

## **DELAY OF FLOTILLA IS ILLEGAL, FACILITATING GENOCIDE, AND CAUSING DEATH AND INJURY TO PALESTINIANS**

The PAL Law Commission and Worldwide Lawyers Association (WOLAS), joined by lawyers and legal organizations globally, alongside UN Human Rights Office of the High Commissioner, [demand](#) the immediate release and safe passage of the Freedom Flotilla which is the first humanitarian mission to Gaza carrying aid sufficient to meaningfully and substantially alleviate the food and medical supply shortage in Gaza.

Each moment of delay of the Flotilla is illegal and causes life-threatening harm to Palestinians, and helps escalate the pace of Israeli genocide in Palestine. As the Office of the High Commissioner stated, "Israel's siege and genocidal violence, including an unprecedented starvation campaign...created famine."

Yet, the Israeli government, supported by the USG continues to flout its legal obligations and has delayed the Gaza Freedom Flotilla by 4 days. First by issuing illegal threats to physically harm the ships and engaging in training exercises to prepare for a procedurally illegal and violent boarding. In the same threat, the Israeli government admitted its intelligence confirms that the flotilla is carrying 5,500 tons of humanitarian aid.

And now, after failing to pressure multiple governments from stopping the aid flotilla, and failing to scare away passengers, the Israeli government resorted to pressuring Guinea Bissau to further delay the flotilla, using the pretext of an inspection requirement by the flag country, although the Flotilla has passed a thorough scrutiny and inspection by the Port, Turkish, State. Guinea Bissau has capitulated to that pressure and intends to potentially cause further life-threatening delay in the receipt of life-saving supplies.

It is clear that Israeli government actions are intended to obstruct, steal, and destroy aid—this is expressed in their illegal threat to board and intercept the Flotilla and evidenced by their prior practices wherein Israeli forces destroyed aid live on camera, killed World Central Kitchen workers and killed Mavi Marmara passengers. All pretexts the Israeli government offers are just that: pretexts intended to continue their illegal and genocidal agenda in Palestine, and must be rejected as such by all governments and agencies.

All tenets of international law require that the provision of humanitarian aid be unimpeded and rapid. The San Remo Manual Article 102 and the Fourth Geneva Convention Article 70 expressly require lifesaving supplies to be rapidly distributed. The requirement of rapid aid is intended to prevent and redress the humanitarian atrocities caused by aggression, an aggression that has been declared a genocide by human rights experts and organizations globally and as plausibly so by the International Court of Justice, which has twice ordered the unhindered delivery of humanitarian aid to Gaza, as has UN Security Council Res 2728, which are binding on all States under the UN Charter and the Vienna Convention. The

Flotilla is the only party meaningfully acting to execute the Orders of the ICJ, the UNSC, and international maritime and human rights law. The Israeli blockade is inherently and prima facie illegal as it has grossly exceeded any ostensible claim of proportionality by being preliminarily found to be genocidal, thus depriving the Israeli government of all defenses and justifications for the blockade. Delay, obstruction, interception, and diversion of the flotilla violate the requirement for delivery of unhindered and rapid aid and are equally illegal acts in furtherance of war crimes as defined by the Rome Statute of the International Criminal Court—whether undertaken by the blockading party or other parties, and subjects all actors, the Israelis and those complicit with them, to clear, and indefensible, liability.

As stated unequivocally by the UN Office of the High Commissioner, "The Freedom Flotilla has the right of free passage in international waters and Israel must not interfere with its freedom of navigation, long recognized under international law."

We demand an immediate end to all delays, obstruction, and impediments of the Flotilla, as such delays and obstructions are gross breaches of international law and are leading to the death and suffering of Palestinians in Gaza.

The PAL Law Commission, WOLAS, and Shabnam Ebrahim Mayet are legal, strategy, and diplomacy advisors to the Flotilla Law Commission.

## **THE GLOBAL LEGAL ALLIANCE FOR PALESTINE (GLAP)**

International Commission to Support Palestinian Rights (HASHD)

Young Muslim Lawyers Association (Nadeem Mahomed)

Lawyers for Palestine (Pablo Araya Zacarias)

Gipuzkoa Bar Association (Urko Airatza Azurtza)

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