS from seven parties backed a Motion by Richard Burgeon MP calling on the government to impose sanctions on Israel as it is carrying war crimes. He stated that real action is required to force it to stop. The motion refers to the **UN General Assembly (UNGA) adoption of a resolution on 18 September 2024** calling on Israel to end its unlawful occupation and for states to comply with their obligations under international law and to take concrete steps to address Israel's presence in the occupied territories. This includes states not providing assistance that helps maintain Israel's illegal presence in the Occupied Palestinian Territories, to cease importing products originating from Israeli settlements, to halt arms transfers to Israel where it is reasonably suspected they are used in the Occupied Palestinian Territory, to implement sanctions including travel bans and asset freezes against those involved in maintaining Israel's unlawful presence in the Occupied Palestinian Territory. This follows ICJ advisory opinion that Israel's occupation is illegal and that other states should not act in a way that maintains it. The motion calls on the UK government to abide by ICJ advisory opinion and UNGA resolution by ending all military exports to Israel, banning the import of goods from illegal Israeli settlements, and revoking the 2030 Roadmap which deepens UK economic trade and security ties with Israel. (Richard Burgeon MP, 14/10/24)

In **October 2024**, Navi Pillay, Head of the UN Independent International Commission of Inquiry said that "Israel's internationally wrongful acts give rise to state responsibility, not only for Israel but for all states." According to UN experts, countries enabling Israel's "unlawful occupation" of the Occupied Palestinian Territory and assisting it despite warnings of war crimes and possible "genocide" in Gaza could be regarded as "complicit" (Aljazeera, 18/10/24).

The Office of the UN High Commissioner for Human Rights reported in **November 2024** that 70% of Palestinians killed by Israel in the 6 months between November 2023 and April 2024 were children and women (IMEU, 12/11/24). It stated that Israel's methods in Gaza are "consistent with genocide" including using

starvation as a weapon of war (Novaramedia, 14/11/24). It stated that “since the war began, Israeli officials have openly endorsed policies that deprive Palestinians of essential resources needed for survival - including food, water and fuel. These declarations, coupled with the systematic and unlawful obstruction of humanitarian aid, underscore Israel's apparent intent to leverage life-saving supplies for political and military purposes. Through its siege over Gaza, obstruction of humanitarian aid, alongside targeted attacks and killing of civilians and aid workers, despite repeated UN appeals, binding orders from the International Court of Justice and resolutions of the Security Council, Israel is intentionally causing death, starvation and serious injury, using starvation as a method of war and inflicting collective punishment on the Palestinian population." The committee called on all Member States to uphold their legal obligations to prevent and stop Israel's violations of international law and hold it accountable. "It is the collective responsibility of every state to stop supporting the assault on Gaza and the apartheid system in the occupied West Bank, including East Jerusalem" (Wearthepeace, 14/11/24). "The Israeli military's use of AI-assisted targeting, with minimal human oversight, combined with heavy bombs, underscores Israel's disregard of its obligation to make adequate safeguards to prevent civilian deaths"(Novaramedia, 14/11/24).

In one of many letters by MPs, MP Zarah Sultana wrote to Secretary of State for Foreign Affairs David Lammy on **7 November 2024** reminding him that the ICJ Advisory Opinion of 19 July 2024 reinforces the obligations on the UK to prevent trade and investments that contribute towards maintaining Israel's illegal presence in the Occupied Palestinian Territories and asks for clarifications as to how that Opinion was taken into account in government decisions about trade with Israel. She also cites continued Israeli illegal aggressions and the Knesset decision to ban UNRWA as necessitating a full and immediate arms embargo on Israel. (Declassified UK, 7/11/24)

The UK's Health Workers for Palestine wrote to PM Keir Starmer on **24 November 2024** asking for 1) confirmation, pursuant to the International Criminal Court Act 2002, that the British Government will facilitate the arrest of Mr Netanyahu and Mr Gallant. 2) Immediate cessation of UK military complicity with Israel's war crimes throughout the Occupied Palestinian Territories, including the provision of intelligence and surveillance data and the provision of controlled items both through individual licences and existing Open General Export Licences. 3) The imposition of sanctions against the State of Israel, including not only illegal settlements but Israel proper, and the suspension of negotiations for a UK-Israel Free Trade Agreement, until and unless Israel ceases its war crimes against the Palestinian people. 4) The cancellation of all NHS contracts with Palantir and other technology companies linked to Israel or its abuses. They stated that the existence of these commercial agreements is offensive to the fundamental values of the NHS. (Health Workers for Palestine Insta post, 24/11/24)

Amnesty International published on **5 December 2024** a 300-page report covering the period 7 October 2023 to early July 2024, concluding that Israel is committing genocide in Gaza under the **Genocide Convention**. The Secretary General of Amnesty International Agnes Callamard called on British, German and US governments to revise their denial that genocide is being committed in Gaza. She warned that they can be found complicit in genocide because of their support for the Israeli army. She reminded them that complicity in genocide is a substantive crime under Article III of the 1948 Genocide Convention. The crimes that Amnesty evidenced included those of killing, causing serious bodily harm and deliberately inflicting conditions of life calculated to bring about the group's physical destruction in whole or in part. Amnesty was also able to demonstrate the necessary intent. (MEE, 6/12/24)

<sup>XXXIII</sup> <https://www.amnesty.org.uk/press-releases/israelopt-masafer-yatta-community-occupied-west-bank-under-imminent-threat>

<sup>XXXIV</sup> <https://news.un.org/en/story/2025/10/1166145>

<sup>XXXV</sup> <https://www.anera.org/blog/the-2025-levant-olive-oil-crisis/>

<sup>XXXVI</sup> UK Parliament official transcript, “Foreign Affairs Committee, Oral Evidence: The Israeli-Palestinian conflict, HC 488, 3 December 2024; <https://www.middleeastmonitor.com/20241204-uk-shows-rank-cowardice-on-palestine-and-illegal-israeli-settlements-says-ex-minister/>

<sup>XXXVII</sup> <https://www.tandfonline.com/doi/epdf/10.1080/01436597.2025.2484796?needAccess=true;>

<https://www.gov.uk/government/speeches/secretary-of-states-speech-on-anti-semitism>

<sup>XXXVIII</sup> ICJP Press Release, 13 December 2024; Charity Commission Statement to MEE, 29 November 2024

<sup>XXXIX</sup> <https://main.knesset.gov.il/en/news/pressreleases/pages/press18724w.aspx>

<sup>XL</sup> <https://www.un.org/unispa/document/sg-statement-20aug25/>

<sup>XLI</sup> <https://newrepublic.com/post/178243/benjamin-netanyahu-literally-says-from-the-river-to-the-sea>

<sup>XLII</sup> <https://www.gov.il/en/pages/spoke-pm210925>

<sup>XLIII</sup> <https://www.theguardian.com/world/2013/jan/07/naftali-bennett-interview-jewish-home>

<sup>XLIV</sup> Los Angeles Times, 11 Aug 1988

<sup>XLV</sup> <https://www.un.org/unispal/document/statement-of-icc-prosecutor-fatou-bensouda-respecting-an-investigation-of-the-situation-in-palestine/>

<sup>XLVI</sup> ICC Arrest Warrant: Press Release, Statement of ICC Prosecutor Karim A.A. Khan KC: Panel of Experts in International Law Unanimously Confirms Applications for Arrest Warrants Meet the Evidentiary Standard of Reasonable Grounds to Believe (May 20, 2024), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-panel-experts-international-law-unanimously-confirms>.

<sup>XLVI</sup> Aljazeera English, 24/11/24

<sup>XLVI</sup> ME Eye, 22/11/24

<sup>XLVII</sup> <https://news.un.org/en/story/2024/11/1157286>

<sup>XLVIII</sup> <https://www.asil.org/ILIB/hungary-announces-withdrawal-international-criminal-court>

<sup>LI</sup> <https://www.972mag.com/icc-israel-surveillance-investigation/>

<sup>LII</sup> <https://www.whitehouse.gov/presidential-actions/2025/02/imposing-sanctions-on-the-international-criminal-court/>

<sup>LIII</sup> The US sanctioned ICC officials are Deputy Prosecutors Nazhat Shameem Khan (Fiji) and Mame Mandiaye Niang (Senegal), ICC Judge Kimberly Prost (Canada), and Judge Nicolas Guillou (France) who issued the Netanyahu and Gallant arrest warrants. The State Department described them as a threat to Americans and Israelis. The reasons given by the State Department for the sanctions are: “Prost is being designated for ruling to authorize the ICC’s investigation into U.S. personnel in Afghanistan. Guillou is being designated for ruling to authorize the ICC’s issuance of arrest warrants for Israeli Prime Minister Benjamin Netanyahu and former Minister of Defense Yoav Gallant. Deputy Prosecutors Shameem Khan and Niang are being designated for continuing to support illegitimate ICC actions against Israel, including upholding the ICC’s arrest warrants targeting Prime Minister Netanyahu and former Defense Minister Gallant”:

<https://www.state.gov/releases/2025/08/imposing-further-sanctions-in-response-to-the-iccs-ongoing-threat-to-americans-and-israelis>

<sup>LIV</sup> <https://www.un.org/unispal/document/summary-of-the-icj-order-icj-19jul24/>

<sup>LV</sup> <https://press.un.org/en/2003/sc7924.doc.htm>

<sup>LVI</sup> <https://press.un.org/en/2025/sc16225.doc.htm>

<sup>LVII</sup> <https://press.un.org/en/2025/ga12737.doc.htm>

<sup>LVIII</sup> <https://www.sipri.org/commentary/topical-backgrounder/2024/how-top-arms-exporters-have-responded-war-gaza>

<sup>LIX</sup> UN Charter: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>

<sup>LX</sup> **ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 found - <https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>:**

**Para 87:** ‘The Court first recalls that, pursuant to Article 2, paragraph 4, of the United Nations Charter: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.” On 24 October 1970, the General Assembly adopted resolution 2625 (XXV), entitled “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States”(hereinafter “resolution 2625 (XXV)”), in which it emphasized that “No territorial acquisition resulting from the threat or use of force shall be recognized as legal.” As the Court stated in its Judgment in the case concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), the principles as to the use of force incorporated in the Charter reflect customary international law (see I.C.J. Reports 1986, pp. 98-101, paras. 187-190); the same is true of its corollary entailing the illegality of territorial acquisition resulting from the threat or use of force.

**Para 78:** “The Court would observe that, under customary international law as reflected (see paragraph 89 below) in Article 42 of the Regulations Respecting the Laws and Customs of War on Land annexed to the Fourth Hague Convention of 18 October 1907 (hereinafter “the Hague Regulations of 1907”), territory is considered occupied when it is actually placed under the authority of the hostile army, and the occupation extends only to the territory where such authority has been established and can be exercised. The territories situated between the Green Line (see paragraph 72 above) and the former eastern boundary of Palestine under

the Mandate were occupied by Israel in 1967 during the armed conflict between Israel and Jordan. Under customary international law, these were therefore occupied territories in which Israel had the status of occupying Power. Subsequent events in these territories, as described in paragraphs 75 to 77 above, have done nothing to alter this situation. All these territories (including East Jerusalem) remain occupied territories and Israel has continued to have the status of occupying Power.”

**Para 159:** “Given the character and the importance of the rights and obligations involved, the Court is of the view that all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem. They are also under an obligation not to render aid or assistance in maintaining the situation created by such construction. It is also for all States, while respecting the United Nations Charter and international law, to see to it that any impediment, resulting from the construction of the wall, to the exercise by the Palestinian people of its right to self-determination is brought to an end. In addition, all the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 are under an obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.”

<sup>LXI</sup> <https://www.ohchr.org/en/press-releases/2024/06/states-and-companies-must-end-arms-transfers-israel-immediately-or-risk>

<sup>LXII</sup> <https://news.un.org/en/story/2024/09/1154496>

<sup>LXIII</sup> <https://www.lamoncloa.gob.es/lang/en/presidente/news/paginas/2025/20250908-gaza-measures.aspx>

<sup>LXIV</sup> <https://nltimes.nl/2024/01/22/rutte-covering-negative-info-israel-protect-future-nato-job-officials-say>

<sup>LXV</sup> <https://opiniojuris.org/2024/02/15/dutch-appeals-court-blocks-deliveries-of-f-35-parts-to-israel-overview-analysis-and-initial-reflections/>; <https://opiniojuris.org/2025/10/08/dutch-supreme-court-orders-executive-branch-to-reassess-export-of-f-35-parts-to-israel-in-light-of-international-obligations/>

<sup>LXVI</sup> <https://www.actu-juridique.fr/justice/israel-a-eurosatory-la-justice-eparpillee-facon-puzzle/>

<sup>LXVII</sup> <https://www.business-humanrights.org/en/latest-news/netherlands-dutch-court-rejects-claim-brought-by-ngos-to-halt-arms-exports-to-israel/>; <https://www.alhaq.org/advocacy/26130.html>; <https://www.actu-juridique.fr/justice/israel-a-eurosatory-la-justice-eparpillee-facon-puzzle/>

<sup>LXVIII</sup> Politico, 29/4/24

<sup>LXIX</sup> <https://www.propublica.org/article/gaza-palestine-israel-blocked-humanitarian-aid-blinken>

<sup>LXX</sup> IMEU, 5/11/24

<sup>LXXI</sup> IMEU, 24/9/24

#### <sup>LXXII</sup> US Court Cases:

**Defense for Children International-Palestine and others v. Secretary of State Antony Blinken and Secretary of Defense Lloyd Austin:** In November 2023, Defense for Children International-Palestine and others sued US officials, including Secretary of State Antony Blinken and Secretary of Defense Lloyd Austin, alleging that the United States had failed to prevent genocide and was complicit in Israel's actions in Gaza through extensive military and diplomatic support. Although the US District Court for the Northern District of California dismissed the case in **January 2024** on the grounds that it raised political questions reserved for the executive and legislative branches, the court acknowledged that the evidence presented "may plausibly constitute a genocide" and urged the U.S. government to reconsider its support for Israel.<sup>LXXII</sup> The plaintiffs appealed, arguing that the judiciary had a legal responsibility to assess the legality rather than the policy wisdom of US actions, given that aiding and abetting genocide is prohibited under both US and international law. They asserted that Israel's ability to carry out the alleged genocide was materially dependent on US weapons and support, and asked the court to order the government to halt such aid. However, the Ninth Circuit Court of Appeals dismissed the appeal and denied a petition for rehearing, leaving the claims unadjudicated on their merits.

**Donnelly et al. v. Representatives Mike Thompson & Jared Huffman (and others):** In December 2024, a class action lawsuit was filed in the US District Court for the Northern District of California by hundreds of California residents against Representatives Jared Huffman and Mike Thompson, alleging that their support for continued military aid to Israel made them complicit in genocide. The plaintiffs claimed that by voting to authorise and facilitate such aid, the congressmen violated domestic and international law. However, the court stated in a **January 2025** order that the case appeared frivolous and improperly sought judicial intervention in matters of foreign policy, which are constitutionally reserved for the political branches of government. The case was formally dismissed on **10 February 2025** for lack of jurisdiction, with the court determining that it had no authority to adjudicate the claims presented.

- LXXIII [https://www.vanhollen.senate.gov/imo/media/doc/11-25-2025\\_letter\\_to\\_rubio\\_on\\_state\\_oig\\_leahy\\_report.pdf](https://www.vanhollen.senate.gov/imo/media/doc/11-25-2025_letter_to_rubio_on_state_oig_leahy_report.pdf)
- LXXIV [https://www.democracynow.org/2024/5/31/alex\\_smith\\_usaid\\_resignation\\_gaza\\_war](https://www.democracynow.org/2024/5/31/alex_smith_usaid_resignation_gaza_war)
- LXXV <https://www.middleeasteye.net/news/israel-palestine-war-fighting-human-animals-defence-minister>
- LXXVI MEE, 8/5/24; Declassified UK, 30/5/24
- LXXVII <https://researchbriefings.files.parliament.uk/documents/CBP-9964/CBP-9964.pdf>
- LXXVIII <https://www.auswaertiges-amt.de/en/newsroom/news/2679832-2679832>
- LXXIX <https://www.middleeastmonitor.com/20241016-un-official-denounces-germanys-defence-of-israels-bombing-of-palestinian-civilians-in-gaza>
- LXXX Law4Palestine, 5/4/24; MEE, 2/6/24; ELSC Legal, 30/11/24
- LXXXI <https://elsc.support/legal-action-to-stop-arms-exports-from-germany-to-israel/>;  
<https://elsc.support/de/case/ue-to-lack-of-current-arms-licenses-to-israelberlin-administrative-court-rejects-urgent-application-against-further-war-weapons-exports/>; <https://www.ejiltalk.org/a-quest-for-transparency-in-arms-exports-the-berlin-administrative-courts-stance-on-exports-of-arms-to-israel/>;  
<https://www.ecchr.eu/en/press-release/resumption-of-german-arms-exports-just-days-after-berlin-administrative-court-dismisses-case-brought-by-palestinians-for-alleged-lack-of-risk-of-recurrence/>;  
<https://www.ecchr.eu/en/case/no-german-weapons-to-israel/>
- LXXXII <https://www.ecchr.eu/en/press-release/resumption-of-german-arms-exports-just-days-after-berlin-administrative-court-dismisses-case-brought-by-palestinians-for-alleged-lack-of-risk-of-recurrence/>
- LXXXIII <https://braveneweuropa.com/elsc-the-time-for-accountability-is-now-criminal-complaint-against-german-government-officials-for-aiding-and-abetting-israels-genocide-in-gaza>
- LXXXIV [https://www.un.org/unispal/wp-content/uploads/2024/05/ICJ\\_Order\\_193-20240430-ord-01-00-en.pdf](https://www.un.org/unispal/wp-content/uploads/2024/05/ICJ_Order_193-20240430-ord-01-00-en.pdf)

#### LXXXV **Proceedings Arising from Israel's 2008-09 Gaza war:**

Civil society groups pursued multi-jurisdictional action targeting then Israeli Foreign Minister Tzipi Livni. In the **UK**, an arrest warrant was issued in **December 2009** and then withdrawn due to her not being in the jurisdiction. The UK government later shielded subsequent visits through special-mission immunity. In **June 2016** Scotland Yard sought a voluntary interview before the Foreign Office again conferred immunity. In **Belgium**, victims filed a complaint in **2010**. This resulted in prosecutors announcing on **23 January 2017** their intention to question Livni during a planned Brussels visit, leading to the trip's cancellation. In **Switzerland**, a **May 2017** complaint was filed in Lugano and the Office of the Attorney General confirmed it was examining the complaint.<sup>LXXXV</sup>

- LXXXV <https://www.aa.com.tr/en/europe/dutch-lawyer-files-criminal-complaint-against-dutch-citizen-serving-in-israeli-army/3139690>; <https://www.hindrajabfoundation.org/posts/idf-soldiers-in-amsterdam-face-urgent-arrest-for-gaza-war-crimes>; <https://www.hindrajabfoundation.org/posts/hind-rajab-foundation-files-historic-icc-complaint-against-1000-israeli-soldiers-for-war-crimes-in-gaza>
- LXXXV <https://www.hindrajabfoundation.org/posts/categories/legal-action>

- LXXXVIII [https://birchgrovelegal.com.au/wp-content/uploads/2024/03/ICC-Referral-Australian-Government-Ministers-and-Opposition-Leader-04032024\\_BLG.pdf](https://birchgrovelegal.com.au/wp-content/uploads/2024/03/ICC-Referral-Australian-Government-Ministers-and-Opposition-Leader-04032024_BLG.pdf)
- LXXXIX <https://www.foreignminister.gov.au/minister/penny-wong/media-release/funding-united-nations-relief-and-works-agency-and-additional-support-gaza>
- XC <https://gipri.ch/wp-content/uploads/2024/05/Press-Release-GIPRI-CJRF-ICC-Ursula-von-der-Leyen.pdf>
- XCI <https://www.hindrajabfoundation.org/posts/hind-rajab-foundation-files-historic-icc-complaint-against-1000-israeli-soldiers-for-war-crimes-in-gaza>
- XCII <https://ujim.trialinternational.org/latest-post/a-b/>
- XCIII <https://ujim.trialinternational.org/latest-post/two-israeli-soldiers/>
- XCIV <https://www.leclubdesjuristes.com/justice/blocage-de-laide-humanitaire-a-gaza-le-parquet-antiterroriste-ouvre-deux-informations-judiciaires-pour-complicite-de-genocide-11065/>
- XCV <https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court>
- XCVI <https://www.csr-in-deutschland.de/EN/Business-Human-Rights/Supply-Chain-Act/supply-chain-act.html>
- XCVII <https://respect.international/wp-content/uploads/2017/10/ngo-translation-french-corporate-duty-of-vigilance-law.pdf>
- XCVIII <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session31/database-hrc3136/23-06-30-Update-israeli-settlement-opt-database-hrc3136.pdf>

<sup>CXCIX</sup> <https://www.ohchr.org/en/documents/country-reports/ahrc5923-economy-occupation-economy-genocide-report-special-rapporteur>

<sup>C</sup> <https://lphr.org.uk/latest-news/jcb-found-in-human-rights-breach-of-the-oecd-guidelines-after-investigation-into-material-use-of-its-products-to-illegally-demolish-palestinian-homes-uk-government-body-criticises-british-manufacture/>

<sup>CI</sup> <https://www.icjpalastine.com/2024/10/30/8-national-supermarkets-threatened-with-legal-action-for-selling-illegal-goods-from-israeli-settlements/>; <https://www.icjpalastine.com/2025/06/13/icjp-issues-legal-notice-to-sainsburys-and-notifies-northern-ireland-executive-over-stocking-of-illegal-israeli-settlement-products/>

<sup>CII</sup> See Entry 14 in the schedule of companies at

<https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session31/database-hrc3136/23-06-30-Update-israeli-settlement-opt-database-hrc3136.pdf>

<sup>CIII</sup> ELSC Legal, 30/11/24

<sup>CIV</sup> <https://www.business-humanrights.org/en/latest-news/germany-palestinians-complaint-supply-chain-act-axel-springer/>

<sup>CV</sup> <https://glanlaw.org/cases/multi-jurisdiction-legal-actions-target-airbnb-listings-in-illegal-israeli-settlements/>

<sup>CVI</sup> [https://www.washingtonpost.com/world/middle\\_east/israel-palestinians-surveillance-facial-recognition/2021/11/05/3787bf42-26b2-11ec-8739-5cb6aba30a30\\_story.html](https://www.washingtonpost.com/world/middle_east/israel-palestinians-surveillance-facial-recognition/2021/11/05/3787bf42-26b2-11ec-8739-5cb6aba30a30_story.html)

<sup>CVII</sup> <https://www.amnesty.org.au/wp-content/uploads/2023/05/Israel-Apartheid-Full-Report.pdf>

<sup>CVIII</sup> <https://www.amnesty.org/en/documents/mde15/6701/2023/en;>

[https://www.washingtonpost.com/world/middle\\_east/israel-palestinians-surveillance-facial-recognition/2021/11/05/3787bf42-26b2-11ec-8739-5cb6aba30a30\\_story.html](https://www.washingtonpost.com/world/middle_east/israel-palestinians-surveillance-facial-recognition/2021/11/05/3787bf42-26b2-11ec-8739-5cb6aba30a30_story.html)

<sup>CIX</sup> <https://www.middleeastmonitor.com/20251030-ex-mossad-chief-behind-icj-blackmail-campaign-brags-israel-has-installed-a-global-sabotage-network/>

<sup>CX</sup> [https://www.gov.il/en/pages/press\\_24052021](https://www.gov.il/en/pages/press_24052021)

<sup>CXI</sup> <https://www.business-humanrights.org/en/latest-news/internal-google-documents-reveal-early-human-rights-concerns-over-controversial-project-nimbus-contract-with-israel/>

<sup>CXII</sup> <https://www.courthousenews.com/wp-content/uploads/2025/04/anderson-et-al-vs-google-complaint.pdf>

<sup>CXIII</sup> **Google Employees Case:** The 7 pleaded claims that were allowed: 1) Federal retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3(a) (Count I); 2) Retaliation under the Fair Employment and Housing Act, Cal. Gov't Code § 12940(h) (Count II); 3) Retaliation under the California Whistleblower Protection law, Cal. Labor Code § 1102.5 (Count IX); 4) Retaliation under the Washington Law Against Discrimination, RCW § 49.60.210 (Count VI); 5) wrongful discharge in violation of public policy (Count XI); 6) Retaliation under Section 14.04.040(f) of the Seattle Charter (Count VII); and 7) political-ideology discrimination under Section 14.04.040(c) of the Seattle Charter (Count VIII).

<sup>CXIII</sup> <https://www.alston.com/files/docs/google-order.pdf>

<sup>CXIII</sup> <https://www.ftc.gov/news-events/news/press-releases/2012/08/google-will-pay-225-million-settle-ftc-charges-it-misrepresented-privacy-assurances-users-apples>

<sup>CXIV</sup> <https://www.972mag.com/lavender-ai-israeli-army-gaza/>

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<sup>CXVIII</sup> <https://www.business-humanrights.org/en/latest-news/internal-google-documents-reveal-early-human-rights-concerns-over-controversial-project-nimbus-contract-with-israel/>

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<sup>CXXI</sup> <https://time.com/6964364/exclusive-no-tech-for-apartheid-google-workers-protest-project-nimbus-1-2-billion-contract-with-israel/>

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<sup>CXXIII</sup> <https://www.theguardian.com/world/2025/aug/06/microsoft-israeli-military-palestinian-phone-calls-cloud>: **describes Microsoft's services as follows:** "Armed with Azure's near-limitless storage capacity, Unit 8200 began building a powerful new mass surveillance tool: a sweeping and intrusive system that collects and stores recordings of millions of mobile phone calls made each day by Palestinians in Gaza and the West Bank... According to three Unit 8200 sources, the cloud-based storage platform has facilitated the preparation of deadly airstrikes and has shaped military operations in Gaza and the West Bank... The system was built to sit on

Microsoft’s servers behind enhanced layers of security developed by the company’s engineers with Unit 8200’s instructions. The leaked Microsoft files suggest that a large proportion of the unit’s sensitive data may now be sitting in the company’s datacentres in the Netherlands and Ireland...The sources also said use of the system had increased during the campaign in Gaza, which has killed more than 60,000 people in the territory, the majority of whom are civilians, including over 18,000 children...But the initial focus of the system was the West Bank, where an estimated 3 million Palestinians live under Israeli military occupation. Unit 8200 sources said the information stored in Azure amounted to a rich repository of intelligence about its population that some in the unit claimed had been used to blackmail people, place them in detention, or even justify their killing after the fact.”

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CLX **Media Reports on CISCO contracts with Israeli military:**

It was reported in Israeli newspaper Haaretz in **November 2013**, based on official tender records, that Cisco “won a tender for a five-year \$150 million contract to supply communications equipment to the Israeli army” (<https://www.haaretz.com/israel-news/business/2013-11-21/ty-article/cisco-wins-150m-israel-army-deal/0000017f-da7a-d938-a17f-fe7ab7d70000>). Research by Who Profits (<https://legalaiddatwork.org/current-and-former-employees-of-cisco-systems-inc-file-complaints-with-federal-and-california-workplace-agencies-alleging-unlawful-suppression/>) shows that Cisco supplied servers and unified communications to the Israel Defense Forces and equipment to Israeli police, and that Cisco technologies were integrated into a major IDF data-center project called “David’s Citadel”.

CLXI The conflict first reached the courts in **Ben & Jerry’s Homemade, Inc. v. Conopco, Inc. (Unilever)**, filed on **5 July 2022**. The settlement reached required Unilever to “respect and acknowledge Ben & Jerry’s Independent Board’s primary responsibility over Ben & Jerry’s Social Mission and Essential Brand Integrity”. Tensions soon re-emerged, leading to a second lawsuit filed on **13 November 2024**. The company alleged that Unilever breached both the 2000 merger terms and the 2022 settlement by blocking a board-issued ceasefire statement, vetoing donations to organisations such as Jewish Voice for Peace and the Council on American-Islamic Relations (CAIR) and threatening to dismantle the independent board. As of **August 2025**, the case remains pending before the Southern District of New York.

CLXII AP, 17 Sep 2025

CLXIII <https://www.whitehouse.gov/presidential-actions/2025/09/countering-domestic-terrorism-and-organized-political-violence/> : “There are common recurrent motivations and indicia uniting this pattern of violent and terroristic activities under the umbrella of self-described “anti-fascism.” These movements portray foundational American principles (e.g., support for law enforcement and border control) as “fascist” to justify and encourage acts of violent revolution. This “anti-fascist” lie has become the organizing rallying cry used by domestic terrorists to wage a violent assault against democratic institutions, constitutional rights, and fundamental American liberties. Common threads animating this violent conduct include anti-Americanism, anti-capitalism, and anti-Christianity; support for the overthrow of the United States Government; extremism on migration, race, and gender; and hostility towards those who hold traditional American views on family, religion, and morality. As described in the Order of September 22, 2025 (Designating Antifa as a Domestic Terrorist Organization), the groups and entities that perpetuate this extremism have created a movement that embraces and elevates violence to achieve policy outcomes, including justifying additional assassinations. For example, Charlie Kirk’s alleged assassin engraved the bullets used in the murder with so-called “anti-fascist” rhetoric.”

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<https://www.lawfaremedia.org/article/trumps-corrupt-use-pardon-power>

CLXXI Prior to the US administration seeking to place a moratorium on AI regulation, the FTC had launched investigations into OpenAI’s data-protection, testing practices and consumer-risk disclosures, and in January 2025 issued a “Staff Report on AI Partnerships & Investments” that mapped cloud-AI relationships among firms such as Alphabet, Amazon Web Services, Microsoft, OpenAI and Anthropic, focusing on risks of exclusivity, access-lock-in and preferential treatment. In parallel, the Department of Justice reported in August 2025 on Nvidia’s AI-chip dominance and allegations of exclusionary bundling and coercive partner terms. ([https://www.ftc.gov/system/files/ftc\\_gov/pdf/p246201\\_apartnerships6breport\\_redacted\\_0.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/p246201_apartnerships6breport_redacted_0.pdf))

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On **15 May 2025**, the European Commission issued preliminary findings that TikTok’s advertising repository violates **Article 39 DSA** due to insufficient transparency during election periods. Separately, on **5 August 2024**, TikTok agreed to permanently withdraw its TikTok Lite “rewards-for-watching” feature EU-wide following DSA concerns over addictive design and harm to minors. Ongoing proceedings, opened **19 February 2024** and expanded in **December 2024**, continue to examine TikTok’s compliance in areas including protection of minors, election integrity, and advertising transparency.
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- CCXXIV Aljazeera English, 5 October 2024
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- CCXXVII On 28 July 2025, the EU Commission proposed a partial suspension of Israel’s association to Horizon Europe that is limited to what is known as the *EIC Accelerator*: [https://north-africa-middle-east-gulf.ec.europa.eu/news/commission-proposes-partial-suspension-israels-association-horizon-europe-2025-07-29\\_en?utm](https://north-africa-middle-east-gulf.ec.europa.eu/news/commission-proposes-partial-suspension-israels-association-horizon-europe-2025-07-29_en?utm)
- CCXXVIII <https://www.uantwerpen.be/en/projects/palestine-israel/university-policy-decisions/uantwerpenandcollaborations/>; similarly Ghent University summarised the response of the EU Commission to its request to shift its stance, saying that the EU Commission required that any change “must be agreed by the consortium and the European Commission,” so “Ghent University cannot take this final decision itself.” ( <https://www.ugent.be/en/ghentuniv/mission/human-rights/israel-8november2024.pdf>)

CCXXIX The university’s official overview says it “aims to withdraw ... and is investigating whether this is possible.” <https://www.uu.nl/en/news/overview-of-israeli-collaborations>

CCXXIX Other encampment eviction orders followed, including London Sch

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#### CCXXXIII **Assessment Outcomes of Dutch and Belgian Universities:**

Radboud University (Netherlands) established that Tel Aviv University and the Hebrew University of Jerusalem “directly and specifically contribute to serious and systematic human-rights violations” and “possibly to breaches of scientific integrity”, recommending suspension pending conditions.

Leiden University’s (Netherlands) advisory report concluded that “Israel is currently held responsible for serious violations of international human rights law and international humanitarian law,” and that the Hebrew University of Jerusalem and Tel Aviv University, “to the extent ... entangled with the Israeli military, are implicated in or contributing to” such violations. It advised suspending existing student-exchange programmes “until further notice” and avoiding new exchanges with Israeli institutions showing similar military ties. The University of Amsterdam noted that the Hebrew University of Jerusalem “sits on Mount Scopus in East Jerusalem,” which is occupied Palestinian territory, and that “There are credible concerns that the university’s collaboration with security forces risks entanglement with violations of international law”.

Erasmus University Rotterdam (Netherlands) likewise recorded in relation to the Hebrew University that “direct collaboration with the IDF and the strong visible military presence on campus constitutes a credible indication of ... systematic entanglement ... and a risk [of connection] with violations of human rights and international humanitarian law”.

The University of Ghent’s (Belgium) Human Rights Policy and Dual-Use Research Regulations bar “collaboration at the institutional level with organisations involved in serious human rights violations.” The committee found “a high degree of intertwining between many of the Israeli academic institutions... and the Israeli government, Israeli army and/or Israeli security services.” For example, technology developed for specific training for the army or for security services, and close cooperation with defence companies make such institutional collaborations “problematic in light of Ghent University’s human rights policy.” It listed specific institutions that recommended to discontinue collaborations with, such as Ben-Gurion University, Tel Aviv University, Weizmann, University of Haifa, Holon Institute of Technology. Based on the committee’s advice, the University of Ghent decided **31 May 2024** “to discontinue the ongoing institutional collaborations with Israeli government institutions and Israeli academic institutions.” The university took its decision based on case-by-case assessments of each partner’s “intertwining with the Israeli government and army.” It also identified 12 Horizon projects and 1 Erasmus+ partnership that it needs to exit from based on its human rights assessments and began formal steps to remove Israeli partners or withdraw the University of Ghent itself. In **May 2024**, the University of Ghent decided to seek removal of Israeli partners from 12 Horizon projects and one Erasmus+ programme without success.

The Academic Council of Université libre de Bruxelles (ULB) (Belgium) replaced an emergency, across-the-board suspension of **27 May 2024** with case-specific decisions guided by the finding and recommendations of a committee looking at respect of international law and dual use. In **July 2025**, the Faculty of Law explicitly recommended that ULB not sign a new institutional partnership with the Israeli Weizmann Institute. The faculty summarised the main grounds as “the (direct or indirect) contribution of [Israeli universities] to the illegal occupation and planned colonisation of Palestinian territory” and their role in “an apartheid system,” noting that such a partnership would “contradict ULB’s fundamental values and its human-rights commitments.” (Academic Council meeting of **3 July 2025**, Faculty of Law). On **3 Jul 2025**, ULB refused a new partnership with the Weizmann Institute citing risk of complicity in breaches of international law and its “important links with weapons enterprises”. On **21 Nov 2024** the Council followed the recommendations of the Committee and maintained suspension of three institutional projects with the Hebrew University of Jerusalem and with Tel Aviv

University, citing their “direct or indirect contribution to the illegal occupation of Palestinian territories and other violations of international law.”

On **28 May 2024** the Board of the University of Antwerp (Belgium) stated that “The existing Memorandums of Understanding (MOUs) with Israeli institutions are considered terminated; no new MOUs will be concluded for the time being.” New/ongoing projects require ethics screening. They said that the grounds for this policy include ICJ rulings and the “interrelated nature of Israeli partner institutions with the country’s military authorities.” The university also divested from an Israeli cybersecurity holding on **11 Jun 2024**. The University’s suspensions were partial and done on a case-by-case basis. In two case-specific decisions, the Executive Board rejected on **2 July 2024** its ethics committee’s recommendation to cease collaborations and continued a Horizon Europe project with the Hebrew University of Jerusalem. It explained this by stating that “a more in-depth risk analysis... shows that there are no indications of a risk of involvement... in severe and/or systematic human rights violations,” while acknowledging the “horrific” civilian toll in Gaza. On **26 Aug 2025**, the Board decided to continue research with Tel Aviv University on a nationally funded paediatric-epilepsy collaboration, with each country funding its own team. However, under its case-by-case approach, it discontinued cooperation over a soil carbon project with Tel Aviv University within the European Horizon project framework.

Vrije Universiteit Brussel (VUB) (Belgium) adopted a project-by-project screening after Gaza escalation, referring files to an ethics committee. The ethics advice they received led VUB to announce on **13 May 2024** the ending of a research project on AI involving two Israeli partners. VUB also withdrew from a Horizon Europe project called Multispin.AI.

In **July 2024** KU Leuven university (Belgium) stated it had no structural partnerships with Israeli universities, while some researcher-level collaborations existed within Horizon Europe

**CCXXXIV Dutch Universities that suspended ties with Israeli universities include:**

- University of Amsterdam (UA) – On **14 March 2025**, UA indefinitely suspended student exchange with Hebrew University of Jerusalem. In **June 2025** the Executive Board also decided “no new Horizon Europe collaborations with Israeli organisations for the time being.”
- Tilburg University: On **7 May 2025**, following its committee’s advice, Tilburg suspended ties with Bar-Ilan and Reichman. The university stated it was unable to engage in dialogue with those institutions “about the risks of our collaboration for systematic and gross violations of human rights and fundamental freedoms.”
- Design Academy Eindhoven: it announced on **14 May 2024** that it would freeze ties with two Israeli design schools.
- Royal Academy of Art, The Hague: they announced on **15 May 2024** that “We ... have decided to suspend our exchange partnership with Bezalel Academy of Arts and Design.”
- Utrecht University (UU) – On **16 May 2025**, UU decided it “will not enter into any new collaborations with Israeli organisations until further notice,” and moved to permanently halt its student exchange with the University of Haifa and to withdraw from a research collaboration with the Israeli Ministry of Health.
- Radboud University: On **21 May 2025**, Radboud announced it would end institutional cooperation with Tel Aviv University and The Hebrew University of Jerusalem, based on a committee’s conclusion that Israel’s human-rights violations were “serious and systematic.”
- Leiden University: Leiden states that it “suspended all student exchange programmes with Israeli universities in **May 2024** and temporarily halted new institutional partnerships,” while a committee prepares further advice.
- Rotterdam University of Applied Sciences: it decided in **May 2024** to end its exchange programme with Bezalel.
- Erasmus University Rotterdam (EUR): On **5 June 2025**, EUR “freezes institution-wide collaborations with Bar-Ilan University, The Hebrew University of Jerusalem, and the University of Haifa,” adding that “existing exchange programs ... will be suspended, and no new research collaborations will be initiated.” The decision follows a detailed advisory report by EUR’s Advisory Committee on Sensitive Collaborations.
- TU Delft: On **10 June 2025**, TU Delft said it will “immediately stop entering into new collaborations with Israeli universities and organisations” and reassess existing ones.

- Maastricht University (UM): In a **11 June 2025** update, UM confirmed it had already decided in **2024** “to freeze existing institutional collaborations with Israeli institutions and to refrain from entering into new partnerships,” pending work of its Human Rights Advisory Committee.
- Eindhoven University of Technology (TU/E): On **16 June 2025**, TU/E announced it would freeze institutional collaborations with Israeli universities, explicitly including Technion, and the Executive Board published its decision and rationale.

### **Irish, Italian, Spanish and Swedish Universities that Suspended ties with Israeli Universities:**

In **Ireland**, University College Cork’s (UCC) Palestine & Israel Working Group issued a report dated **23 January 2025**. It mapped links with Palestinian and Israeli institutions, confirmed participation in some multi-partner Horizon Europe projects with Israeli universities, such as University of Haifa; the Israeli Ministry of Health; Technion; Sheba Medical Centre. It stated that “withdrawal ... would attract legal, financial and practical penalties. It recorded that there were “no new partnerships under consideration with Israeli partners” recommending UCC accelerate an ethical and human-rights framework with a “partnership assessment tool” so that future links are subject to formal human-rights due diligence.

On **16 October 2024**, Trinity College Dublin approved a Taskforce on Academic and Institutional International Links and Related Matters to examine investments, suppliers, commercial ties, exchanges and research consortia relating to Israel. Trinity’s Taskforce “reviewed and interrogated a wide range of evidence” and received 77 submissions. On **4 June 2025**, the Board recorded that, “based on the strength of the evidence shared, and in line with the principles and procedures developed by the Taskforce, the Board has accepted the recommendations ... regarding institutional links with the State of Israel, Israeli universities and companies headquartered in Israel” to apply “for the duration of the ongoing violations of international and humanitarian law.” The approved recommendations are to “fully divest from all companies headquartered in Israel” (investments); “enter into no future supply contracts with Israeli firms” (suppliers); “enter into no new commercial relationships with Israeli entities” (commercial ties); “enter into no further mobility agreements with Israeli universities” (exchanges); and while recognising that Trinity is locked into certain EU consortia, “should not submit for approval or agree to participate in any new institutional research agreements involving Israeli participation” (research collaborations).

The University of Galway’s Working Group published a report in **June 2024** aimed at creating “a mechanism for analysing the links between the University of Galway and Israeli and Palestinian higher education institutions and industry and to take appropriate actions”. It stated that the “University of Galway is committed to human rights and is anti-apartheid”. It set its assessment explicitly against international-law findings, noting the ICJ’s “plausible case for genocide” and UN experts’ concern about “scholasticide” in Gaza (the “systemic obliteration of education”). On that basis the report recommended a Human Rights Impact Assessment (HRIA) for all current and future collaborations. Where HRIA shows a “negative human rights impact,” Galway should “withdraw from the consortium” while respecting legal obligations. It stated that “The report recommends that, going forward, University of Galway does not accept funding for research services from Israeli and other complicit companies and institutions.” It confirmed that Galway University “does not receive funding from any of Israeli partners.” However, there are 11 consortia that it is involved in that have Israeli participation. It recommended HRIA screening of the 11 Horizon programme European consortia and, if a negative impact is established, to “explore whether cooperation ... can be discontinued,” and failing that, to “take the necessary steps to withdraw from the consortium,” subject to contractual constraints. The report also proposed no new institutional partnerships/mobility agreements with Israeli higher education institutions. It recommended setting up scholarships and support for Palestinian institutions and scholars. On **5 September 2025**, the university confirmed that it has adopted HRIA and that it “will not seek approval for or approve research partnerships that include Israeli institutions.” It said that it has one legacy EU consortium involving Technion that, on legal advice, it must continue with.

**Italian** universities came under student and faculty pressure to reconsider their ties with Israeli universities. Pisa University stated that its decision “was initiated in response to requests from across the university community.” At Florence University, more than 500 academics, staff and students signed an appeal urging suspensions. At Turin University, student protesters blocked the Senate meeting to press for suspensions. At Milan University, there was a long-standing student campaign. At least six Italian universities went on to suspend relations with Israeli universities.

In **Spain**, students and faculty have mobilised to seek for their universities to suspend relations with Israeli universities. On **9 May 2024**, Spain’s university rectors’ conference (**CRUE**) urged members to “review and, where appropriate, suspend collaboration agreements” with Israeli universities that do not show a firm commitment to peace and respect for international humanitarian law. Since **May 2024**, several Spanish universities have formally suspended institutional ties with Israeli universities, generally citing human-rights concerns and the Gaza war. The reasons cited across these decisions are consistent: alignment with university values of peace, human rights, academic freedom, concern over “systematic violence” and breaches of international humanitarian law, and the need to avoid institutional complicity. In **July 2025**, the Catalan association of public universities (**ACUP**) asked the European Commission to suspend collaboration with Israeli institutions in Horizon Europe projects given the worsening situation in Gaza and the West Bank. At least five Spanish Universities went on to suspend relations with Israeli universities.

At least six **Norwegian** universities did the same.

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<https://knightcolumbia.org/cases/aaup-v-rubio>  
 CCLXXI **Precedents for Media Complicity Under the Genocide Convention:**

The International Criminal Tribunal for Rwanda (ICTR) required that an accomplice “knowingly” contributes to the principal act of genocide - understanding it to be occurring or imminent - and that the assistance materially facilitates it. The ICTR established that the media can be tried and convicted under the Genocide Convention. The trial of Jean Bosco Barayagwiza, Ferdinand Nahimana, and Hassan Ngeze resulted in the international tribunal holding members of the media responsible for broadcasts intended to inflame the public to commit acts of genocide. In the same case, the Appeals Chamber confirmed that the legal doctrine of superior responsibility applies to civilians in leadership positions.

During the Nuremberg trial following the Nazi genocide of Jews, Julius Streicher a propagandist and former director of a major Nazi newspaper was executed for his complicity or active participation in genocide.

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#### CCCXXIV **The Pall Mall Process Code of Practice:**

Under the **Pall Mall Process** voluntary code of practice that was launched in **April 2025**<sup>CCCXXIV</sup>, products and technologies subject to export licensing requirements and procurement controls are those that enable cyber intrusion, surveillance, data exploitation, or targeting capabilities that could be misused for repression, war crimes, or violations of international humanitarian and human rights law. The Code is focused on preventing the irresponsible use and proliferation of commercial cyber-intrusion tools, particularly those used by governments or corporations to conduct covert surveillance, intercept communications, or facilitate physical or digital targeting of individuals. The signatory states include the US, UK, Germany, France, the Netherlands and Ireland.

Any technology that can access, analyse, exploit, or weaponise personal or operational data is within scope. This includes not only offensive spyware, but also cloud infrastructure, AI targeting systems, biometric analytics, and dual-use surveillance tools. The Code is designed to close loopholes that have allowed private companies to sell potent surveillance technologies with minimal scrutiny.

The Code anchors itself in international law and UN frameworks on responsible state behaviour in cyberspace. It provides implementation steps based on the four pillars of accountability, precision, oversight and transparency.

It embeds human-rights risk assessments into export licensing, aligns public procurement with international law and due-diligence standards, debars non-compliant vendors, applies proportionate criminal, financial and travel restrictions against abusers, establishes routes for victim redress, implements independent authorisation and oversight of surveillance operations, and boosts transparency.

CCCXXIV Megaphone, 26/8/24