

Echoes of Genocide:

The Global System's
Recurrent Failure from
Srebrenica to Gaza

İhsan Faruk Kılavuz

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***“Every genocide is a failure not just of humanity,
but of international responsibility.”***
-Samantha Power-

Introduction

The promise of “never again” solemnly uttered in the aftermath of the Holocaust and reaffirmed following every episode of mass atrocity since has become one of the most tragically unfulfilled pledges in modern international history. Nowhere is this more apparent than in the haunting parallels between the 1995 Srebrenica genocide and the unfolding humanitarian catastrophe in Gaza. Both represent not only profound human tragedies but also searing indictments of the international legal and political order's repeated failure to prevent or halt mass atrocity crimes. The enduring inability of global institutions to enforce the protective norms of international law has eroded their legitimacy, laying bare a system that is structurally incapable—or politically unwilling—to intervene effectively when civilians face extermination under the cloak of sovereign warfare.

Within this context, the “Gaza Tribunal,” convened in Sarajevo in May 2025, emerges as a powerful expression of what has come to be known as symbolic or “people's justice”. Modelled on the legacy of the 1966 Russell Tribunal on Vietnam and the 2005 World Tribunal on Iraq, the Gaza Tribunal functions not as a substitute for formal legal mechanisms but as a moral forum—what Jean-Paul Sartre once termed a tribunal of conscience—that seeks to document and expose grave violations

of international law in the absence of institutional accountability. The choice of Sarajevo as host city is deeply emblematic: a site where the world once failed to prevent genocide, now reimagined as a space to confront the inertia surrounding Gaza. This spatial and symbolic continuity underscores a key argument of this paper: that the structural, legal, and moral failures exposed in Srebrenica are tragically replayed in Gaza today.

This discussion paper undertakes an analysis of the international community's response to the Srebrenica genocide and Israel's recent military operations in Gaza. It traces the trajectory of international criminal justice from the *ad hoc* prosecutions before the International Criminal Tribunal for the former Yugoslavia (ICTY) to the evolving role of the International Criminal Court (ICC) and the growing prominence of the International Court of Justice (ICJ) as a forum for adjudicating state responsibility for genocide. In doing so, it argues that while the legal architecture for atrocity prevention and accountability has matured significantly since the 1990s, its application remains subject to political selectivity, double standards, and strategic inaction. By examining the mechanisms of justice mobilised in response to Srebrenica, this discussion paper highlights the precedents that now shape the legal framing of the Gaza situation.

A 'Court of Conscience': The Gaza Tribunal

In May 2025, the "[Gaza Tribunal](#)" convened in Sarajevo, emerging as a symbolic judicial forum at a time when governments, international institutions, and judicial bodies have demonstrably failed to prevent the tragedy in Gaza or to alleviate the suffering of its people. Against the backdrop of the gravest violations of international law—war crimes, crimes against humanity and, according to some, genocide—the Tribunal provided a public space for the examination of alleged atrocities committed during Israel's military operations in the Gaza Strip launched on October 7 2023. While lacking formal legal authority, the Gaza Tribunal functioned as a "court of conscience," drawing upon testimonies, evidence, and expert analysis to scrutinise the events in Gaza.

Participants in the Tribunal included international legal scholars, human rights experts, academics, and witnesses, who collectively assessed acts such as the targeting of civilians, forced displacement, collective punishment, and the obstruction of humanitarian aid as potential war crimes and acts of genocide. The proceedings also critically addressed the limitations of existing international criminal justice mechanisms, the double standards exhibited by Western states, and the entrenched impunity that has shielded Israeli actions from accountability.

Although the Gaza Tribunal is the most recent example, it stands within a broader tradition of symbolic tribunals. The 1966 Russell Tribunal, initiated by Bertrand Russell and Jean-Paul Sartre to investigate U.S. war crimes in Vietnam, pioneered the model of the People's Tribunal. Similarly, the 2005 World Tribunal on Iraq, convened in Istanbul, exami-

ned the U.S. occupation of Iraq and the actions of the Bush administration through the lens of international law. Such initiatives have provided alternative platforms for victims who lack access to formal justice, amplifying their voices and fostering public debate on the ethical and normative dimensions international law.

Despite their lack of legal enforceability, the decisions and findings of these tribunals play a crucial role in shaping public memory, combating impunity, and constructing historical records. The Gaza Tribunal, in this vein, serves as a forum that documents the suffering of a silenced population, compiles testimonies, and appeals to the global conscience, particularly in the face of the political and structural obstacles that hinder international legal recourse.

Ultimately, the Gaza Tribunal in Sarajevo should be understood as a contemporary manifestation of the power of symbolic justice and the intersection of international law with moral responsibility. It underscores that the norms of international law are subject not only to courtroom adjudication but also to the judgment of global public opinion.

Notably, Sarajevo's role as host is far from coincidental; it is a deliberate choice imbued with historical and symbolic meaning. The international community's passive stance during the Srebrenica genocide and the Bosnian war in the 1990s hauntingly echoes the current indifference toward Gaza. In this context, the collective remembrance of Bosnian trauma alongside the systematic violence endured by Palestinians constitutes a symbolic reproduction of the global quest for justice.

The Srebrenica Genocide

The Srebrenica genocide, commemorated each July, stands as one of the darkest chapters in the history of humanity. Far from being an isolated event, the massacre was the tragic culmination of a series of political, ethnic, and religious conflicts that erupted during the disintegration of Yugoslavia in the early 1990s. (Cetinkaya, 2024.) The end of the Cold War, marked by the fall of the Berlin Wall in 1989 and the subsequent collapse of the Soviet Union, triggered a profound legitimacy crisis for socialist regimes across Eastern Europe. Yugoslavia, a multi-ethnic, multi-lingual,

and multi-religious socialist federation composed of six republics, was particularly vulnerable to these seismic shifts. (Cetinkaya, 2024.)

During Josip Broz Tito's era, Yugoslavia maintained a delicate balance among its diverse populations. (Remembering Srebrenica, 2021.) However, Tito's death in 1980 precipitated a period of economic decline, weakening central authority and fuelling the rise of ethnic nationalism. The federation's fragile cohesion was further shattered in 1991



(Samir Jordamovic - Anadolu Agency)

when Slovenia and Croatia declared independence, igniting a series of brutal conflicts. Yugoslavia's complex social fabric—comprising Serbs, Croats, Bosniaks, Albanians, Slovenes, and Macedonians, as well as Catholic, Orthodox, and Muslim communities—rendered the prospect of a peaceful dissolution nearly impossible.

The outbreak of war in Bosnia and Herzegovina, which ultimately led to the Srebrenica genocide, must be understood within this context. Following Bosnia and Herzegovina's declaration of independence in 1992, both the Serb and Croat populations within the country established their own self-proclaimed political entities: the Bosnian Serbs announced the formation of Republika Srpska, while the Bosnian Croats established the Croatian Republic of Herzeg-Bosnia. Although Serbia and Croatia did not officially recognise these entities, they received substantial military, logistical, and political support from their kin-states. This external backing fuelled a tripartite civil war driven by the objectives of ethnic cleansing and territorial acquisition.

Throughout the Bosnian war, [the policy of ethnic cleansing](#)—exceptionally as executed by Serb forces—represented one of the most brutal and inhumane dimensions of the conflict. Cities such as Prijedor, Foča, Zvornik, and Višegrad witnessed systematic massacres of Bosniak civilians, the establishment of rape camps, forced displacement, and torture, all of which have been extensively documented as grave breaches of international humanitarian

law. International organisations characterised these campaigns as "ethnic cleansing," during which hundreds of thousands of Bosniaks were driven from their homes and thousands were killed (Cigar, 1995; Human Rights Watch, 1993; United Nations, 1994).

Under the leadership of Bosnian Serb political figure Radovan Karadžić and his military commander General Ratko Mladić, Serb forces pursued a deliberate strategy to seize control of territories inhabited by Bosniak Muslims and to "cleanse" these regions of their non-Serb populations. This systematic plan included widespread sexual violence against women, the targeting of children, and the deliberate starvation of civilian populations as instruments of war (Bassiouni, 1994). These atrocities were not random acts of violence but rather components of a coordinated campaign aimed at the destruction of the Bosniak community.

In sum, the Srebrenica genocide was the foreseeable outcome of a series of escalating crises: the collapse of Yugoslavia's federal structure, the rise of exclusionary nationalism, the international community's failure to intervene effectively, and the calculated policies of ethnic cleansing pursued by Serb leadership. The events leading up to and culminating in Srebrenica serve as a stark reminder of the catastrophic consequences that can arise when the international order fails to protect vulnerable populations in the face of orchestrated violence and systematic persecution.



Srebrenica: The Most Unsafe “Safe Zone”

The most tragic crescendo of the Bosnian War was undoubtedly the Srebrenica genocide of July 1995—an event that remains an indelible scar on the conscience of humanity.

In 1993, the United Nations Security Council declared Srebrenica a “safe zone,” offering international assurances that the enclave would be protected for its civilian population. To this end, a contingent of approximately 400 Dutch peacekeepers operating under the United Nations Protection Force (UNPROFOR) was stationed in the region (NIOD, 2002).

However, the international protection promised to Srebrenica proved fatally inadequate. The Dutch battalion was both numerically insufficient and critically lacking in mandate, equipment, and logistical support (Honig & Both, 1996). As a result, when Serb forces under the command of General Ratko Mladić launched their final assault on Srebrenica on July 11, 1995—after a prolonged siege—the peacekeepers were unable to mount any meaningful resistance. In fact, multiple sources have documented not only the passivity of the UN forces but also instances of coo-

peration between Dutch soldiers and Serb troops, further undermining the enclave's security (NIOD, 2002; Honig & Both, 1996).

The fall of Srebrenica led to the systematic separation, execution, and mass burial of between 8,000 and 10,000 Bosniak men and boys. The massacre unfolded in the very shadow of the international community's guarantees, exposing the profound limitations of the UN's peacekeeping mandate and the devastating consequences of inadequate international intervention. Srebrenica, intended as a sanctuary, became instead the site of the worst atrocity on European soil since World War II—a stark testament to the catastrophic failure of the so-called “safe zone” policy.

From Srebrenica to Gaza: The Collapse of the International System

The foundational mandate of the United Nations—and, more broadly, the international community—has always been to shield a war-weary world from the horrors of mass violence, to preserve international peace and security, to promote human rights, and to ensure the protection of civilians from atrocity crimes. Yet, the events that unfolded in Srebrenica in July 1995 exposed the profound dysfunction of this global system. The transformation of Srebrenica—explicitly declared a safe zone by the UN Security Council and ostensibly protected by peacekeeping forces—into the site of a systematic massacre of thousands of unarmed civilians fundamentally undermined the legitimacy and credibility of the international order.

Srebrenica thus stands not only as the site of a military or ethnic catastrophe but as the symbol of a collective failure of international law, institutional mechanisms, and diplomatic reflexes. The international community's failure in Bosnia and Herzegovina was not merely a technical or strategic shortcoming but a manifestation of deep moral collapse and a glaring absence of political will. The UN Peacekeepers' inability to protect civilians—and, in some cases, their complicity in surrendering unarmed refugees to Serb forces—dealt a devastating blow to the UN's claim to be a guarantor of global peace. While the Dutch government eventually accepted responsibility and even resigned in 2002 over the scandal, such gestures cannot compensate for the loss of thousands of lives. The legacy of Srebrenica is thus not confined to the culpability of a single nation or group of actors; it represents a profound indictment of the international system's entire normative and structural architecture.

The Srebrenica tragedy revealed that the world had failed to develop the necessary mechanisms and reflexes to prevent mass atrocity despite the post-Holocaust vow of "never again".

Disturbingly, the decades since Srebrenica have not yielded meaningful progress. The international community's response to the mass killing of civilians in Gaza today is a stark echo of the same moral bankruptcy and systemic paralysis.

Since October 7, Israel's genocidal undertaking in the Gaza Strip [have resulted](#) in the deaths of tens of thousands of civilians, with hospitals, schools, places of worship, and re-

fugee camps systematically and deliberately targeted. The laws of war, including the principles of proportionality and the protection of civilians, have been flagrantly violated. Despite these realities, the United Nations, other international bodies, and world governments have failed to mount an effective, coordinated, or protective response to the systematic assaults on the people of Gaza. The silence of international mechanisms in the face of Israel's mass killing, starvation tactics, and policies of forced displacement goes beyond normative weakness; it exposes a pattern of political hypocrisy whenever Israeli violations are at issue. The UN Secretary-General's limited warnings, symbolic condemnations, and unanswered appeals for humanitarian aid have proven utterly insufficient to alter the reality on the ground. Moreover, the Security Council's decision-making process remains hostage to the veto power of its permanent members, paralysing the institution just as it was during the Bosnian conflict and preventing the emergence of any meaningful consensus for justice.

This is not merely a matter of indecision; it is a structural impasse that reveals the selective and politicised nature of the international system. Srebrenica demonstrated that the safe zone designation was little more than empty rhetoric. In Gaza today, civilians have no safe haven at all—indeed, even hospitals and refugee camps have become military targets. Israel's actions are emboldened by a climate of impunity and the inertia of the international system. The same lack of intervention that doomed Srebrenica now dooms Gaza, highlighting not only the system's dysfunction but also its selectivity and politicisation.

International legal norms—enshrined in the [1948 Genocide Convention](#), [the 1949 Geneva Conventions](#), and [the UN Charter](#)—impose clear obligations on states to protect civilians. However, these norms remain little more than ethical reminders when not enforced (Chesterman, 2001). Neither in Srebrenica nor in Gaza have these standards sufficed to halt the perpetrators. The core problem is no longer the absence of legal frameworks but the lack of political will and institutional capacity to implement them. The tragic continuum from Srebrenica to Gaza thus exposes not only the international community's chronic delays but also its inherent inequality and selectivity (Power, 2002). While the world belatedly recognised the genocide in Bosnia, it continues to obfuscate the reality in Gaza with vague terms such as "conflict," "disproportionate force," or

"humanitarian crisis." In truth, what is at stake is a systematic campaign of civilian destruction by state power—just as it was in Srebrenica. Addressing this reality through the lens of international law is necessary and urgent.

The repeated failures from Srebrenica to Gaza serve as a damning testament to the international system's inability

to live up to its most basic promises. The lesson is clear: Without genuine political resolve and effective institutional mechanisms, the lofty ideals of international law and human rights will remain tragically unfulfilled, and the world will continue to bear witness to cycles of atrocity and impunity.

International Criminal Justice and the Challenge of Impunity

In this context, foremost among the necessary measures to enable the international system to prevail once again in the face of such suffering is the invocation of international judicial mechanisms. Indeed, the judicial proceedings concerning the Srebrenica genocide mark a watershed moment in the evolution of international criminal justice.

These proceedings, especially those before the ICTY, contributed significantly to the institutionalisation of international criminal law and served as a foundational precedent in addressing atrocity crimes through international mechanisms. The ICTY's establishment as an *ad hoc* court was authorised by United Nations Security Council Resolution 827 on May 25, 1993. Its functioning was directly influenced by the systematic massacre of over 8,000 Bosniak men and boys in Srebrenica in July 1995—a tragedy widely regarded as the gravest mass killing on European soil since the Second World War.

The ICTY was endowed with jurisdiction to prosecute individuals responsible for genocide, war crimes, crimes against humanity, and grave breaches of the 1949 Geneva Conventions. Concerning Srebrenica, the Tribunal conducted extensive investigations and prosecuted high-ranking individuals responsible for orchestrating and executing the massacre. Crucially, the Court established that the crimes committed were not isolated incidents of battlefield rage or spontaneous violence; instead, they were part of a premeditated and coordinated military operation. This determination was pivotal in defining the atrocities as genocide under international law.

In a landmark judgment in 2001, General Radislav Krstić became the first individual to be convicted of genocide in Srebrenica. This decision became a cornerstone in solidifying the legal recognition of the events in Srebrenica as genocide. The ICTY indicted 19 individuals in connection

with the massacre, predominantly targeting those who played key roles in planning and commanding the operation. Among the most prominent defendants were Radovan Karadžić, the political leader of the Bosnian Serbs, and Ratko Mladić, their military commander. Karadžić was sentenced to 40 years imprisonment for a range of crimes, including genocide, and was found responsible both directly and through participation in a joint criminal enterprise. Mladić, on the other hand, was sentenced to life imprisonment in 2017, with the Tribunal holding him directly responsible for the planning and execution of the mass killings in Srebrenica.

The jurisprudence of the ICTY to Srebrenica has significantly contributed to the doctrinal development of genocide as a crime in international law and the expansion of the doctrine of joint criminal enterprise. These cases reinforced the legal understanding that genocide encompasses not only the act of killing but also the implementation of a systematic plan aimed at the partial or total destruction of a protected group (Scahabas, 2009). Despite these advances, the absence of accountability for the Dutch UN peacekeepers stationed in Srebrenica during the massacre has drawn continued criticism and underscored the persistent challenges in delivering full justice. Nevertheless, the Srebrenica cases remain an exemplar of how international justice mechanisms can function to address impunity and foster accountability for mass atrocities (Minow, 1998; Scheffer, 2012).

In the decades following Srebrenica, the principles laid down by the ICTY have continued to shape international criminal justice, as reflected in the ongoing efforts of the ICC. The ICC's investigations into crimes committed in the Occupied Palestinian Territories can be viewed as part of this evolving trajectory. With [Palestine's accession](#) to the Rome Statute in 2015, the ICC acquired jurisdiction over



crimes committed since June 13 2014, in Gaza, the West Bank, and East Jerusalem. In a landmark decision in 2021, the Court affirmed that, for the Rome Statute, Palestine qualifies as a “state” and that the occupied territories fall within its jurisdictional scope. Consequently, the Prosecutor [opened a formal investigation](#) into alleged war crimes and crimes against humanity committed on Palestinian territory from 2014 onwards.

Although Israel is not a party to the Rome Statute, the Court’s jurisdiction is established on the basis that the alleged crimes occurred on the territory of a State Party—Palestine. This development highlights a crucial aspect of international criminal law: the potential to hold individuals accountable for crimes, regardless of their nationality, provided the crimes are committed within the territory of a State Party.

The ICC Prosecutor’s investigations, particularly concerning the military operations in Gaza during 2023 and 2024, have focused on serious allegations against [senior Israeli officials](#), including Benjamin Netanyahu, the Prime Minister of Israel, and Yoav Gallant, the former Defense Minister. These include the deliberate imposition of starvation on the civilian population, obstruction of humanitarian aid, targeted attacks on civilian infrastructure, and the use of disproportionate force—acts that, if substantiated, would constitute grave breaches of the Geneva Conventions and serious violations under the Rome Statute. Significantly, the allegation of employing starvation as a method of warfare marks the first time in the ICC’s history that such a charge has been brought against the leader of a state. This not only highlights the expanding scope of prosecutable war crimes but also serves as a precedent for future cases involving similar strategies of warfare.

The ICC’s engagement with the situation in Palestine thus stands as a critical test for the universality of international criminal justice. The potential issuance of arrest warrants against high-ranking Israeli political and military leaders reflects the applicability of command responsibility to top-tier officials. It signals a shift toward a more assertive and norm-enforcing ICC. Furthermore, by affirming that international humanitarian law remains applicable even in asymmetrical conflicts involving state and non-state actors, the ICC reinforces and revitalises the legal framework governing military occupation.

Nonetheless, the ICC’s investigation into Israeli actions has reignited debates over the politicisation of international justice. The refusal of Israel and several of its allies to recognise the Court’s jurisdiction or cooperate with its proceedings raises questions about the enforceability and impartiality of international criminal accountability. These challenges highlight the structural limitations of international law in the face of complex geopolitical power dynamics. Despite such obstacles, the ICC’s persistence in advancing its investigations signals a growing commitment within the international community to uphold accountability, even in the face of political resistance from powerful states.

In sum, the ICC’s proceedings concerning alleged crimes in Gaza and the broader occupied Palestinian territories represent a continuation of the legacy established by the ICTY. They reflect the evolving contours of international criminal justice and underscore the imperative to combat impunity, regardless of the identity or strength of the perpetrators. Just as the Srebrenica cases shaped the legal and institutional trajectory of accountability for atrocity crimes, the Gaza investigation may serve as a defining moment in the pursuit of justice for victims of mass violence in the 21st century.

The ICJ as a Tool for Combating Genocide

Besides the criminal tribunals, the International Court of Justice has also emerged as a pivotal forum in the global campaign against genocide, serving both as an instrument of accountability and as a mechanism for clarifying and expanding the obligations of states under international law. This role became especially pronounced in the aftermath of the Bosnian war, when Bosnia and Herzegovina, shortly after declaring independence in 1992, invoked the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) and brought a case against the Federal Republic of Yugoslavia before the ICJ. This was a landmark moment: for the first time, a state was called to account before the Court for alleged violations of the Genocide Convention, not only for directly committing genocide but also for failing to prevent and punish it.

Bosnia's application accused Yugoslavia of conspiracy to commit genocide, complicity, attempt, and incitement, arguing that Yugoslavia had breached its obligations under the Convention. Yugoslavia, in turn, challenged the Court's jurisdiction and the admissibility of the case, denying both the scale and the state responsibility for the atrocities. The ICJ's eventual judgment, delivered in 2007 after a protracted process, set significant legal precedents. While the Court found that genocide had indeed been committed at Srebrenica, it did not hold Serbia (as Yugoslavia's successor) directly responsible for perpetrating, conspiring in, or inciting genocide. The Court's reasoning rested on the requirement for a very high threshold of *de jure* connection between a state and the acts of non-state actors or militias outside its territory. This cautious approach reflected the gravity of the crime of genocide—the "crime of crimes"—and the extraordinary evidentiary standard required for attributing state responsibility.

Nevertheless, the ICJ did not entirely exonerate Serbia. It held Serbia responsible for failing in its obligation to prevent the Srebrenica genocide and for not cooperating with the ICTY, particularly in failing to apprehend and extradite individuals like Ratko Mladić. The Court emphasised that the Genocide Convention imposes not only a prohibition on committing genocide but also a proactive duty on states to prevent it, to the extent possible, given their means and circumstances. However, the ICJ's decision to forgo ordering additional reparations or compensation was wi-

dely criticised as inadequate by victims and observers, highlighting the persistent gap between legal findings and substantive justice.

The judgment's legacy is twofold. First, it established that states are not only prohibited from committing genocide but are also under an enforceable obligation to prevent such crimes and to ensure that perpetrators are brought to justice. This interpretation has reinforced the preventive and protective aims of the Genocide Convention and has become a cornerstone in the universal struggle against genocide. Second, the ICJ set a precedent for judicial cooperation by relying on the ICTY's factual findings, demonstrating the value of synergy between international courts in establishing the truth and combating impunity (Cetinkaya, 2024).

The ICJ also clarified that the duty to prevent genocide is not confined to a state's own territory but extends, within the limits of its influence and capabilities, to actions beyond its borders. The Court's nuanced approach recognises that the degree of responsibility varies according to each state's power, resources, and proximity to the events. In the case of Srebrenica, Serbia was not found directly responsible for the acts of the Republika Srpska militias due to the absence of a *de jure* link. However, it was held accountable for failing to use its influence to prevent the massacre (Cetinkaya, 2024).

This jurisprudence has direct implications for contemporary cases, notably the [proceedings](#) initiated by South Africa against Israel before the International Court of Justice (ICJ) in 2023. South Africa alleges that Israel's military operations and actions against the civilian population in Gaza constitute violations of the Genocide Convention. This is only the second time the ICJ has been called upon to adjudicate state responsibility for genocide, underscoring the evolving significance of the Court in shaping the global legal order.

South Africa's application invokes not only Israel's alleged commission of genocide but also its failure to prevent and punish such acts. The case raises foundational questions about the right of third states to bring claims (*erga omnes* obligations), the evidentiary challenges of proving genocidal intent (*dolus specialis*), and the effectiveness of the ICJ in responding to urgent humanitarian crises. In January

2024, the ICJ issued provisional measures against Israel, citing the risk of irreparable harm to Palestinians in Gaza and reiterating Israel's duty to adhere to the principles of proportionality and distinction in its military operations. While the Court did not at this stage determine that Israel was acting with genocidal intent, its intervention signalled the seriousness of the allegations and the need for immediate protective measures.

This case is significant for three main reasons:

The Right of Third States to Initiate Proceedings:

The ICJ has reaffirmed that the obligations under the Genocide Convention are *erga omnes*—owed to the international community as a whole—thereby allowing states not directly affected to seek judicial remedies for breaches, as South Africa has done against Israel.

The Challenge of Proving Genocidal Intent: The proceedings highlight the difficulty of establishing *dolus specialis*, or specific intent, which is central to the definition of genocide. South Africa has relied on official statements, military conduct, and systematic attacks on civilian infrastructure as evidence of such intent, potentially expanding the jurisprudence on how genocidal intent may be inferred.

Testing the Effectiveness of the ICJ: The Gaza case tests the ICJ's legitimacy and deterrent power, especially given its historical limitations and the political pressures it faces. Implementing provisional measures and the Court's willingness to act swiftly in the face of mass atrocities could strengthen its position within the global justice system.

Should the ICJ ultimately find Israel responsible for genocide in Gaza, the consequences would be far-reaching:

International Criminal Accountability: Although the ICJ addresses state responsibility, its findings could facilitate prosecutions before bodies like the ICC, paving the way for individual accountability.

Diplomatic and Political Repercussions: States maintaining close relations with Israel, particularly the United States and certain EU members, would face mounting pressure to reconsider their support and engagement.

Reparations and Deterrence: An adverse judgment could open the door to reparations claims by Palestinian victims and serve as a powerful deterrent against future violations¹.

Erga Omnes Impact: A binding ICJ decision would reinforce the collective responsibility of the international community to prevent and punish genocide, strengthening the normative framework for global justice. In this sense, if the ICJ determines that Israel's actions in Gaza constitute genocide, states providing military or political support to Israel could face legal scrutiny for violating their obligations under the Genocide Convention.

Hence, the ICJ's evolving jurisprudence from Bosnia to Gaza reflects both the promise and the limitations of international law in confronting genocide. While the Court's interventions have not always delivered immediate justice or effective prevention, they have established critical legal principles—most notably, that states must act to prevent genocide wherever it occurs and that the international community possesses both the right and the duty to demand accountability. The ongoing proceedings against Israel will further test the capacity of international law to respond to atrocity crimes. They may set new benchmarks for enforcing global norms in the pursuit of justice.

Conclusion

The juxtaposition of Srebrenica and Gaza reveals more than a tragic repetition of atrocity; it exposes a structural malaise at the heart of the international legal and political order—a system that oscillates between rhetorical commitments and operational paralysis. Despite the proliferation of treaties, courts, and norms designed to prevent genocide and punish those who perpetrate it, atrocity crimes continue to be met with equivocation, inertia, and strategic silence, especially when they implicate powerful actors or their allies. What emerges, therefore, is not merely a crisis of enforcement but a more profound crisis of legitimacy for the international legal system itself.

Even though symbolic mechanisms of justice—like the Gaza Tribunal—play an increasingly vital role in preserving the ethical foundations of international law in the face of institutional failure, their very necessity signals an uncomfortable truth: geopolitical asymmetries and the selective application of accountability hollow out international law's promise of universality and impartiality. The implications are grave. When mass atrocities can unfold in real-time, with ample documentation, legal basis, and international consensus about their unlawfulness, and still proceed unchecked, the authority of the entire global legal framework is called into question.

In this context, the concept of *law as conscience* resurfaces as a critical counterweight to *law as procedure*. Courts of conscience may lack binding authority, but they fill a normative void left by official mechanisms that are either politicised, constrained, or disempowered. They serve not only to document atrocities but to reassert the moral

agency of law itself—to remind the world that legality must be animated by justice, not merely codified by states. This reorientation is particularly urgent at a time when realpolitik increasingly dictates the reach of international norms and when the global public is no longer passive but increasingly mobilised by transnational solidarity and digital witnessing.

The Gaza Tribunal's proceedings in Sarajevo, held in the shadow of the Srebrenica genocide, thus symbolise more than historical analogy; they articulate a demand for ethical consistency, legal coherence, and political courage. They invite reflection on what international law can still become—not merely a set of reactive doctrines but a proactive force for structural transformation. This would necessitate doctrinal refinement and a fundamental reimagining of the roles of international institutions, the functions of legal norms, and the meaning of accountability in a fractured and unequal world order.

To sum up, the persistence of atrocity from Srebrenica to Gaza reveals that the central challenge of our era is no longer norm creation but norm realisation. Until the international legal system aligns its moral imperatives with institutional action—and sheds its complicity in selective silence—it will continue to reproduce the injustices it was designed to abolish. The future of international law thus depends not only on the robustness of its rules but on the resolve of those who demand their equal application. In this light, justice is no longer only a legal matter but a test of global conscience.



(Gerald Anderson - Anadolu Agency)

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