

Defamed in Germany: Francesca Albanese, United Nations Special Rapporteur

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Johannes Zang (JZ): Thank you so much, Francesca, for your clear and precise words. We have 20 minutes for discussion. Please shorten your question to one minute – 60 seconds – not longer, please. You can ask in German or in English. There are two persons moving around with microphones. Please. Hier vorne ist eine Handmeldung, ganz vorne, zweite Reihe. Ganz hinten sehe ich auch – Julian, ganz hinten meldet sich auch einer. Bitte.

Question One: Thank you, Francesca. I'd like to ask you about genocide being actually baked into the foundation of the Zionist state. Basically, you know, we know that establishing a supremacist race state on top of it, the expense of Palestine, could only be done via ethnic cleansing or genocide. It started with ethnic cleansing, but genocide was always in the cards. I do not see actually how it could not have turned out in that way, unfortunately. And I would like your opinion on that. And also the fact that the people of Gaza, the story of Gaza did not start in '67, but rather in '48 during the establishment of the Zionist race state.

Francesca Albanese (FA): Shall we take three questions and then I answer? So I can accidentally forget one of the questions.

Question Two: Hello. Hi, Francesca. It's really nice to receive you in Germany. I'm from the Democracy in Europe Movement and the political party Mera25. We're running in the elections. The reason I wanted to first introduce that is because we've been facing a lot of state repression from Germany. And you have yourself faced two cancellations here. And the last whole year has seen a complete dismantling of fundamental rights, such as freedom of speech, freedom of movement, and a lot of deportations. And my question is basically to ask you: what means do we have to hold Germany accountable at the Human Rights Council? I know about the Universal Periodic Review, but are there also other instruments that we as civil society can take to basically bring Germany to some accountability? And I say this because we have personally faced a lot of cancellations of our events. We have faced political

repression. And this is something that was unimaginable a year ago. Yes, so we'd just be interested to know what is out there that we can do.

JZ: Thank you. And we'll take the last question. Yes, the lady.

Question Three: Hello, I'm Tabitha [inaudible]. So I think I'll say this in English. Thank you for coming. It seems like the framing of this situation in Israel and Gaza follows either two narratives. Netanyahu is always being seen as representing Israel, although he is one of the most unpopular leaders in the history of Israel. We also see the erasure of the peace movement and the Israelis who have been fighting against Netanyahu. We also see this false dilemma: either you're on the side of Hamas and terror or you're on the side of imperialism and the settlers. How can we change the narrative so that we are given more than these two extreme visions? How can we change the narrative so that we can focus on the peace movement? And there are people like Combatants for Peace who are working towards peace. Peace activists were murdered on October 7th. I'm thinking of Vivian Silver, people like this. How can we change the narrative away from seeing violence and murder and genocide and oppression being without alternative? And how can we change the narrative so that we can see solutions and communication instead of just keeping up this dehumanization of either one side or the other side?

JZ: Thank you.

FA: Gershon, I hope you don't mind taking in your Q&A also part of the questions that I will inevitably leave unanswered because I'm not an expert either on Zionism or the reality inside Israel, but I will share nonetheless what I know because before being a special rapporteur, for example, on the first question on whether genocide is quintessential and was foreseeable since the arrival of Zionism in Palestine – again, I think that there are persons who are more qualified than me to answer that question. However, what we know from history is that settler colonialism, which is the taking of a people's land, displacing them, and this is what settler colonialism is, and displacing them and taking their resources is something – this is the hallmark of settler colonialism. And in a number of cases, settler colonialism has led to genocide. There is scholarship that also points to the fact that Israel's settler colonialism is not like any other because of the link between the Jewish people and the land of historical Palestine. And that is fine, and that is fine, and I think it would have been not as problematic as it has been because it has not been problematic in history if all Jewish people who needed a safe haven, who needed refuge because they were brutally persecuted in Europe – and not just during the period of the Final Solution. I mean, we often forget that the Holocaust didn't happen just in the concentration camps and in the crematoria.

And again, this is also something that I've revisited and I've studied better these past months. How many Jewish people were killed in the ghettos because they were left without adequate hygiene, food, and medication? They were starved to death in concentration camps. So also, let me take an opportunity to say something because again, as Germans, you have this attitude to say: we did it, we did it, and you did it. There is no question as – please, please –

as us Italians, we did. And it's precisely and exactly because we did it that we need to feel ashamed, that we need to be alerted every time there is a risk that it happens to someone else. But let alone the Palestinians now. Do we see the racism that our cities and our countries are harboring against anyone? Now, while we focus on antisemitism as criticism of the State of Israel and police officers around Europe, beat up students who are just there standing against genocide... Please, please, please, let me finish. I know that this is a friendly crowd, but we have important things to discuss. And I really want you to listen to me because even you are not doing enough. And I'm serious. Because again, and even if I'm only talking to that person who didn't want to come here because she was scared of being associated with Hamas – but in 16 months, why didn't you take a book and read a thing about Hamas? And not because I'm defending Hamas, but because if you knew what Hamas was – and Gershon, I really need you to talk about that. Because if I do, this will be "hey, you see, she's a Hamas defender. She's an antisemite. She's justifying." I've not justified once – once! – the crimes that were committed against Israeli civilians, once. I've always condemned them. Because as a lawyer, as a human rights lawyer, I stand against any kind of violence against civilians.

At the same time, what I've been wondering, not on October 7th, 2023, because I was shocked like you, but shocked beyond words could say. I've been asking myself, how am I going to talk about this anymore after all this violence? I didn't know. The only thing I've said as soon as I had a microphone in front of me was: what has happened is horrible, and I condemn all forms of violence that have been used against Israeli civilians. And this is the moment for the international community to pose and act with wisdom toward the Israelis and the Palestinians. Instead, what has been done, and this is why I say, the war mentality is very dangerous. Everyone has gone to Israel and said, we stand behind you, go, do whatever you like. Sorry, I didn't answer your question, but I said something very important. Because here – either we see what is the danger – but here, I have to say more than in other countries. In the last 10 days, I've been to Denmark, Norway, and the Netherlands. And the lack of courage that I sense in this country is very disappointing. Do you understand that the Holocaust was possible because the majority of us zipped their mouths and didn't do anything, anything to prevent that normal individuals, normal human beings were closed in ghettos and concentration camps? So this is what you have to ask yourself today. What am I doing to stop this? And there is no space for cowardice today. And when you watch Schindler's List, don't recognize yourself in Schindler – unless you do something against it.

So, back to Zionism. Look, when you read the founding fathers of Israel, Jabotinsky, Herzl, Ben-Gurion – and I'm sure in here there is someone who has read more than me. They talked about colonialism, and colonialism is ugly. So it's not me inventing things. It's not the anthropologists who have described Israel as a settler-colonial endeavor. So accept it. The Jewish people didn't – I mean, in the mind of the founding fathers of Israel, the Jewish people didn't have to go as refugees or as migrants. But taking land and kicking out the Palestinians, the non-Jewish people of Palestine. And it has happened. In this sense, genocide, yes, has been the dormant gene of that project. And I wish we had intervened sooner. But what I want to say today is that what I hope is that this is really the last genocide of human history. And it will not be – it will not be! – if we don't understand what genocide is and what are the

obligations of a state. And when they are violated, let me skip the second question because I want to go to the... No, no, it's the second question. What can we do? First of all, educate ourselves. There are plenty, plenty, plenty of books. You don't want to read the Palestinians because they are too pro-Palestinian? Fine. Read Israeli scholars. No, it's fine. It's quite well known what has happened – there are plenty of movies, of documentaries of what happened 80 years ago and what happens today. Document yourself and then educate your neighbor. And stand still, stand still in the face of denialism. In the face of obscurantism.

You ask me, how do you feel that you have been canceled by German Universities? I will relax. I've had 15 conferences in the last 10 days. I'm fine. The problem is yours. Because you live in a country – you live in a country that, again, where people are not stupid, but where people perform stupidity and look to me as your neighbor who took part in that with you. I mean, people look like cowards to me in this country. I'm sorry, but I mean, among friends, I take the luxury of being brutally honest. So what can be done next? Speak out. Speak out and defend the defenders. Here, let's say the pro-justice, pro-human rights movement has been left pretty much alone. And it does include Palestinian people, ethnic Germans – Caucasian Germany, is it okay to say that? Jewish people, Israelis who have moved to this country and have been strongly repressed and also been lectured about what it means to be antisemitic. So again, this is very, very dangerous. And then, this is my favorite one: courts, tribunals, lawyers. This is the thing. This is a phase in which we have the standards. We have the norms. We have the law enforcement mechanisms. And when law enforcement doesn't work, what do you do? You go to court. And in other countries, the government is being sued by NGOs, civil society – people are redirecting, reorganizing their resources. Denmark, the UK, and the Netherlands now have cases for their state's responsibility in the crimes that Israel has committed in Gaza. And again, it's not just them. I'm currently looking at a monstrosity. It's really – I don't know where to end. I'm looking at the private sector, how military companies, the surveillance companies, AI, the tech industry is incredibly, incredibly connected to that. But even the medical sector, pharmaceutical sector, and charities. You know how many charities sell in Western capitals the land of the Palestinians in the West Bank? And then, of course, banks, supply chains, pension funds. Pension funds are the most horrible. Because this is the savings that would go to people in this part of the world. Pension funds invest in the occupied Palestinian territories. So all these actors have to be held accountable.

And how to change the narrative? Again, I have no way to comment, I mean, really no authority to comment on the reality in Israel. Gershon will be a better place than I am. But I want to say something, because I really think that this is part of the problem. The sort of partisanism that exists, including in the pro-justice field – one thing is true, one way or another. And we can be judgmental, but I would suggest not. For the Israelis, October 7th has been something that – it's a violence and a pain that will never end and will hardly heal. And you, like me, might have the normal reaction, yeah, but what about the Palestinians? They don't see it this way. Because this is also a people who has been, in my view, and I say that respectfully, indoctrinated to an ideology that has turned into a political doctrine. And therefore, I recommend everyone to be as inclusive as possible. Because especially as people who have no flesh and bones into this story, I'm Italian, I'm neither Palestinian nor Israeli, so

I see my role as a bridge. And this is why I think people really don't want that I'm listened to. Because when we say solidarity is the political declination of love, this is something that scares people. This is a space that doesn't allow solidarity. This doesn't allow peace. It's just endless war. I don't want this to continue, and I hope you neither.

JZ: Two more questions?

FA: Sorry, I was about to go.

JZ: Looking at the watch, we can accept two more questions. Please be very short. And please keep in mind, we have a final discussion at the very end, so you might be able to ask your question. Two more questions, the gentleman here in the middle, and another gentleman three rows behind. And then we have music, and then we go into the coffee break.

Question Four: Hello. I really need to go back to the second question that was asked about what we can do here. You talked about some legal things that we can do, other political pressure. What's your feeling about the BDS movement?

FA: Feeling is a nice way to put it. I hope you don't mind I'll give a legal assessment.

JZ: And then the other question. The gentleman three rows behind.

Question Five: Senora Albanese, thank you very much for being here and being the voice of justice for everybody, especially the politicians. And excuse, please, the behavior of my former alma mater, Ludwig-Maximilian-University. Right now we have a ceasefire, thank God, but we also see violations of these agreements, especially West Jordan land, and Israel keeps on bombing other areas that they see fit. Do you think the ceasefire will hold, or is this another strategy to continue this war?

FA: BDS, for those who don't know it, is a largely Palestinian-led movement aiming to boycott, calling for a boycott, divest, and sanctions against Israel. And it's a movement that started after the political inaction, after the ICJ advisory opinion declaring the legality of the wall and so that the wall should be dismantled. Nothing happened. And because of that, Palestinian civil society and others have joined, have created this movement, which is very active. And it's causing quite significant economic damage to Israel by putting pressure on various actors, including political actors, so that they do not buy from and sell to the occupation. I think it's quite natural that ordinary citizens, disgruntled with the current state of affairs, resort to boycott, as it was in South Africa. It was not different. It's not that apartheid collapsed because member states started taking action. They were the last ones, because the first ones, for years, citizens like you and I – I mean, not I, now I couldn't do anything like that, but if I was not a special rapporteur, I would engage in this, because it's just ordinary citizens' work. You choose whom to vote and whom not to vote, including by buying, actually, very much by buying or not buying. And so, I mean, I think it's fine. Special rapporteurs have a very, very clear position on the BDS, defending it as a form of freedom of

expression and freedom of association. And while being criminalized in a number of jurisdictions, when taken to court, BDS wins. And the most important part for me of the BDS, actually the most important parts, without dismissing the first one, is the second: divestment. Private and public actors must divest from the occupation. And not as a moral act, not as an act of charity, but as a legal obligation, because aiding and assisting, including collaborating with an unlawful endeavor, is prohibited under international law and leads to consequences. This is why I was mentioning courts, because the consequences should be there, both for the government – and some of the crimes that Israel has committed entail criminal liability. So individuals can be held accountable, as you can see from the ICC, which has finally indicted two Israeli leaders, and I hope that many others will, because I'm really shocked that there is no indictment for the architects of the extended colonization, even after that in 2023, the current government coalition announced as a government policy, the annexation of large swaths of the West Bank.

And the ceasefire – ah no, you said you express regrets for your alma mater's position. Did you write to your alma mater? Did you make your voice heard? Ah, you see? So thank you for the regrets, but – thank you. No, we really don't get it. We really don't get what action means, because we are privileged, and we are lazy, and many of us have never had to struggle for anything. And we will miss human rights very much when we will not have them anymore, and it will be too late. Ceasefire. I guess a lot of Palestinians are asking, which ceasefire? Because let me say something that I, again, I should have said before, while the fire is not ceased in Gaza, but at the same time, it has allowed the people to breathe, to go back to their homes, some Israeli hostages to return, and some Palestinian hostages to also return. And excuse me, the children detained by an unlawful occupation, we should really not call them detainees. So they have been held by an unlawful occupation. Of course there were Palestinians who have committed crimes. Of course, of course. And we should really distinguish, according to international law, what crimes are international crimes, because attacking a soldier in occupied territory – it's a tragedy, but it's not a crime. Because as a state has the right to defend itself when attacked, so have the people the right to resist when attacked. And again, and again, I'm just saying that because this is international law, because the right to life is not an absolute right – when you embark on combat actions, if you are a resistant or if you are a soldier, and you are killed in combat, this is a tragedy, but this is not a crime.

However, in the context of the ceasefire, Israel has intensified the apocalyptic violence that it has used against the Palestinians in the West Bank. Because in 12 months, from October 2023 to October 2024, 700 Palestinians have been killed in the West Bank, and 10,000 have been arrested and detained, most of them without charge or trial, including children. 600 children in the last 20 years, an average of 600 children per year until 2023, then the number went up, have been detained. Many of them, 40% of them, up to an average of 30 days in solitary confinement. This is brutal. And then you say, why do the Palestinians don't automatically love the Israelis? I'm not justifying that. I'm just saying, well, the occupation is ugly and generates resistance. So the best way that Israel has to protect its citizens is to get out of the occupied Palestinian territory and leave a possibility to the Palestinians to live. And so the

ceasefire has brought more violence and havoc on the West Bank, because the same practices that we have seen in Gaza are now being replicated in the occupied Palestinian territory. The destruction of the refugee camps, the forced displacement, entire cities have been bombed by airplanes and artillery on the ground. And there is only one thing that explains what is happening to the West Bank. Destruction, intentional destruction, so that the people cannot live there, so that the member states, like my own government, will be able to say: Ah, well, look at Gaza, it's destroyed, it cannot be a state anymore. And the same will happen with the West Bank. So this is why I'm saying, the obligation in the face of genocide is not just to punish, it's to stop and even before to prevent it. So our member states, yours like mine, have already failed doing that.

END

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