



**Legal Assessment of the Global Sumud Flotilla:
Civil Resistance to an Unlawful Blockade,
Humanitarian Access, and Accountability under
International Law**

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Introduction

In September 2025, the Global Sumud Flotilla (“the Flotilla”) set sail to break the siege on Gaza, Palestine. This was the largest humanitarian maritime initiative undertaken to break the siege since the imposition of Israel’s naval blockade in 2007, which has seen thousands of Palestinians live and die under conditions of man-made famine.¹ In 2023, Israel instituted a total blockade on Gaza, cutting off all life-saving supplies resulting in unprecedented levels of malnutrition compounding of and compounded by a genocide. The blockade is as a core part of Israel’s regime of settler colonial domination by starvation. Since 2007, Israel has used a policy of caloric control over Gaza, meticulously restricting the number of calories per capita allowed to enter the Strip, representing a negligible proportion of those available to Israelis.² A similar policy of racially segregated calorie control was used by the Nazis in the course of the Holocaust in Europe.³ Throughout history, colonial powers have used starvation as a means of committing genocide and as a method of warfare.⁴ The blockade may thus be seen as a form of genocidal destruction, settlement by strategic starvation, and slow massacre by malnutrition.

In addition to being morally unconscionable, this blockade is wholly in violation of international law. The starvation campaign manufactured by the blockade is entrenched and entrenches the genocide in Gaza, evidencing Israel’s and Third States’ abdication of their *erga omnes* responsibilities as delineated below. It further amounts to a war crime and a multiplicity of violations of International Humanitarian Law, International Maritime Law, International Criminal Law, and Customary International Law. It is this immoral and illegal architecture of the ongoing Nakba, apartheid, war, and genocide which the Flotilla set out to resist through the lawful act of peaceful delivery of humanitarian aid. As is elucidated in this Report, the delivery of aid in these circumstances is the responsibility and duty of States. In absentia of State action, Flotilla activists took on the role of carrying out the non-derogable duties of States only to be intercepted on their mission, to have their vessels attacked by incendiary devices, to be abducted, tortured and

¹ This report will also be published by the Worldwide Lawyers Association (WOLAS).

² Butt, Khalid Manzoor, and Anam Abid Butt. “Blockade on Gaza strip: A living hell on earth.” *J. Pol. Stud.* 23 (2016): 157.

³ Lemkin, Raphael. *Axis rule in occupied Europe: Laws of occupation, analysis of government, proposals for redress.* The Lawbook Exchange, Ltd., 2014.

⁴ Fanon, Frantz. *The wretched of the earth.* New York: Grove press, 1963; Slobodkin, Yan. *The starving empire: a history of famine in France’s colonies.* Cornell University Press, 2023; Gibbon, Peter. “Colonialism and the great starvation in Ireland 1845-9.” *Race & Class* 17, no. 2 (1975): 131-139.



illegally detained in a clearly systematic attempt by the State of Israel to extend the blockade both geographically and in intensity by attacking those who might ameliorate it. While all vessels were eventually illegally intercepted, one vessel, the *Marinette*, successfully breached the blockade, coming within 9 miles of Palestinian shores, illustrating that the settler colonial stranglehold of the blockade on Palestinian life is not invincible.

The Flotilla is thus an act of lawful civil resistance against the machinery of collective punishment imposed through Israel's unlawful blockade, designed to undermine Palestinian liberation and self-determination. Under international law, across multiple spheres, the Flotilla proceeded is a protected humanitarian mission. Comprising forty-two (42) vessels carrying essential humanitarian cargo, including food, medical supplies, and relief equipment, together with two (2) observer boats, the Flotilla departed from ports in Spain, Italy, Greece, and Tunisia. The fleet sailed under the flags of Algeria, France, Italy, the Netherlands, Poland, Portugal, Spain, Tunisia, and the United Kingdom.



The Flotilla set sail with over 462 civilian volunteers from over 40 countries, representing a wide spectrum of professional and social backgrounds: doctors, nurses, lawyers, parliamentarians,



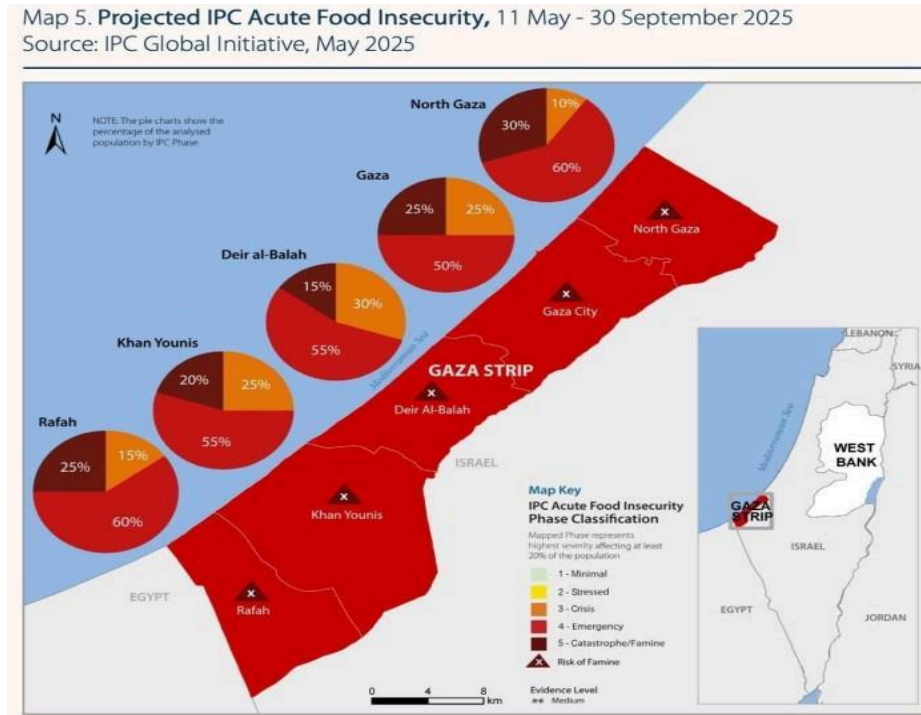
journalists, clergy, artists, seafarers, as well as grassroots organisers and humanitarian workers.⁵ The Flotilla was explicitly independent of governments and political parties and was organised as a global civil society initiative grounded in the principles of nonviolence, humanitarianism, neutrality, and international law. By mobilising global civil society where intergovernmental action has failed to prevent genocide and starvation, the Flotilla sought to deliver life-saving humanitarian aid directly to Gaza's two million civilians, whose survival has been imperilled by the prolonged naval, aerial, and land siege and widespread destruction amounting to genocide. As part of Israel's policy of using starvation as a method of warfare in Gaza, the unlawful blockade has become a core policy and practice of the genocide. In so doing, the Flotilla inherently challenged Israel's blockade, which constitutes unlawful collective punishment of the Palestinian population in Gaza, a violation of the right to humanitarian access and an impediment to the Palestinian people's capacity to exercise its inalienable right to self-determination and the right to life under international law.

By 2 October 2025, Israel had intercepted all forty-two (42) vessels of the Flotilla, and abducted and illegally detained all the civilian volunteers whose incarceration included acts of torture. Israel's violent and forcible interception of the Flotilla began on the night of 1 October 2025 and ended on 3 October 2025, lasting 38 hours in total.

⁵ ['Still Held Captive'](#), *Global Sumud Flotilla* [accessed: 13 October 2025].



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In developing this analysis, the report proceeds in three parts. In the Part One, it attends to the unlawfulness of the blockade. Here, it articulates the illegality of the blockade through three interlacing features thereof namely; (1) the genocidal character of enforced starvation under the Genocide Convention with reference to the jurisprudence of the International Court of Justice on the matter, (2) starvation as a war crime, with reference to the Rome Statute and the Laws of Armed Conflict and (3) the legal status of naval blockades under International Humanitarian Law and the violations invoked by the deliberate starvation of civilians. In Part Two, the Report analyses the Flotilla's right to navigation and safe passage clarifying the Flotilla's rights to freedom of navigation of the high seas and to innocent and humanitarian passage, elaborating the Flotilla's actions through the legal perimeters of the United Nations Convention on the Law of the Sea (UNCLOS), as well as Customary International Law including the San Remo Manual. In Part Three, the Report turns to the question of accountability detailing the jurisdiction for crimes against the Flotilla. In the first instance, the Report juxtaposes the crimes delineated in the first two sections with the recourse to justice enabled by international criminal law under the Rome Statute of the International Criminal Court (ICC) for which remedy is available under the currently open investigation into the Situation in Palestine. Within this framework, the Report turns to both the drone attacks on the Familia Madeira Boat and the Alma in Tunisia as well as the interception of



the vessels at sea to elaborate the mechanisms through which these acts constitute acts of aggression against the flag states. In the final instance, the report turns to State Responsibility to clarify the obligations and remedies available under international law in the face of the grave breaches delineated in the report.

Through this, the report details the mechanisms through which the Genocide Convention, the Geneva Conventions, the Rome Statute of the International Criminal Court (“ICC”), the Charter of the United Nations (“UN Charter”), and the San Remo Manual on Armed Conflicts at Sea all impose binding obligations on Israel and third states to ensure humanitarian access, civilian protection, and freedom of navigation, while enshrining absolute prohibitions on starvation, collective punishment, and genocide. The analysis, drawing upon the applicable provisions of international humanitarian law, the law of the sea, international human rights law, and international criminal law, makes three main conclusions:

First, the Flotilla’s mission is lawful, and the passengers on board its vessels are entitled to protection in the exercise of their right to free, safe, innocent, and humanitarian passage for the purpose of delivering urgently-needed and life-saving supplies to Gaza, fulfilling in a civilian capacity the substance of states’ legal obligations under international law with which they refuse to comply;

Second, Israel’s naval blockade is unlawful, both in purpose and effect, amounting to collective punishment and a grave breach of international law;

Third, the interceptions and attacks upon the Flotilla likely constitute: war crimes under the Rome Statute and a genocidal act under the Genocide Convention; an act of aggression against the vessels’ flag States; and a violation of the inviolable human rights of individuals aboard.



HEALTH

What starvation does to the body

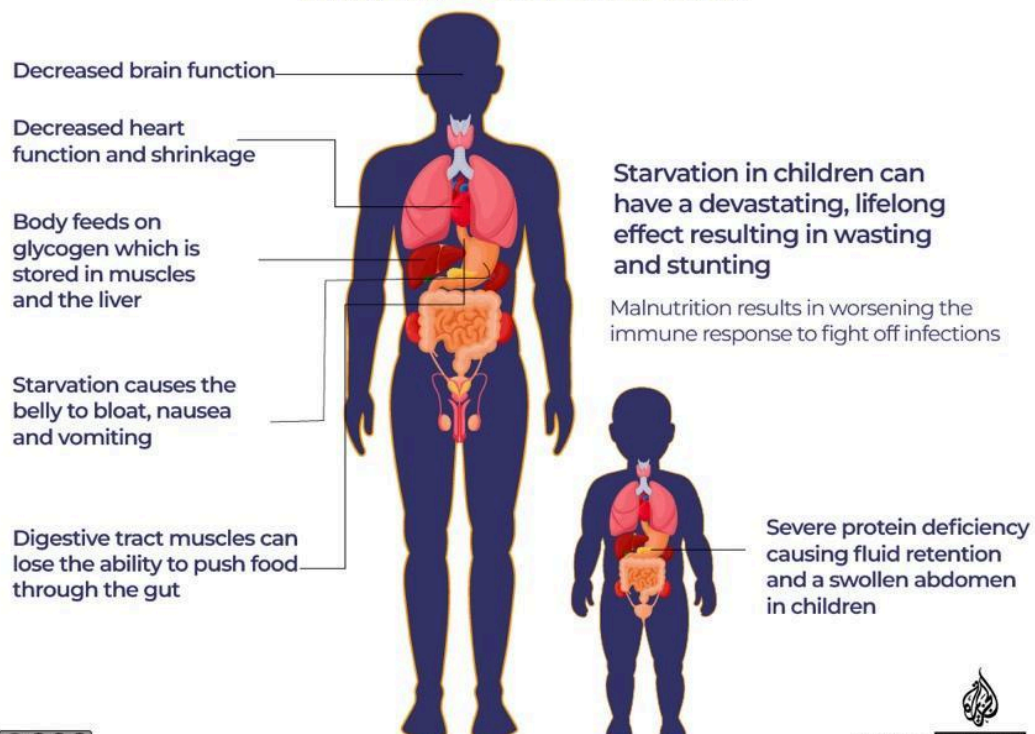
Starvation is a severe form of malnutrition caused by an extreme lack of food, leading to drastic weight loss, health deterioration and potentially death.

It is thought the human body can last up to three weeks without food

STARVATION FOLLOWS THREE MAIN STAGES

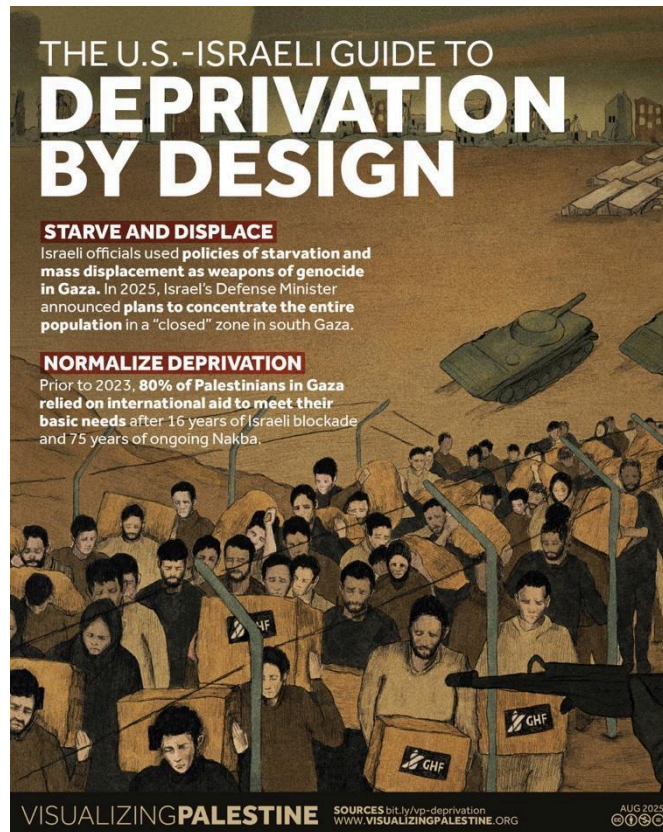
A person skips a meal	Prolonged period of fasting Body relies upon stored fats for energy	Fatal stage When all stored fats have been depleted, the body turns to bone and muscle for energy
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WHAT HAPPENS TO THE BODY?





I. The Unlawfulness of the Blockade



i. Introduction

In 2023, over a century since the signing of the Balfour Declaration, seventy-five years into the ongoing Nakba and settler colonial apartheid regime solidified in 1948, then-Israeli defence



minister Yo'av Gallant announced an escalated siege on Gaza.⁶ On 9 October 2023, Gallant articulated the beginning of the starvation campaign, stating that: “no electricity, no food, no fuel” would enter Gaza and that “everything [was] closed”. Speaking to Israeli troops the following day, Gallant stated: “I have released all restraints . . . You saw what we are fighting against. We are fighting human animals”.⁷ In a 2024 report, UN Special Rapporteur on the Right to Food, Michael Fakhri, remarked that never in post-World War II history “had a population been made to go hungry so quickly and so completely as was the case for the 2.3 million Palestinians living in Gaza”.⁸ These utterances are cited in most legal and human rights reports as well as ICJ jurisprudence as early indicators of Israel’s genocidal intent, a requirement for the commission of genocide.⁹

⁶ See John Reynolds, “Genocide and/as Civilisation,” *London Review of International Law*, vol. 00, no. 0, 2024, 63-64: “In December 2023, a full two months into the Gaza genocide, Israeli president Herzog said: ‘it’s a war that is intended, really, truly, to save western civilisation, to save the values of western civilisation’. Samera Esmeir had warned of this colonial discourse back in October: ‘Signs of obliteration appear first in language. Hence, civilized states and international organizations, liberals and conservatives, and US university presidents and donors alike have all lined up to participate in this discourse’, one that ‘contains not a single dignifying reference to Palestinians’. Be it Herzl in 1896 or Herzog in 2023, Israel is presented as the West’s only defence from the barbarism of east and south—from Palestinians, Yemenis and others who dare to contest and resist Western imperialism. The civilising mission is deployed in the form of crippling munitions: Israel dropping nearly as many bombs on Gaza in one week as the US was dropping on Afghanistan in a year. Zionist leaders regularly summon the colonial tropes of civilisation and barbarism, light and darkness. As their forces kill and maim thousands upon thousands of children, they claim to be defending ‘the children of light’ against the ‘children of darkness’. ‘The children of Gaza brought it on themselves’, declares Meirav Ben-Ari in the Knesset. Israeli ministers and ambassadors speak of saving humanity itself from Palestinians cast as ‘human animals’, ‘inhuman animals’, or ‘human savages, beasts of prey’. We, recall Fanon: ‘when the colonist speaks of the colonized, he uses zoological terms’.”

⁷ ‘Israel’s defense minister orders complete siege on Gaza’. *Al Jazeera* [accessed 10 October 2025].

⁸ Michael Fakhri. *Report of the Special Rapporteur on the right to food, Michael Fakhri: Starvation and the right to food, with an emphasis on the Palestinian people’s food sovereignty (A/79/171)*, 2024.

⁹ See, for example; Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), ICJ Provisional Measures, Orders of [26 January](#), [28 March](#), [24 May 2024](#); UN Commission of Inquiry [Report](#) (A/HRC/60/CRP.3, September 2025); Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/80/365, September 2025); Genocide as colonial erasure - [Report](#) of Francesca Albanese, the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/79/384, October 2024); Anatomy of a genocide - [Report](#) of Francesca Albanese, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/HRC/55/73 July 2024); Letter dated 27 February 2025 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council transmitting [‘Public dossier of openly available evidence on the State of Israel’s acts of genocide against the Palestinians in Gaza, as of 4 February 2025’](#) (S/2025/130, February 2025); Amnesty International, [“You Feel Like You Are Subhuman”: Israel’s Genocide Against Palestinians in Gaza](#), (December 2024); B’Tselem, [Our Genocide](#), (July 2025). [accessed: 13 October 2025]



Over and above this, the systematic character Israel's naval blockade renders it illegal under international humanitarian law since the blockade both directly targets civilians and has a disproportionate negative effect on the civilian population of Gaza. In suppressing access to humanitarian aid, this also constitutes a war crime. Given the nexus between starvation and genocide, the blockade is a genocidal act within the meaning of the International Convention on the Prevention and Punishment of Genocide (Genocide Convention). This aligns with the historical fact that in bellicose contexts, 'starvation is produced by leaders' decisions and serves political, military or economic goals'.¹⁰

In a germinal article, Conley and De Waal elucidate nine such goals, all of which are present in the genocidal siege in Gaza. These include the following objectives, '(i) extermination or genocide; (ii) control through weakening a population; (iii) gaining territorial control; (iv) flushing out a population; (v) punishment; (vi) material extraction or theft; (vii) extreme exploitation; (viii) war provisioning; and (ix) comprehensive societal transformation'.¹¹ Given that all States have *erga omnes* obligations to take all reasonable measures within their power to prevent and punish genocide, third States' failure to contest the blockade represents a culpable omission giving rise to State responsibility. As a core modality of Israel's unlawful occupation of Palestine, of which Gaza forms a part, the blockade is also a violation of the inalienable human right of the Palestinian people to self-determination, as enshrined in the UN Charter, the International Covenant on Civil and Political Rights ("ICCPR"), and the UN General Assembly Declaration of Friendly Relations (1970).¹² The inalienable character of these rights and protections against genocide and colonial and alien domination has been confirmed by the International Court of Justice ("ICJ").

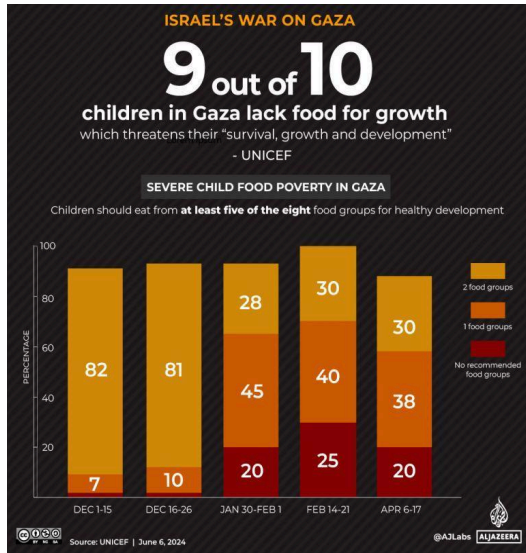
ii. Starvation as an act of Genocide

While the crime of starvation has been deployed in the perpetration of genocide throughout history, the starvation-genocide nexus receives comparably less attention when juxtaposed with other international legal violations. Starvation has been used in the context of colonial genocide, imperial politics, and colonial warfare throughout history including in the course of the ongoing

¹⁰ Conley, Bridget, and Alex De Waal. "The purposes of starvation: Historical and contemporary uses." *Journal of International Criminal Justice* 17, no. 4 (2019): 699-722, 700.

¹¹ *Ibid.*, 700.

¹² See Nasir Qadri & Hüseyin Dişli, [Legitimacy of the Palestinian People's Struggle for Freedom and Self-Determination under International Law](#) (WOLAS & Hukukçular Derneği, January 2025) [accessed: 21 October 2025]



Nakba and occupation in Palestine Exemplifying this, starvation was widely used in the German genocide against the Ovaherero and Nama people in Namibia, in the Biafran man-made famine, in the British colonial warfare and occupation of Kenya and in the course of the holocaust in Congo Free State enacted by King Leopold of Belgium, and in the Nazi Holocaust in Europe. In Gaza, the siege, of which the blockade is a critical part, cannot be separated from the genocidal settler colonial structuring Israel imposes on Palestine. Article II(c) of the Genocide Convention lists the deliberate infliction of conditions of life calculated to

bring about the physical destruction of a protected group, in whole or in part, as an underlying act of genocide. While many were reticent to call the genocide a genocide, there has been a proliferation of reports and rulings evidencing the genocide in Gaza, including a recent 72-page UN Commission of Inquiry report that clarifies that Israel has committed four out the five acts of genocide.¹³ In this context, there is little doubt left that starvation is a key component of the Zionist genocide in Gaza.

In her report, *Anatomy of a Genocide*, UN Special Rapporteur on the Occupied Palestinian Territories, Francesca Albanese, directly linked the siege on Gaza to the infliction of conditions of life calculated for genocidal destruction.¹⁴ Preceding this report, in mirror image,¹⁴ in its January 2024 Order against Israel in *South Africa v. Israel* case, the ICJ found that there was a “real and imminent risk” that Israel was committing or would commit genocide against the Palestinian group in Gaza.¹⁵ Under Article I of the Genocide Convention, States parties are obligated to prevent and punish genocide. These obligations are widely understood to constitute binding *jus cogens* norms of international law. In its 28 March 2024 Order in the same case, the ICJ ordered

¹³ Supra note 8.

¹⁴ Francesca Albanese, 2024, ‘Anatomy of a Genocide – Report of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 to Human Rights Council’ (A/HRC/55/73)

¹⁵ Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*) *International Court of Justice*, 2024. As early as 15 October 2023, nearly 800 lawyers, scholars, and practitioners, representing a diverse range of perspectives from academia and practice, signed a [statement](#) warning of the possibility of genocide in Gaza, Palestine. [accessed: 22 October 2025].



Israel to ensure the unhindered provision of humanitarian aid, thus articulating an instantiation of the nexus:

In conformity with its obligations under the Genocide Convention, and in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation, Israel shall: (a) take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, ... (b) ensure with immediate effect that its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Genocide Convention, including by preventing, through any action, the delivery of urgently needed humanitarian assistance.¹⁶

The findings that Israel is committing genocide were further confirmed on 16 September 2025, when the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory including East Jerusalem, and Israel produced a pathbreaking report mentioned above confirming what South Africa had argued at the ICJ and what countless Palestinians, Palestinian and foreign rights groups, UN experts, legal and genocide scholars, Jewish anti-Zionist networks and Holocaust survivors and ordinary humans have articulated iteratively: that Israel is perpetrating genocide in Palestine.¹⁷ In the words of Palestinian human rights organisation Al Haq, “[t]he report constitutes a watershed moment in the pursuit of accountability affirming in precise legal terms what Palestinian human rights organisations, including Al-Haq, have long affirmed: Israel’s settler-colonial, apartheid regime’s conduct in Gaza amounts to the crime of genocide”.¹⁸

Reading the blockade against these statutory and jurisprudential obligations alongside significant human rights reporting it is clear that the use of deliberate starvation constitutes an act of genocide. The levels of starvation in Gaza are unprecedented, with latest figures from the Integrated Food Security Phase Classification (IPC) indicating that an estimated 500,000 people in Gaza are living

¹⁶ South Africa v. Israel, *International Court of Justice*, 2024.

¹⁷ Supra note 8.

¹⁸ Al-Haq, ‘[Al-Haq Strongly Welcomes the Landmark Report of the United Nations Commission of Inquiry](#)’, [accessed: 30 September 2025].



in critical and catastrophic levels of famine. Indicating the gravity of the situation, the IPC's Famine Review Committee (FRC) has been called five times to review an analysis. They write, '[n]ever before has the Committee had to return so many times to the same crisis, a stark reflection of how suffering has not only persisted but intensified and spread until famine has begun to emerge'.¹⁹ Arwa Damon describes the conditions in the Gaza Strip:

*Hunger pounds the brain, louder than the Israeli drones overhead. Weakened bodies stumble through the streets with empty pots looking for a community kitchen that—at best—is doling out a broth, faces contorted in agony in a crush of bodies. Babies born relatively healthy with pinchable cheeks are wasting away, their mothers' bodies too weak and malnourished to provide breast milk, and hospitals lack the appropriate replacement formula.*²⁰

Amnesty International characterises 'Israel's continued use of starvation [as a mechanism to] inflict genocide against Palestinians'.²¹ It details the intensification of the nexus of genocide and starvation through both the interception of aid delivery and through the militarisation of aid scheme 'innovations'. The report continues,

*Israel has continued to use starvation of civilians as a weapon of war against Palestinians in the occupied Gaza Strip and to deliberately impose conditions of life calculated to bring about their physical destruction as part of its ongoing genocide....By continuing to prevent UN and other key humanitarian organizations from distributing certain essential items, like food parcels, fuel and shelter, within Gaza and by maintaining a deadly, dehumanizing and ineffective militarized 'aid' scheme, Israeli authorities have turned aid-seeking into a booby trap for desperate starved Palestinians. They have also deliberately fueled chaos and compounded suffering instead of alleviating it. The aid delivered is also way below the humanitarian needs of a population that has been experiencing almost daily bombings for the last 20 months.*²²

¹⁹ Famine Review Committee (FRC), [Gaza Strip, August 2025: Conclusions and Recommendations](#) (Integrated Food Security Phase Classification (IPC), 22 August 2025), 2. [accessed: 22 October 2025].

²⁰ Arwa Damon, "[I Can Barely Stand Or Make It Through The Day](#)": First-hand Views Of Gaza's Starvation' (Atlantic Council, 29 July 2025) [accessed: 22 October 2025].

²¹ Amnesty International, '[Gaza: Evidence Points to Israel's Continued Use of Starvation to Inflict Genocide against Palestinians](#)' (3 July 2025). [accessed: 22 October 2025].

²² *Ibid.*



In this regard, given both the use of starvation to induce submission of Palestinians in Gaza, to exterminate and displace the population of Gaza including via the deliberate targeting of aid seekers, to institute conditions of life oriented towards genocidal destruction. One can see the genocide starvation nexus in juxtaposition with the taxonomy of goals laid out by Conley and De Waal reiterated here:, ‘(i) extermination or genocide; (ii) control through weakening a population; (iii) gaining territorial control; (iv) flushing out a population; (v) punishment; (vi) material extraction or theft; (vii) extreme exploitation; (viii) war provisioning; and (ix) comprehensive societal transformation’.²³

The interception of the Flotilla can thus clearly be read as part of the arsenal of starvation as genocide. The Flotilla activists are humanitarian actors who, like the UN, UNRWA, and other organisations alluded to in the *Amnesty International* Report were prevented from delivering aid. While, as discussed below, this is clearly a war crime, it is also an act of genocide. The IPC Report asserts that, ‘[a]s this Famine is entirely man-made, it can be halted and reversed. The time for debate and hesitation has passed, starvation is present and is rapidly spreading. There should be no doubt in anyone’s mind that an immediate, at-scale response is needed’.²⁴ It is this reversal the Flotilla activists sought to contribute to in absentia of State action. Given the *erga omnes* responsibilities of states to punish and prevent genocide, the breaking of the siege is an obligation which States have failed to take seriously. Absent this, the civilian humanitarian activists are well within their rights and have acted both lawfully and responsibly in working towards the prevention of an intensified genocide and genocidal man-made famine.

iii. Starvation as a War Crime

Under article 8(2)(b)(xxv) of the Rome Statute of the ICC, “[i]ntentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions” is a war

²³ Bridget Conley and Alex de Waal, ‘The Purposes of Starvation: Historical and Contemporary Uses’ (2019) 17 *Journal of International Criminal Justice* 699, 700.

²⁴ Famine Review Committee (FRC), [Gaza Strip, August 2025: Conclusions and Recommendations](#) (Integrated Food Security Phase Classification (IPC), 22 August 2025), 2. [accessed: 22 October 2025].



crime.²⁵ In November 2024, the ICC issued warrants of arrest for Prime Minister Netanyahu and Gallant for starvation, in addition to other war crimes and crimes against humanity.²⁶

In a May 2024 statement on his request to the Pre-Trial Chamber for the issuance warrants, ICC Chief Prosecutor Karim Khan remarked:

The effects of the use of starvation as a method of warfare, together with other attacks and collective punishment against the civilian population of Gaza are acute, visible and widely known, and have been confirmed by multiple witnesses interviewed by my Office, including local and international medical doctors. They include malnutrition, dehydration, profound suffering and an increasing number of deaths among the Palestinian population, including babies, other children, and women.

... these acts were committed as part of a common plan to use starvation as a method of war and other acts of violence against the Gazan civilian population as a means to ...collectively punish the civilian population of Gaza, whom they perceived as a threat to Israel.²⁷

Insofar as the naval blockade is intended to contribute to Israel's starvation policy, for which the ICC has already issued a warrant of arrest for Prime Minister Netanyahu and Gallant, it is a war crime.

Moreover, the ICJ was clear that its Orders on provisional measures in the *South Africa* case "have binding effect and thus create international legal obligations for any party to whom the provisional measures are addressed".²⁸ Israel thus acts not only in violation of International Criminal Law but has flagrantly violated the ICJ's 2024 Orders in its threats and uses of force against the Flotilla.

Israel's obligation to facilitate the entry and distribution of humanitarian relief to Gaza is also provided by UN Security Council resolutions. In December 2023, the UN Security Council "demand[ed] that [the parties to the conflict] allow, facilitate and enable the immediate, safe and unhindered delivery of humanitarian assistance at scale directly to the Palestinian civilian

²⁵ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 90.

²⁶ International Criminal Court, Situation in the State of Palestine: ICC Pre-Trial Chamber I [Issues Warrants of Arrest](#) for Benjamin Netanyahu and Yoav Gallant (21 November 2024). [accessed: 22 October 2025].

²⁷ Karim A. A. Khan KC, '[Statement of ICC Prosecutor](#) Karim A. A. Khan KC: Applications for Arrest Warrants in the Situation in the State of Palestine' (20 May 2024). [accessed: 22 October 2025].

²⁸ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*South Africa v Israel*) (Provisional Measures, Order of 26 January 2024) para 83.



population throughout the Gaza Strip”.²⁹ In March 2024, the Security Council “demand[ed] the parties to the conflict to] ensur[e] humanitarian access to address their medical and other humanitarian needs”.³⁰ As per Article 25 of the UN Charter, the Israeli Government has “agree[d] to accept and carry out the decisions of the Security Council”.³¹ The Security Council resolutions establish binding obligations on Israel to facilitate the provision of humanitarian relief. Consequently, Israel violated these obligations alongside its general obligations under international humanitarian law when it attacked the Flotilla.

iv. Naval blockades under International Humanitarian Law

Per Rule 102 of the San Remo Manual, a naval blockade is prohibited where:

- (a) it has the sole purpose of starving the civilian population or denying it other objects essential for its survival; or
- (b) the damage to the civilian population is, or may be expected to be, excessive in relation to the concrete and direct military advantage anticipated from the blockade.³²

The blockade also violates Rule 103 of the San Remo Manual, which expressly stipulates that the blockading state must allow the free passage of essential supplies: “If the civilian population of the blockaded territory is inadequately provided with food and other objects essential for its survival, the blockading party must provide for free passage of such foodstuffs and other essential supplies”.³³ Israel’s violent and forcible interception of the Flotilla and prevention of its delivery of humanitarian relief to Gaza clearly violates this provision. Even if the blockade were considered lawful, Israel’s interception of and attacks on the civilians and civilian vessels of the Flotilla humanitarian aid mission likely constitute war crimes under Article 8(2)(b)(i)-(iii) of the Rome Statute of the ICC as is described above.³⁴

²⁹ United Nations Security Council, Resolution 2720 (22 December 2023) UN SCOR 78th yr., para 2 [https://undocs.org/S/RES/2720\(2023\)](https://undocs.org/S/RES/2720(2023))

³⁰ United Nations Security Council, Resolution 2728 (25 March 2024) UN SCOR 79th yr., para 1.

³¹ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 25.

³² San Remo Manual on International Law Applicable to Armed Conflicts at Sea (12 June 1994) Rule 102.

³³ San Remo Manual on International Law Applicable to Armed Conflicts at Sea (12 June 1994) Rule 103.

³⁴



*Israeli Navy
the Oxygono
Flotilla*



*Intercepting
Vessel of the*

International law imposes clear obligations to ensure the free and unimpeded passage of humanitarian relief during situations of international armed conflict. These duties are codified in Article 23 of the Fourth Geneva Convention, which mandates the facilitation of rapid and unhindered delivery of relief consignments, and reaffirmed in Article 55, which imposes upon an occupying power a positive duty to secure the food and medical needs of the civilian population. Complementary principles reflected in the San Remo Manual further prohibit interference with humanitarian shipments. In this light, international law requires the safe passage of humanitarian vessels, the protection of volunteers aboard the Flotilla, and the secure distribution of their relief consignments, ensuring the safety and integrity of all persons and goods involved.



II. Flotilla's Right to Navigation and Safe Passage

i. Introduction

Under the UN Convention on the Law of the Sea (UNCLOS) and customary international law, a vessel's navigational rights depend on its distance from the coast of a State.³⁵ Four maritime zones are relevant. Each carries distinct rules, but the baseline principle is that freedom of navigation prevails outside the territorial sea, and innocent passage applies within it.

Applied to the Flotilla, these rules confirm that its vessels lawfully exercised navigation rights throughout their route and at the time of interception.

High seas and international waters: Starting from up to 12 nautical miles from the coast, vessels are on the high seas and enjoy freedom of navigation. This freedom is subject only to narrowly defined exceptions, such as the treaty-based right of visit in cases of piracy or statelessness (see below). The Flotilla sailed lawfully in international waters. Israel's interceptions occurred in those waters, where Israel had no enforcement jurisdiction over foreign-flagged humanitarian vessels absent a recognised exception, such as a lawful naval blockade, which does not apply in this instance.

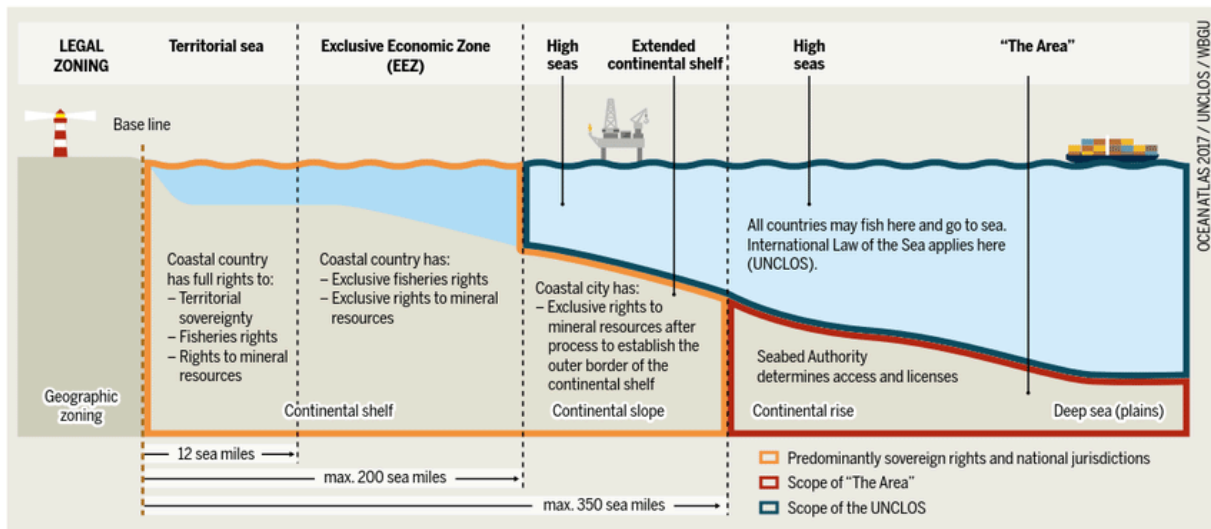
Exclusive Economic Zone (EEZ): The EEZ may extend to 200 nautical miles, conferring on the coastal State sovereign rights of an economic character, for example resource exploration and exploitation. It does not curtail third States' freedom of navigation, which continues in the EEZ subject to due regard for the coastal State's economic rights. The Flotilla's transit through third-State EEZs remained fully lawful and did not engage any Israeli competence.

Contiguous zone: Up to 24 nautical miles from the coast, a State may exercise limited control to prevent or punish infringements of customs, fiscal, immigration or sanitary laws within its territory or territorial sea. This does not confer a general policing power over navigation, nor does it authorise interference with foreign vessels on the high seas. The limited nature of the contiguous zone is irrelevant to Israel's actions against the Flotilla in international waters. Indeed, the principal

³⁵ United Nations Convention on the Law of the Sea (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3, arts 2–89 cover the regime of maritime zones relevant to navigational rights (territorial sea, contiguous zone, exclusive economic zone, and high seas).



legal concern is that Israel's operations may have violated the functional jurisdictional rights of third States by interfering with vessels transiting lawfully through their contiguous zones or EEZs. Such interference, undertaken without consent or legal justification, represents an unlawful encroachment upon the sovereign rights of those States under international law.



Maritime zones according to UNCLOS³⁶

Indicatively, the Israeli Navy boarded the vessel *Madleen* in international waters at approximately 03:02 local time on 9 June 2025, at coordinates 31°50'55"N, 32°19'49"E, within the Egyptian Exclusive Economic Zone (EEZ).³⁷ Similarly, on 8 October 2025, the vessel *Conscience* was intercepted at approximately 04:30 CEST at coordinates 31.809550°N, 32.081880°E, within Egypt's contiguous zone.³⁸ These incidents exemplify Israel's repeated violations of the functional jurisdictional rights of third States under international law, specifically the sovereign rights of Egypt over its EEZ and contiguous zone. In addition, in the early morning hours of 2 May 2025, the *Conscience* was struck twice by Israeli drones approximately two nautical miles from the territorial

³⁶ Ursula Bähr et al, *Ocean Atlas: Facts and Figures on the Threats to Our Marine Ecosystems* (1st edn, Bonifatius GmbH Druck-Buch-Verlag 2017).

³⁷ United Kingdom, [House of Commons, Early Day Motion 1424: Israel's Interception of the British-Flagged Madleen Boat](#) (09 June 2025). [accessed: 22 October 2025].

³⁸ Freedom Flotilla Coalition, ['Israeli Military Attacks Flotilla in International Waters'](#) (8 October 2025). [accessed: 22 October 2025].



waters of Malta while engaged in a lawful humanitarian mission.³⁹ This attack, carried out within Malta's maritime zone, represents a serious breach of the principles of the freedom of navigation and the prohibition of the use of force under Article 2(4) of the UN Charter.⁴⁰

Under Article 33 of United Nations Convention on the Law of the Sea (UNCLOS), a coastal State may exercise functional jurisdiction within its contiguous zone, extending up to 24 nautical miles from its baselines, for the purpose of preventing or punishing infringements of its customs, fiscal, immigration, or sanitary laws committed within its territory or territorial sea.⁴¹ This authority is limited and does not confer a general right of enforcement or military intervention against foreign vessels engaged in lawful navigation. Article 56 of UNCLOS vests coastal States with sovereign rights in the Exclusive Economic Zone (EEZ), extending up to 200 nautical miles, for the purposes of resource exploration, exploitation, and environmental management, while Article 58 preserves the freedoms of navigation and overflight for other States in the EEZ, subject to due regard for the rights and duties of the coastal State. Israel's boarding of the *Madleen* within Egypt's EEZ, and its interception of the *Conscience* within Egypt's contiguous zone, constitute unlawful interference with Egypt's functional jurisdictional rights. Likewise, the drone strike on the *Conscience* two nautical miles from Malta's territorial waters violated Malta's sovereign rights and enforcement jurisdiction under Articles 33 and 56 and breached the principle of exclusive flag-State jurisdiction on the high seas recognised in Article 92. Taken together, these actions represent serious infringements of the rights of Egypt and Malta as coastal States, and of the foundational principle of the freedom of navigation under Article 87 of UNCLOS. While investigations are underway, similar observations can be made about the drone attacks on the *Familia Madeira Boat* and *The Alma* with regards to Tunisian territorial waters.

Territorial sea: Up to 6 or 12 nautical miles from the coast, the territorial sea forms part of the coastal State's territory. Foreign ships benefit from the right of innocent passage, which is

³⁹ Freedom Flotilla Coalition, '[Emergency Press Briefing on Drone Attack Against Freedom Flotilla's Ship Conscience](#)' (3 May 2025). [accessed: 22 October 2025].

⁴⁰ Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, art 2(4): "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."

⁴¹ United Nations Convention on the Law of the Sea (UNCLOS) (adopted 10 December 1982, entered into force 16 November 1994) 1833 UNTS 3, art 33.



continuous and expeditious transit that is not prejudicial to the peace, good order or security of the coastal State. The peaceful carriage of documented humanitarian supplies does not deprive a vessel of innocent passage. As the Flotilla approached Palestinian territorial waters, its intended entry to complete delivery of relief would have been protected by the innocent passage regime, alongside the separate duties under international humanitarian law to allow and facilitate relief operations.

In short, the Flotilla's route primarily engaged the freedoms of the high seas and of navigation through third-State EEZs. At the time of interception, the vessels were in international waters, where freedom of navigation applied and where Israel lacked any lawful basis to board, seize or tow foreign-flagged ships. Even as the Flotilla drew closer to Gaza, its intended entry would have been governed by the innocent passage regime and by binding obligations to ensure humanitarian access. Accordingly, the Flotilla's navigation and intended passage were lawful in every relevant maritime zone, and Israel's interference cannot be justified by the law of the sea.

ii. Freedom of Navigation on the High Seas

The rights of the Flotilla's vessels and passengers are principally guaranteed under Article 87 of the UNCLOS which provides that: "the high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, inter alia, both for coastal and land-locked States: (a) freedom of navigation."⁴² This principle, often described as the 'constitution of the oceans,' enshrines the rule that no State may impede the lawful navigation of another's vessels on the high seas. Although Israel is not a party to UNCLOS, the relevant provisions reflect customary international law, and therefore bind all States, including non-state parties such as Israel.

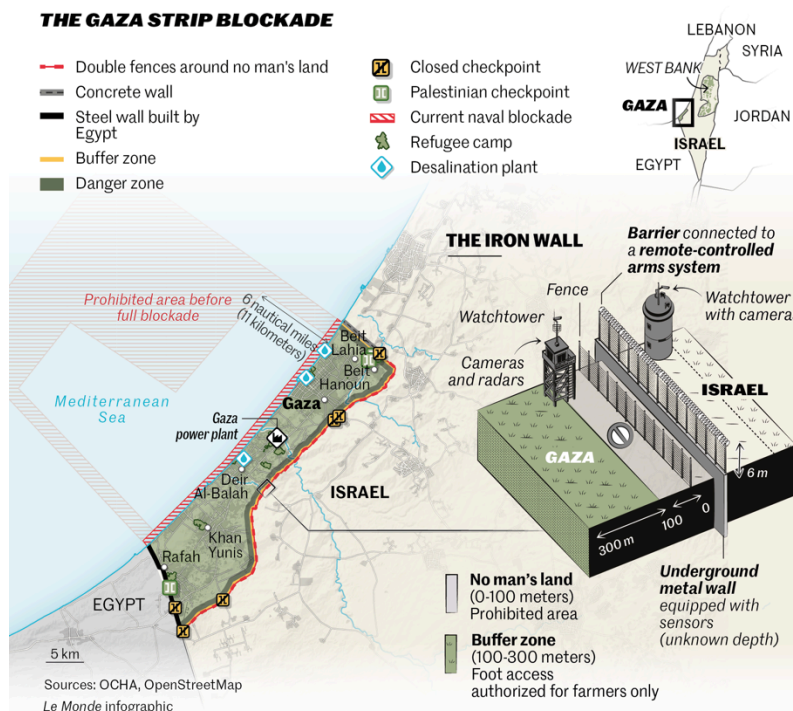
Article 89 further reinforces this rule by stipulating that "no State may validly purport to subject any part of the high seas to its sovereignty."⁴³ Thus, any attempt by Israel to assert enforcement powers over foreign-flagged vessels in international waters, under the pretext of its unlawful blockade of Gaza, constitutes an illegal assertion of sovereignty and a serious breach of international law.

⁴² Ibid, art 87.

⁴³ Ibid, art 89.



The exclusive jurisdiction of the flag State over its vessels is clearly set out in Article 92, which provides that “ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas.”⁴⁴ Accordingly, each of the Flotilla’s forty-two (42) vessels, sailing under the flags of recognised States, including Algeria, France, Italy, the Netherlands, Poland, Portugal, Spain, Tunisia and the United Kingdom, was subject to the jurisdiction of its respective flag State.



In addition, Article 97(3) explicitly provides that “no arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.”⁴⁵ The Israeli Navy’s interception, seizure, and towing of these vessels into Ashdod Port therefore constituted unlawful arrests and forcible detentions of ships beyond its jurisdiction. These acts may amount to acts of aggression against the flag States concerned. Article 110(1) establishes a narrowly defined ‘right of visit,’ authorising a warship to board a foreign vessel on the high seas only when

⁴⁴ Ibid, art 92.

⁴⁵ Ibid, art 97 (3).



there are reasonable grounds (based on specific and articulable facts) for suspecting⁴⁶ that the ship is: “(a) engaged in piracy⁴⁷; (b) engaged in the slave trade⁴⁸; (c) engaged in unauthorised broadcasting under Article 109⁴⁹; (d) without nationality⁵⁰; or (e) of the same nationality as the warship.” None of these conditions were met in the case of the Flotilla. The vessels were fully

⁴⁶ ‘Reasonable’ suspicion in international law mirrors that found in most domestic laws, i.e. it is less than probable cause but more than just a hunch or vague suspicion, and it must be based on specific and articulable facts. Some examples of reasonable suspicion would be; a ship is engaging in unusual navigation patterns; a ship is failing to respond to communications in a manner typical for commercial vessels. Moreover, any action taken based on that “reasonable suspicion” is limited in that it must be proportionate to the suspected illegal activity, must be limited in the harm and inconvenience caused, and upon boarding and disproving the suspicion the boarding party must withdraw and may be liable for compensation for any damages caused by that boarding and interception.

⁴⁷ Piracy on the high seas occupies a distinct position in international law. Under customary international law and Article 105 of the United Nations Convention on the Law of the Sea (UNCLOS), all States possess universal jurisdiction and a corresponding duty to seize pirate vessels and arrest those engaged in piracy. Piracy is defined as acts of violence, detention, or depredation committed for private ends by the crew or passengers of a private ship or aircraft on the high seas or outside the jurisdiction of any State. However, interference by a foreign State is lawful only where there are reasonable grounds to suspect such acts. Even then, any interdiction must comply with the principles of necessity and proportionality, avoid the use of excessive force, and ensure the safety of passengers. All such enforcement measures must adhere to the applicable norms of customary international law.

⁴⁸ The Convention to Suppress the Slave Trade and Slavery and the United Nations Convention on the Law of the Sea (UNCLOS) expressly prohibit the transportation of slaves. Both the 1958 Geneva Convention on the High Seas and UNCLOS permit the boarding of a foreign vessel on the high seas if there are reasonable grounds to suspect that it is engaged in the slave trade. However, neither Convention specifies any enforcement measures that may be undertaken to suppress such trade. The only recognised right is for a warship to proceed to verify the nationality of the foreign ship, and it may be argued that only if the boarded vessel is of the same nationality as the warship may it be seized for engaging in the slave trade. Other States may only report their findings to the proper authorities of the flag State. As a general matter, the consent of the flag State, under whose laws the vessel is registered, is required before boarding, inspecting, or detaining a vessel in such circumstances.

⁴⁹ Article 109 of the United Nations Convention on the Law of the Sea (UNCLOS) provides for the suppression of unauthorised broadcasting from the high seas, defined as the transmission of sound radio or television broadcasts intended for public reception and conducted in contravention of international regulations, excluding distress calls. All States must cooperate in this suppression. Jurisdiction may be exercised by several States, including the flag State of the vessel, the State of registry of the installation, the State of the offender’s nationality, any State where the broadcast can be received, or any State whose authorised communications are interfered with. However, enforcement action by a foreign State requires prior consultation with the flag State and must remain within the bounds of international law.

⁵⁰ Under international law and the United Nations Convention on the Law of the Sea (UNCLOS), a stateless vessel is one that lacks a valid registration or nationality, flies no flag, fails to produce proof of nationality when requested, or deceitfully uses multiple flags to evade detection or inspection. Such vessels are denied the protections ordinarily afforded under international law and UNCLOS, including the right to free passage and diplomatic protection. A stateless vessel may be detained, seized, and prosecuted by any State upon a lawful finding of unlawful activity, as it falls under the jurisdiction of all States. However, this status does not authorise other States to act unlawfully in exercising enforcement measures against it.



identified, sailed under recognised national flags, and carried verifiable humanitarian cargo inspected prior to departure. Their communications, cargo manifests, and humanitarian purposes were publicly declared and documented. Consequently, no legal basis existed for the Israeli Navy to exercise the right of visit or to otherwise interfere with their navigation.

Under UNCLOS and customary international law, all interference with foreign vessels beyond the territorial sea of a State, except under these narrow exceptions, is *prima facie* unlawful. As elucidated above, within the contiguous zone (12 to 24 nautical miles), a coastal State's right of enforcement is strictly limited to preventing violations of its customs, fiscal, immigration, or sanitary laws within its own territory or territorial sea. Israel's interception of the Flotilla in international waters, and in certain cases within the contiguous zones and EEZs of other coastal States, exceeds those limits and constitutes a flagrant breach of the freedom of navigation and of the sovereign rights of those coastal States.

Attempts by States to establish 'security zones' or 'exclusion zones' outside their territorial waters, akin to Israel's purported 'naval blockade zone,' have no legal foundation. Neither the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone nor UNCLOS recognises any right to create such zones for defensive or security purposes. The legality of "security," "defence," or "neutrality" zones on the high seas is consistently rejected in international law.⁵¹ Consequently, any reliance on such zones to justify the use of force, including under a claimed right of anticipatory self-defence, is inconsistent with Article 2(4) of the UN Charter and the established principles of the freedom of the seas.⁵² The creation of a maritime 'security zone' extending into international

⁵¹ Sondre T Helmersen, 'The Use of Force Against Neutral Ships Outside Territorial Waters' (2022) 35 *Leiden Journal of International Law* 315, 319–20. ["Paragraph 105 of the San Remo Manual states that '[a] belligerent cannot be absolved of its duties under international humanitarian law by establishing zones'. Moreover, according to Paragraph 106(a), 'the same body of law applies both inside and outside the zone'. Thus, the regular rules of humanitarian law apply regardless of whether a state establishes an exclusion zone."]; F. V. Russo, 'Neutrality at Sea in Transition: State Practice in the Gulf War as Emerging International Customary Law', (1988) 19 *Ocean Development and International Law* 381, 390. ["International law does not legitimize attack upon a vessel solely as function of that vessel having entered a pre-designated exclusion zone."]; F. C. Leiner, 'Maritime Security Zones', (1984) 24 *Virginia Journal of International Law* 967, 991. ["War zones against neutrals constitute a violation of international law."]

⁵² *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America) (Merits)* [1986] ICJ Rep 14, para. 188.



waters is consequently inconsistent with international law and cannot justify the use of force against civilian vessels.

The Israeli Navy's interception of the Global Sumud Flotilla on 1–2 October 2025, as well as earlier attacks on the *Conscience* (2 May 2025, just outside of Malta's territorial waters) and the *Madleen* (9 June 2025, in Egypt's EEZ), must be understood within this framework. These acts represent repeated and deliberate violations of the freedom of navigation, the exclusive jurisdiction of the respective flag States, and the sovereign rights of Egypt and Malta as coastal States under UNCLOS. The pattern of unlawful interdictions confirms a state policy of extending Israel's illegal blockade extraterritorially, thereby eroding the fundamental legal order of the seas.

iii. Innocent Passage and Humanitarian Passage

The Flotilla is entitled to exercise the right of innocent passage through the territorial seas of third States, including Tunisia, Egypt, Greece, and Türkiye, in accordance with UNCLOS. Under Article 17, ships of all States, whether coastal or landlocked, enjoy the right of innocent passage through the territorial sea, provided such passage is continuous, expeditious, and not prejudicial to the peace, good order, or security of the coastal State.

The Flotilla's vessels were unarmed, civilian in nature, and engaged solely in a peaceful humanitarian relief mission. They did not undertake any activity falling within the exceptions set out in Article 19(2) of UNCLOS that would render passage non-innocent, such as weapons exercises, intelligence collection, or propaganda against the coastal State. Their navigation through the territorial seas of third States therefore falls squarely within the lawful exercise of the right of innocent passage.

In addition to the rights conferred under UNCLOS, the Flotilla benefits from specific protections under international humanitarian law governing the provision of humanitarian relief. As is attended to above, Articles 23 and 55 of the Fourth Geneva Convention of 1949 impose clear obligations on an occupying power to allow and facilitate the free passage of consignments containing foodstuffs, medical supplies, and other essential relief intended for the civilian



population. Article 23 requires the free passage of such consignments, subject only to technical arrangements for control, while Article 55 imposes an affirmative duty on the occupying power to ensure adequate food and medical supplies for the population under occupation.

The Flotilla meets all these legal criteria. Its vessels carry exclusively humanitarian consignments, its personnel are civilian and unarmed, and its activities are directed solely towards alleviating human suffering in Gaza. Accordingly, interference with its passage by Israel constitutes a violation of the obligations arising under Articles 23 and 55 of the Fourth Geneva Convention, and customary international law on humanitarian relief.

Both the right of innocent passage under the law of the sea and the right of humanitarian passage under international humanitarian law converge to protect the Flotilla's navigation and delivery of relief supplies. Israel's interference with these rights constitutes an internationally wrongful act engaging the legal responsibility of Israel and any State complicit in its enforcement.

III. Accountability and Jurisdiction for Crimes Against the Flotilla: International Criminal, State, and Universal Responsibility

i. Introduction

The question of accountability for Israel's attacks on the Flotilla lies at the intersection of international criminal law, domestic law, and universal jurisdiction. The unlawful interception of humanitarian vessels in international waters, the abduction and mistreatment of civilians, and the obstruction of relief consignments engage overlapping regimes of responsibility under international law. At the international criminal level, these acts fall within the jurisdiction of the ICC as part of the Situation in Palestine, encompassing war crimes, crimes against humanity, and potentially genocide. At the inter-State level, the attacks constitute violations of the prohibition on the use of force, the freedom of navigation, and the sovereign rights of the flag and coastal States under the UN Charter and the law of the sea, thereby engaging State responsibility and the duty to make reparations. Beyond these international avenues, domestic jurisdiction and regional human rights mechanisms offer additional pathways to accountability. The flag States of the intercepted



vessels retain primary jurisdiction under international maritime law to investigate and prosecute crimes committed aboard their ships, including arbitrary detention, torture, and acts endangering civilian passengers. Likewise, the home States of the passengers may exercise jurisdiction under domestic criminal law for grave offences committed against their nationals abroad, consistent with the active nationality principle. In parallel, national courts in other States may invoke universal jurisdiction to prosecute international crimes committed during and after interception, such as war crimes, torture, or other serious violations of international humanitarian or human rights law, irrespective of the nationality of the perpetrators or the victims. Taken together, these interlocking frameworks establish a comprehensive basis for accountability. We have been informed by the Global Sumud Flotilla legal team that coordinated legal proceedings will be initiated across all relevant fora, including the exercise of domestic jurisdiction by the flag States of the intercepted vessels, the home States of the forty-two national contingents represented among the Flotilla participants, and before the International Criminal Court, to ensure comprehensive accountability for the crimes committed.

ii. ICC Jurisdiction over the Situation in Palestine and the Flotilla Incidents

Israel has exhibited a consistent policy of maritime aggression from 2008 to 2025, encompassing a series of systematic attacks against successive Flotilla initiatives, and culminating in the attacks on the Global Sumud Flotilla in 2025.⁵³ The interception of the Flotilla by Israeli naval forces on 1–2 October 2025 falls squarely within the jurisdiction of the ICC. The Court has established jurisdiction over the *Situation in the State of Palestine*, encompassing crimes committed in Gaza, the West Bank, and East Jerusalem since 13 June 2014.⁵⁴ Israel attacked the Flotilla as part of its illegal naval blockade of Gaza, the territory of which forms part of the State of Palestine. As is illustrated above, these attacks also constitute crimes or elements of crimes within the ICC’s subject matter jurisdiction including war crimes and genocide, the former of which has seen arrest warrants issued for Israeli officials including Benjamin Netanyahu and Yo’av Gallant. In addition, several Flotilla vessels sailed under the flags of ICC member States, including Spain, Italy, France, Poland,

⁵³ [Freedom Flotilla Chronology](#) (2008–2025), Digital Memory Center, Istanbul, 2025, p. 1–25, documenting repeated Israeli attacks & interceptions of humanitarian flotillas between 2008 and 2025. [accessed: 31 October 2025].

⁵⁴ International Criminal Court, [Situation in Palestine \(ICC\)](#) [accessed: 31 October 2025].



Portugal, the Netherlands, and the United Kingdom,⁵⁵ and the passengers and crew represented more than forty nationalities, many of them citizens of member States.⁵⁶ This therefore falls under the territorial and personal jurisdiction of the ICC within the parameters of the Court's temporal jurisdiction. The jurisdictional nexus is therefore incontrovertible: the crimes were committed aboard vessels subject to the jurisdiction of ICC member States, against nationals of those States, as part of an ongoing situation already properly before the Court.

The forcible interception and seizure of the Flotilla in international waters, the abduction of its passengers, and their forcible transfer into Israeli custody constitute a continuous chain of international crimes recognised under articles 7 (crimes against humanity) and 8 (war crimes) of the Rome Statute. Civilians were violently detained on the high seas and transported into Israeli territory, confined first in Ashdod Port and later in Ktzi'ot Prison in the Naqab, where they were subjected to ill-treatment, deprivation of food, water and medical care, and denial of legal counsel. These acts likely constitute the war crimes of unlawful confinement, torture, and inhuman

treatment
8(2)(a)(ii)
well as
personal
Article
deliberate

assistance,
the armed
vessels
supplies for
population,
Article
prohibits
civilians as
warfare.



under Articles
and 8(2)(a)(vii), as
outrages upon
dignity under
8(2)(b)(xxi). The
obstruction of
humanitarian
carried out through
interception of
carrying life-saving
a besieged civilian
further engages
8(2)(b)(xxv), which
starvation of
a method of
Taken together,

⁵⁵ Global Sumud Flotilla, [Global Sumud Flotilla Updates Following Illegal Interception and Abduction of Volunteers](#) (Press Release, 2 October 2025) [accessed: 31 October 2025].

⁵⁶ <https://globalsumudflotilla.org/sos/>. [accessed: 10 October 2025].



these actions amount to war crimes committed in the enforcement of an illegal blockade and, in their widespread and/or systematic character, to crimes against humanity under article 7(1) of the Statute.

*Mural depicting the Global Sumud Flotilla on the wall of a building in
Deir al-Balah, Gaza, Palestine, Yeni Şafak*

When one considers only the events of 2025, the attacks on the *Conscience*, *Handala*, and *Madleen* vessels, along with the dual assaults on the *Alma* and *Familia Madeira* ships in Sidi Bou Saïd Port in Tunis, this demonstrates a consistent and deliberate state policy of aggression against humanitarian maritime missions. In May 2025, Israeli drones⁵⁷ struck the *Conscience* just outside the territorial waters of Malta in an unprecedented act of aerial warfare against a civilian aid vessel. This was the first attack in what would become a pattern of attacks evidencing a state policy to dismantle international humanitarian solidarity with Gaza. The *Madleen* was subsequently seized

⁵⁷ James LaPorta, '[Netanyahu ordered drone attacks on Gaza-bound humanitarian aid boats off Tunisia, sources say](https://www.cbsnews.com/news/netanyahu-drone-attacks-gaza-aid-boats-tunisia/)' (CBS News, 3 October 2025) <https://www.cbsnews.com/news/netanyahu-drone-attacks-gaza-aid-boats-tunisia/> accessed 31 October 2025. [accessed: 31 October 2025].



in June, approximately 100 nautical miles from Gaza while carrying humanitarian cargo and passengers, including parliamentarians and international activists, under multiple European flags (including Spain, Italy, Poland); its crew was abducted, interrogated, and deported, while others were detained under fabricated claims of unlawful entry. In July 2025, the *Handala* was violently intercepted in international waters 40 nautical miles off Gaza, with twenty-one civilians from twelve countries abducted and held incommunicado. Each of these operations replicated the same methods, with communications jammed, aid confiscated, and detainees subjected to arbitrary detention, ill-treatment and humiliation. These facts demonstrate a coherent and centrally coordinated policy to unlawfully treat civilian aid missions and their volunteers as targets, and to consolidate total control over the maritime dimension of Gaza's starvation siege.

The gravity of these coordinated attacks must be considered within the context of Israeli leaders' criminal plan to use starvation as a weapon of warfare and as a genocidal act against the civilian population of Gaza, the former of which Prime Minister Netanyahu stands charged before the ICC. The attacks are an extension of Israel's unlawful blockade strategy into the international domain, extending the crime of starvation and extermination beyond the territorial confines of the international armed conflict. The assaults at Sidi Bou Saïd Port, carried out against stationary humanitarian ships in a foreign harbour, breached Tunisian sovereignty and international port protections, while the mass interception of eleven vessels in the high seas off Italy in October 2025 epitomised the militarisation of the Mediterranean for the purpose of suppressing humanitarian relief. This pattern of escalating violence demonstrates the deliberate use of naval and aerial power to deter international solidarity and enforce Gaza's isolation. The magnitude, repetition, and coordinated execution of these attacks transform them from discrete war crimes into a transnational manifestation of Israel's starvation policy, the gravity of which lies not only in the lives destroyed but in its assault on the international legal order itself.

As such, the October 2025 attacks on the Flotilla cannot be understood as isolated or spontaneous. They were part of a broader State policy of persecution, collective punishment, and extermination directed against Palestinians involving the use of violence to directly target civilian humanitarians seeking to assist them. The 2025 attacks on the Flotilla recall the 2010 *Mavi Marmara* raid,



previously examined by the ICC in the *Comoros Referral*.⁵⁸ The ICC’s prior consideration of the 2010 *Mavi Marmara* incident confirmed that crimes committed aboard a flagged vessel of a State Party, even by nationals of a non-State Party such as Israel, may trigger jurisdiction. The present case replicates that factual and legal configuration, but with significantly greater gravity insofar as there is a nexus between the 2025 attacks and ongoing war crimes and crimes against humanity already under investigation and indictment by the Court. This context offers a significantly more serious and genocidal context of ongoing atrocity. The 2025 incidents also unfolded in the context of a widely acknowledged genocide, in which the naval blockade, by enforcing a state policy of deliberate starvation, forms a component part. The interception of the Flotilla was an extension of that policy; a deliberate act to enforce the siege by preventing the delivery of humanitarian relief to a population facing famine.

The requisite contextual element for crimes against humanity, that acts are ‘committed as part of a widespread or systematic attack directed against any civilian population,’⁵⁹ is thus readily established in the analysis above. The acts were carried out pursuant to an official directive. This is demonstrated by public statements by Israel’s Minister of National Security, Itamar Ben-Gvir, openly threatening the Flotilla with attack,⁶⁰ commending the Israeli Prison Service for its treatment of detainees and describing the Flotilla’s participants as “terrorists” deserving of harsh treatment and punitive conditions, leave no doubt as to the existence of State policy given the Israeli regime’s history of targeting those deemed “terrorists”. Such declarations confirm that the ill treatment and humiliation of detainees were integral to the operation’s objectives: to intimidate, degrade, and deter future humanitarian action. The attack thus forms part of a coherent policy of repression, persecution, and extermination, linking the crimes committed against the Flotilla’s passengers to the ongoing campaign of starvation and destruction directed against the Palestinian population of Gaza.

⁵⁸ Union of the Comoros, [Referral under Articles 14 and 12\(2\)\(a\) of the Rome Statute arising from the 31 May 2010 Gaza Freedom Flotilla Situation](#) (14 May 2013). [accessed: 31 October 2025]. For a thorough analysis of the Case see: Ali Emrah Bozbayındır, ‘The Venture of the Comoros Referral at the Preliminary Examination Stage’ in Morten Bergsmo and Carsten Stahn (eds), *Quality Control in Preliminary Examination: Volume 1* (Torkel Opsahl Academic EPublisher 2018).

⁵⁹ The Rome Statute, Article 8(2)

⁶⁰ See ‘UN experts stand in solidarity with the Global Sumud Flotilla, demand full protection of all passengers,’ 9 September 2025, <https://www.ohchr.org/en/press-releases/2025/09/un-experts-stand-solidarity-global-sumud-flotilla-demand-full-protection-all>.



There can be no question of admissibility under article 17 of the Rome Statute, which attends to principles of gravity, complementarity, and establishes the ICC as a court of last resort. Israel has not conducted, and will not conduct, any genuine investigation or prosecution of those responsible for the attack. Its consistent pattern of impunity, evident since the 2010 *Mavi Marmara* assault, confirms that the complementarity principle is fully satisfied. Nor can the gravity of the crimes be doubted. The deliberate targeting of a civilian humanitarian mission during an active genocide, involving more than four hundred participants from forty nations, and resulting in the violent obstruction of life-saving aid, meets the threshold of gravity recognised by the Court. The significance of the operation lies not only in the harm inflicted upon the participants themselves, but in its intent to dismantle the mechanisms of international solidarity and to criminalise humanitarian intervention.

The Office of the Prosecutor should therefore include these crimes within its ongoing investigation in the *Situation in Palestine*. The evidentiary record, comprising witness testimony, ballistic reports of drone attacks, contemporaneous video documentation, and official statements, establishes reasonable grounds to believe that crimes within the jurisdiction of the Court have been committed in the course of the attacks on the Flotilla and its participants. The interception of the vessels and abduction of volunteers are extensions of State policy already under active ICC scrutiny: the systematic use of starvation, persecution, and violence directed against civilians and civilian objects to impose an unlawful blockade. These acts reinforce and extend the evidentiary foundation for the Pre-Trial Chamber's findings regarding the deliberate starvation of civilians as a method of warfare. The crimes committed against the Flotilla's passengers must therefore be recognised and prosecuted as part of that continuum.

The 2025 attacks on the Flotilla thus fall within the ICC's temporal, subject matter, territorial, and personal, jurisdiction. The ICC must therefore treat this incident as a constituent part of the same criminal plan or policy for which Israeli leaders are already under indictment, expanding its investigation accordingly and pursuing accountability for those responsible at every level of command.

In a related development, Spain announced its intention to submit a formal complaint to the International Criminal Court concerning the attacks on the Flotilla.⁶¹ This prospective action

⁶¹ Middle East Eye, '[Spain file complaint at ICC regarding events – Sumud Flotilla](#)' (Middle East Eye, 6 October 2025). [accessed 3 November 2025.]



would constitute the first referral by a State Party in relation to the Global Sumud Flotilla incidents and reflects the acknowledgment among member States that such attacks constitute grave breaches of international law falling within the ICC's jurisdiction over the Situation in Palestine.

Separately, a coalition of Chilean lawyers filed international complaints before the International Criminal Court concerning the Israeli drone attack on the vessel *Conscience* in May 2025 and on the vessel *Madleen* in June 2025, for war crimes and crimes against humanity under international law.⁶²

iii. Domestic jurisdiction: Flag-state jurisdiction, Nationality-based jurisdiction of home States and Territorial & protective jurisdiction

The domestic jurisdiction in response to internationally wrongful acts committed against humanitarian vessels rests on several well-established bases recognised by international law. These include flag-State jurisdiction, nationality-based (active personality) jurisdiction, and protective jurisdiction, each reflecting a distinct dimension of the relationship between the State, its nationals, and vessels under its protection. Together, these principles establish the legal foundation for States to initiate proceedings, investigate alleged crimes, and ensure accountability for violations committed beyond their territorial seas.

Under the law of the sea, a vessel on the high seas is subject to the exclusive jurisdiction of its flag State, save for narrowly tailored exceptions (piracy, slave trade, unauthorised broadcasting, statelessness, or 'same nationality' right of visit). This baseline, reflected in customary international law and codified in Article 92 of UNCLOS, anchors the competence of each relevant flag State to investigate and prosecute offences committed on board or directed against its ships in international waters. As a corollary, any unlawful interference with a vessel lawfully flying a State's flag constitutes an infringement of that State's sovereignty and triggers its right, and indeed duty, to exercise jurisdiction over acts committed aboard the vessel. Crimes committed on board or against a flag-State vessel are legally deemed to have been committed within the territory of that State. Consequently, the flag State may prosecute such acts under its domestic criminal code and relevant implementing legislation giving effect to international humanitarian and human rights norms.

⁶² Cooperativa.cl, 'Abogados chilenos denunciarán a Israel ante la ONU y la CPI por ataque a barco humanitario' (Cooperativa.cl, 2 May 2025). [accessed 3 November 2025.]



On that footing, any unlawful interference with, boarding of, or violent seizure of lawfully navigating, foreign-flagged civilian vessels on the high seas, particularly those engaged in a humanitarian mission, such as the Flotilla vessels, constitute an internationally wrongful act and simultaneously engages the flag State's criminal jurisdiction. Domestic offences typically captured include unlawful violence, arbitrary detention, torture and inhuman treatment, endangerment of navigation, hijacking/unlawful seizure of a means of transport, and destruction or seizure of property. In numerous jurisdictions, these offences are read consistently with international definitions (e.g., UNCLOS and the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) and its Protocols), and with domestic IHL-implementation statutes.

In parallel with flag-State competence, home States of passengers and crew may exercise active nationality (active personality) jurisdiction over grave offences committed abroad against their nationals. This head of jurisdiction, long recognised in customary international law and codified across numerous domestic systems as a legitimate extension of territorial jurisdiction, permits investigation and prosecution where a State's citizens are subjected to arbitrary detention, assault, inhuman or degrading treatment, or other serious violations in the course of the flotilla interceptions. In many systems, the active nationality principle operates in tandem with statutory duties to investigate and prosecute international crimes wherever committed, especially grave breaches of the 1949 Geneva Conventions and serious offences such as torture, often implemented through domestic IHL and anti-torture legislation.

Domestic jurisdiction is likewise grounded in the protective principle, which authorises prosecution of extraterritorial conduct that threatens a State's essential interests or the security of its nationals. Where the victim is a national, or where the offence otherwise engages significant national interests, prosecutorial competence is reinforced by specific extraterritorial provisions (including those addressing the security of maritime navigation). Interference with a State's humanitarian mission or with vessels registered under its flag, particularly those transporting relief consignments protected by Article 23 of the Fourth Geneva Convention, may properly be characterised as such a threat. Beyond core-crimes legislation, many States have enacted implementing measures for the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention). These laws typically establish jurisdiction over



unlawful acts endangering ships or persons at sea, irrespective of where the acts occur, and often embed *aut dedere aut judicare* obligations when alleged offenders are present on the State's territory.

These jurisdictional principles have been activated in several national proceedings concerning the Global Sumud Flotilla interceptions and preceding flotilla incidents in 2025, illustrating their practical enforcement across multiple legal systems.

In Türkiye, the Istanbul Chief Public Prosecutor's Office has initiated a comprehensive criminal investigation (File No. 2025/219447) into Israel's unlawful attacks on the Global Sumud Flotilla.⁶³ The investigation, grounded in Articles 12–13 of the Turkish Criminal Code (TCK), Article 15 of the Criminal Procedure Code (CMK), and relevant provisions of UNCLOS, enumerates offences including *unlawful deprivation of liberty, hijacking or unlawful seizure of a means of transportation, aggravated robbery, damage to property, and torment*. Proceeding on the bases of territorial, nationality, and protective jurisdiction, the inquiry encompasses Turkish nationals among the abducted activists and those affected by the high-seas interceptions.⁶⁴ Under the investigation, coordinated forensic medical examinations and multi-prosecutor witness-taking were conducted upon the return of the participants to Türkiye, reflecting good practice in early evidence preservation consistent with cooperation with international mechanisms.

In Italy, the operation of domestic jurisdiction has been activated through the Rome Public Prosecutor's Office (Procura della Repubblica di Roma), which on 22 October 2025 opened an investigation *against persons unknown* into the drone attacks in international waters off Crete and the subsequent maritime raids on the Flotilla vessels.⁶⁵ The investigation, initiated following

⁶³ TRT Haber, '[İstanbul Cumhuriyet Başsavcılığı'ndan Sumud aktivistlerine ilişkin açıklama](#)', TRT Haber (online), 4 October 2025. [accessed 3 November 2025].

⁶⁴ On 30 October 2025, the [Kudüs ve Hukuk Association formally petitioned to expand the investigation](#) to include genocide (TCK Art. 76) and crimes against humanity (TCK Art. 77), invoking Türkiye's universal jurisdiction over international crimes and referencing the ICJ's provisional measures ordering unimpeded humanitarian access to Gaza. The petition also requested that the gathered evidence, including witness testimonies and forensic documentation, be transmitted to the International Criminal Court (ICC) and the International Court of Justice (ICJ) through the Ministry of Foreign Affairs, aligning Türkiye's domestic proceedings with broader international accountability efforts.

⁶⁵ Anadolu Agency, '[Rome prosecutors launch investigation into alleged mistreatment of Global Sumud Flotilla activists](#)' (Anadolu Agency, 21 October 2025); LaPresse News, '[Flotilla: Rome Public Prosecutor's Office opens investigation into kidnapping](#)' (LaPresse, 22 October 2025). [accessed 3 November 2025].



complaints filed by counsel for Italian participants and humanitarian organisations, lists suspected offences including *attempted multiple manslaughter, attempted shipwreck, piracy under the Italian Navigation Code (read together with UNCLOS Article 101 and Italian jurisprudence recognising universal jurisdiction for piracy), maritime endangerment, kidnapping, mistreatment, and torture*.⁶⁶ The filings emphasise that these operations occurred in international waters against vessels flying, inter alia, Italian and other European flags, and that the humanitarian nature of the mission renders the attacks unlawful under both international humanitarian law and the law of the sea.

One of the central doctrinal foundations of the investigation is Article 6 of the SUA Convention, which requires States to establish jurisdiction over specified “unlawful acts against the safety of maritime navigation” when the alleged offender is present in their territory, thereby reflecting the *aut dedere aut judicare* principle, the duty either to prosecute or to extradite. Within this framework, the Italian law adopt a layered model of domestic competence, relying concurrently on (i) the nationality of victims, (ii) the flag of the affected vessels, and (iii) a catalogue of penal-code and Navigation Code offences, including *attempted shipwreck, kidnapping, torture, piracy, and endangerment of navigation*, interpreted consistently with international definitions derived from UNCLOS and the SUA Convention.

The legal submissions filed by counsel for Italian participants and humanitarian organisations further cross-reference international law on blockades, naval warfare, and humanitarian missions, situating the attacks within the context of unlawful uses of force against protected humanitarian actors. National jurisprudence recognising universal jurisdiction for piracy on the high seas reinforces this interpretation, extending the reach of classical maritime offences to encompass contemporary attacks on civilian relief operations. The documentation includes formal *denuncia* submissions signed and stamped by counsel, comprehensive legal mappings, and an initial list of thirty-six witnesses and participants identified for examination. By invoking active nationality, flag-State, and protective jurisdictional bases, together with the universal and prosecute-or-extradite obligations under the SUA Convention, the Italian proceedings exemplify how domestic legal systems operationalise international norms to ensure accountability for grave maritime crimes committed against humanitarian missions.

⁶⁶ The counsel for Italian participants kindly provided us with their filings.



In the United Kingdom, domestic proceedings have been activated through war crimes complaints filed by the Hind Rajab Foundation (HRF) with the Metropolitan Police War Crimes Unit (SO15) concerning the Israeli attacks on two British-flagged humanitarian vessels, the *Madleen* and the *Handala*, intercepted in international waters as part of the Freedom Flotilla Coalition (FFC). Through the Geneva Conventions Act, the UK must investigate *grave breaches*; under the ICC Act 2001, it has competence for *core international crimes*; and section 134 of the Criminal Justice Act 1988 establishes *universal jurisdiction* over torture.

The first complaint, filed on 9 June 2025, concerns the 8–9 June 2025 raid on the *Madleen* by the Shayetet 13 commando unit.⁶⁷ Submitted under the Geneva Conventions Act 1957, the International Criminal Court Act 2001, and section 134 of the Criminal Justice Act 1988, it alleges *grave breaches of international humanitarian law, war crimes, and torture* aboard a vessel constituting an extension of UK territory. The complaint details the *use of chemical irritants from drones, incommunicado detention of twelve civilians, denial of consular access, confiscation of humanitarian cargo, and degrading treatment*, citing violations of Article 23 of the Fourth Geneva Convention, Rules 55–56 of the ICRC Customary IHL Study, Article 92 of UNCLOS, and the ICJ’s binding orders on unimpeded humanitarian access to Gaza. A second complaint, lodged on 28 July 2025, addresses the 26–27 July 2025 assault on the *Handala* about 49 nautical miles off Gaza, again by Shayetet 13 under the same command structure.⁶⁸ Filed under the Geneva Conventions Act 1957 and ICC Act 2001, it extends responsibility to political and military officials who authorised or enabled the operation. The *Handala*, carrying twenty-one civilians from twelve countries, including parliamentarians, journalists, and aid workers, was seized, its occupants detained without legal basis and transported to Israel. Alleged crimes include *hijacking, arbitrary detention, inhuman treatment, and confiscation of humanitarian consignments*. The complaint requests identification of suspects, arrest-warrant preparedness, coordination with Interpol and the ICC, and systematic witness-statement collection.

Both filings rest on the United Kingdom’s Flag-State jurisdiction, under which crimes committed aboard UK-registered ships on the high seas are deemed to have occurred within British territory,

⁶⁷ Hind Rajab Foundation, ‘[HRF Files UK Complaint Against Israeli Elite Unit Shayetet 13 Over Raid on Freedom Flotilla Vessel Madleen](#)’ (9 June 2025). [accessed 3 November 2025].

⁶⁸ Hind Rajab Foundation, ‘[HRF Files Criminal Complaint in the UK Over Israeli Attack on Handala](#)’ (28 July 2025). [accessed 3 November 2025].



combined with domestic implementation of international criminal norms. Taken together, the *Madleen* and *Handala* proceedings in the UK exemplify the operation of flag-State jurisdiction and domestic incorporation of international humanitarian law, reaffirming the UK's duty to pursue accountability for crimes committed against humanitarian missions under its jurisdiction.

A separate line of proceedings has also been initiated in Türkiye regarding the Madleen interception, where on 29 July 2025, the Worldwide Lawyers Association (WOLAS) filed two criminal complaints before the İstanbul Chief Public Prosecutor's Office against members of Israel's Shayetet 13 commando unit, other Israeli military personnel, and government officials for crimes committed against Şuayb Ordu, a passenger aboard the British-flagged vessel Madleen intercepted in international waters.⁶⁹ The complaints invoke Articles 94 (Torture), 96 (Cruelty), 109 (Deprivation of Liberty), and 223 (Hijacking or Seizure of Transport Vehicles) of the Turkish Penal Code (TCK), identifying the acts as grave breaches of international humanitarian and human rights law. Proceeding under Türkiye's territorial, nationality, and protective jurisdiction pursuant to TCK Articles 12–13 and CMK Article 15, the filings emphasise that the assault on a humanitarian vessel contravenes UNCLOS and the Fourth Geneva Convention and aim to align domestic prosecution with international accountability mechanisms, including cooperation with the International Criminal Court (ICC) and relevant UN special procedures.

iv. Universal Jurisdiction

The principle of universal jurisdiction operates as a residual yet essential mechanism to ensure accountability for serious violations of international law. It reflects the recognition that certain crimes, by their very nature, harm the international community as a whole and therefore confer jurisdiction upon all States to prosecute those responsible, irrespective of the place of commission or the nationality of the perpetrators or victims. Universal jurisdiction arises from the collective duty of States to prevent and punish acts that threaten the very principles of the international legal order, including war crimes, crimes against humanity, genocide, torture, and comparable offences recognised under treaty and customary law.⁷⁰

⁶⁹ WOLAS kindly provided us with their criminal complaint filings.

⁷⁰ Anne Lagerwall and Marie-Laurence Hébert-Dolbec, 'Universal Jurisdiction' in Rüdiger Wolfrum (ed), *Max Planck Encyclopedia of Public International Law* (Oxford University Press, updated 2023) paras 1–4, 14–15.



Grave breaches of international humanitarian law constitute a category of international crimes for which States are required to establish universal jurisdiction. The obligation is codified in the four Geneva Conventions of 1949, each of which imposes a duty upon every High Contracting Party to identify, apprehend, and prosecute persons alleged to have committed or ordered such breaches, irrespective of nationality.⁷¹ Under Article 49 of the First Geneva Convention, Article 50 of the Second, Article 129 of the Third, and Article 146 of the Fourth, States must either bring the accused before their own courts or, if they prefer, transfer them for trial to another High Contracting Party that has presented a *prima facie* case. This provision constitutes a conventional expression of the duty to prosecute or extradite (*aut dedere aut judicare*). This mechanism ensures that no alleged perpetrator of serious violations—such as wilful killing, torture, or inhuman treatment—can evade justice by relying on territorial limitations or the absence of a direct jurisdictional link. Parallel obligations arise under Article 5(2) of the 1984 Convention against Torture and Article 6 of the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, both of which oblige States to establish jurisdiction when the suspect is found on their territory. While the Conventions and Article 85 of Additional Protocol I (1977) do not expressly state that prosecution must occur regardless of where the acts were committed, the ICRC’s authoritative commentary interprets these provisions as necessarily encompassing universal jurisdiction.⁷² It affirms that national implementing legislation must enable the prosecution of grave breaches wherever the offender is found, reflecting the shared responsibility of all States to suppress violations that endanger the integrity of humanitarian law. In practice, this understanding has been incorporated into more than one hundred national legal systems⁷³, demonstrating the broad recognition that grave breaches give rise to obligations *erga omnes* and that their prosecution is a collective legal duty within the international community. When properly invoked, universal jurisdiction functions not as an intrusion upon sovereignty but

⁷¹ Steven W Becker, *Universal Jurisdiction: National Courts and the Prosecution of Serious Crimes Under International Law* (Kluwer Law International 2000) 163; Anne Lagerwall and Marie-Laurence Hébert-Dolbec, ‘Universal Jurisdiction’ in Hélène Ruiz Fabri (ed), *Max Planck Encyclopedia of International Procedural Law* (Oxford University Press 2023), Para 17.

⁷² Anne Lagerwall and Marie-Laurence Hébert-Dolbec, ‘Universal Jurisdiction’ in Hélène Ruiz Fabri (ed), *Max Planck Encyclopedia of International Procedural Law* (Oxford University Press 2023), Para 17.

⁷³ For the ICRC, more than 115 national laws have adopted this form of jurisdiction to try the perpetrators of grave breaches and other serious violations of international humanitarian law (ICRC Statement on the Scope and Application of the Principle of Universal Jurisdiction, 2018).



as an affirmation of the collective responsibility of States to prevent and punish crimes of concern to humanity as a whole.⁷⁴

In the context of the 2025 flotilla attacks, universal jurisdiction constitutes an additional avenue of enforcement complementing flag-State, nationality-based, and protective jurisdictional bases, ensuring that no locus of impunity survives. By affirming that such crimes engage obligations erga omnes and that perpetrators must face prosecution wherever apprehended, universal jurisdiction reinforces the indivisibility of international justice and the imperative that grave breaches of humanitarian and human rights law, particularly those committed against humanitarian actors in international waters, cannot be shielded by jurisdictional gaps or political obstruction.

The following examples illustrate how these principles have been operationalised in practice through some ongoing national proceedings arising from the 2025 flotilla attacks.

In Spain, the Attorney General's Office (Fiscalía General del Estado) opened a domestic investigation on 18 September 2025 into whether Israeli actions in Gaza constitute grave violations of international humanitarian and human rights law.⁷⁵ Citing Spain's obligations under the Genocide Convention and its June 2024 intervention in South Africa's ICJ case against Israel, the Prosecutor's Office ordered that the findings be transmitted to both the ICJ and ICC. Proceeding under Article 607 and related provisions of the Spanish Penal Code, which criminalise genocide, crimes against humanity, and other serious breaches of international law, the investigation relies on Spain's universal jurisdiction framework empowering national courts to act when suspects are Spanish citizens, residents, or present within Spanish territory. On 2 October 2025, the Public Prosecutor's Office expanded the scope of this investigation to include the attack and seizure of vessels belonging to the Flotilla, recognising these incidents as directly connected to the broader pattern of violations under examination.⁷⁶ The directive instructed the collection of detailed information concerning the flags of the affected vessels, maritime coordinates of interception, nationalities of passengers and crew, the nature of the humanitarian consignments, and the consular assistance extended to Spanish nationals. By incorporating the flotilla interceptions into its

⁷⁴ Devika Hovell, 'The Authority of Universal Jurisdiction' (2018) 29 *European Journal of International Law* 427, 445.

⁷⁵ Anadolu Agency, '[Spain authorizes investigation into Israeli crimes in Gaza](#)' (18 September 2025) [accessed 3 November 2025].

⁷⁶ Anadolu Agency, '[Spanish prosecutors include flotilla attack to broaden probe into Israeli crimes in Gaza](#)' (02 October 2025). [accessed 3 November 2025].



Gaza-focused inquiry, Spain has reinforced the complementarity between domestic jurisdiction and international judicial processes, demonstrating the operationalisation of universal jurisdiction as a tool for preserving evidence and facilitating accountability before international courts.

In Spain, a separate criminal proceeding was initiated at the Audiencia Nacional (Spanish National Court) under the principle of universal jurisdiction concerning the 9 June 2025 interception of the British-flagged humanitarian vessel *Madleen* of the Freedom Flotilla Coalition.⁷⁷ The case stems from a complaint filed by Spanish citizen Sergio Toribio (one of the abducted passengers) together with the Committee for Solidarity with the Arab Cause (CSCA), naming Israeli Prime Minister Benjamin Netanyahu, Foreign Minister Israel Katz, and senior Israeli military officials as suspects in war crimes and crimes against humanity under Spanish and international law. In its ruling of 1 July 2025, the National Court affirmed jurisdiction, holding that the attack, occurring about 100 nautical miles off the coast in international waters against a humanitarian vessel bound for Gaza, falls within Spain’s universal jurisdiction framework. The complaint, invoking Articles 607 et seq. of the Spanish Penal Code and Spain’s obligations under the Geneva Conventions and customary international law, characterises the acts of unlawful interception, arbitrary detention, drone and chemical assaults, and degrading treatment as war crimes and crimes against humanity forming part of the broader genocidal campaign in Gaza.

v. Act of aggression against flag States

The UN Charter explicitly prohibits the use of force in international relations. Article 2(4) of the Charter states the following: “[a]ll 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”.⁷⁸ In the *Nicaragua* case, the ICJ declared the prohibition as a “cardinal principle” of international law.⁷⁹ Israel’s armed raid of the Flotilla, its forcible interception and seizure of its vessels and humanitarian aid, and abduction and removal of the participants violate this principle. Similarly, the UN General Assembly has defined aggression in Resolution 3314 as “the use of armed force by a State against the sovereignty,

⁷⁷ Anadolu Agency, ‘[Spanish activist presses charges against Netanyahu over Gaza flotilla raid](#)’ (3 July 2025). [accessed 3 November 2025].

⁷⁸ Charter of the United Nations, article 2(4).

⁷⁹ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v United States of America)* (Merits) [1986] ICJ Rep 14, para 190.



territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations”.⁸⁰ Naval blockades are means and methods of warfare and attacks committed in the course of enforcing a blockade constitute the use of armed force. Israel’s attacks on and interception of the Flotilla constitutes an act of aggression against the flag states of the vessels, as well as Tunisia.

vi. Infringements of individual rights

Israel violated the human rights of the individuals onboard the Flotilla under customary international law and several international instruments. The ICCPR and UDHR hold significant relevance in this context. Regional instruments of human rights such the ECHR are also important as many participants have access to regional systems. Israel’s forcible and violent intervention has infringed *inter alia* the right to life, right to liberty and security, right to a fair trial, right to human dignity, and right not to be subjected to torture or to cruel, inhuman or degrading treatment.

Article 6 of the ICCPR prohibits the arbitrary deprivation of life. Article 7 of the ICCPR prohibits subjecting people to “to torture or to cruel, inhuman or degrading treatment or punishment.” Article 9 of the ICCPR establishes “the right to liberty and security.” Israel’s violent and forcible actions against the Flotilla endangered the lives of those onboard, and their violent abduction to Israel stripped away any sense of security and liberty. The forceful and arbitrary detention of participants and their imprisonment under conditions of torture and inhumane treatment violated their right to life and dignity and the prohibition of torture and cruel, inhuman degrading treatment and punishment. Evidence of torture and inhumane treatment is well-documented in the testimonies of the released Flotilla participants. Israel’s denial of participants’ access to lawyers and the pressure exerted on participants to sign incriminating deportation papers are violations of their right to a fair trial. The Human Rights Organisation, Al-Adalah, whose lawyers were provided with power of attorney, expressed the Israeli violations of the right to fair trial in court hearings. An inexhaustive list of human rights violations of the Israeli Government in the context of the Flotilla includes the following:

⁸⁰ UN General Assembly, Definition of Aggression, GA Res 3314 (XXIX) (14 December 1974) article 1.



1. Violation of the right to life of the individuals onboard with its violent, forcible interception of the Flotilla under Article 6 of the ICCPR (violation of Article 2 of ECHR for relevant persons).
2. Violation of the right to liberty and security of the individuals onboard with its unlawful and violent removal of them from their ships and their forcible abduction to Israel and arbitrary arrests (violation of Article 9 of the ICCPR as well as a Violation of Article 5 of ECHR for relevant persons).
3. Violation of the right to a fair trial under Article 14 of the ICCPR with the forcible abduction to Israel and illegal and forcible application of Israeli law to the Flotilla passengers and crew without the presence of their legal representatives and with the forcible signature of incriminating deportation-related documents (violation of Article 6 of ECHR for relevant persons).
4. Violation of the right to human dignity and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, as evidenced by Israel's degrading and violent treatment of abducted individuals, and as seen in Israel's National Security Minister Itamar Ben Gvir's self-recorded slanderous propaganda videos that shamelessly taunted participants, calling them 'terrorists' (violation of Article 1 of UDHR and Article 7 of the ICCPR)

vii. State responsibility

Article 1 of the Articles on State Responsibility stipulates that “[e]very internationally wrongful act of a State entails the international responsibility of that State.” Israeli violations of international human rights law, international humanitarian law, international law on the use of force, and the law of the sea entail the international responsibility of Israeli. Its violent and forcible interception of the Flotilla and abduction of the individuals on board, their torture and inhumane treatment and forcible and violent seizure of the Flotilla ships give rise to the international responsibility of Israel. Israel is required to provide reparations and is obligated to return the Flotilla ships. Israel must return “the ships undamaged to their rightful owners at their desired location.” The flag States must immediately demand the return of the ships. Both flag states and countries’ whose citizens were part of the Flotilla should demand compensation from Israel for harming the individuals on board as well as Flotilla property.



Conclusion

Israel's attacks on the Flotilla and its participants constitute a series of serious violations of international law, giving rise to both state responsibility and individual criminal responsibility for Israel and any third States complicit in these violations. Part One of this report focused on the unlawfulness of the blockade. It elucidated the illegalities of the blockade through three interrelated features thereof, namely; (i) the genocidal character of enforced starvation under the Genocide Convention with reference to the jurisprudence of the ICJ on the matter; (ii) starvation as a war crime, with reference to the Rome Statute and the Laws of Armed Conflict; and (iii) the legal status of naval blockades under International Humanitarian Law and the violations invoked by the deliberate starvation of civilians. Part Two clarified the Flotilla's rights to freedom of navigation of the high seas and to innocent and humanitarian passage, elaborating the Flotilla's actions through the legal parameters of UNCLOS, as well as customary international law including the San Remo Manual. Part Three addressed the persistent question of accountability in the context of structural impunity, laying out the jurisdiction for crimes against the Flotilla.

The report concludes that Israel's naval blockade of the Gaza Strip is unlawful under international law, and that Israel's October 2025 attacks on the Flotilla vessels and its passengers in the course of a lawful, humanitarian and civilian initiative constitute a range of violations, including war crimes and crimes against humanity. Israel's unlawful interceptions of Flotilla vessels and unlawful detention and ill treatment of volunteers constitute flagrant violations of international humanitarian, criminal and human rights law in connection with Israel's unlawful occupation of Gaza and its genocidal military campaign against the Palestinian group in Gaza. Israel's interference with the Flotilla's lawful humanitarian mission also violated the sovereign rights of Tunisia, as well as flag States, states in whose territory attacks occurred, and states whose nationals were attacked and abducted. Israel's attacks also engage the individual rights of volunteers under the applicable international and regional human rights law regimes, necessitating appropriate relief to injured parties under the law of reparations.