



Izjava Inštituta za kriminologijo pri Pravni fakulteti v Ljubljani o situaciji v Gazi in na preostalih okupiranih območjih Palestine ter s tem povezanih kršitvah temeljnih človekovih pravic in svoboščin znotraj Evropske Unije

Raziskovalci Inštituta za kriminologijo izražamo žalost in ogorčenje nad situacijo v Gazi ter na preostalih okupiranih Palestinskih območjih. Pridružujemo se številnim opozorilom, da to, kar se dogaja v Gazi, izpolnjuje zakonske znake kaznivega dejanja genocida.¹ Verjetnost genocida je v svoji odločbi 26. januarja 2024 ugotovilo tudi Meddržavno sodišče v Haagu.²

Obenem izražamo resno zaskrbljenost nad propagiranjem enostranskega narativa o situaciji z omejevanjem pravic do svobode izražanja in mirnih protestov, zagotovljenih z nacionalnimi ustavami, Evropsko konvencijo o človekovih pravicah ter z Mednarodnim paktom o državljanskih in političnih pravicah. Omejevanju teh pravic smo priča v državah zahodnega sveta, vključno z nekaterimi državami Evropske Unije. Zaskrbljeni smo zaradi zatiranja miroljubnih študentskih in drugih protestov z uporabo sile³, arbitrarnih aretacij protestnikov⁴, kriminalizacije protestnih sloganov⁵, ter odpovedi in prepovedi številnih akademskih, umetniških in drugih dogodkov, ki stremijo k odprti razpravi v zvezi s trenutno situacijo v Gazi in na drugih okupiranih palestinskih ozemljih⁶. V mislih imamo npr. prepoved nedavnega kongresa o Palestini v Berlinu⁷, odpovedi pogodb o delovnem razmerju kritikom ravnanj izraelske vlade na Univerzah in drugih znanstveno-raziskovalnih organizacijah⁸, zavrnitev objav akademskih člankov, ki obravnavajo omenjeno tematiko⁹, in druga represivna ravnanja nekaterih državnih organov, ki predstavljajo hude posege v temeljne pravice posameznikov.

¹ Glej poročilo posebne poročevalke OZN Francesce Albanese z naslovom *Anatomy of a Genocide* z dne 25. marca 2024. Na tveganje genocida je že kmalu po 7. oktobru 2023 opozorilo več kot 800 akademikov z relevantnih znanstvenih področij: <https://twinkl.com/wp-content/uploads/2023/10/Gaza-public-statement-and-signatories.pdf>, temu pa so sledili še številni znanstveni prispevki, ki so prišli do podobnih zaključkov (glej, na primer, Segal, R. & Daniele, L. (2024) *Gaza as twilight of Israel exceptionalism: Holocaust and genocide studies from unprecedented crisis to unprecedented change*. Journal of Genocide Research 1-10; Lederman, S. (2024) *Gaza as a Laboratory 2.0*. Journal of Genocide Research, 1-6). Poleg vsega tega obstoji tudi dokaj obširen korpus znanstvenih del, ki so bila izdana pred 7. oktobrom, ki prav tako utemeljujejo izvajanje genocida (na primer Pappe, I. (2006) *Genocide in Gaza*. V: The Plight of the Palestinians: A Long History of Destruction (201-205). New York: Palgrave Macmillan US; Lendman, S. (2010) *Israel's slow-motion genocide in occupied Palestine*. V: The Plight of the Palestinians: A Long History of Destruction (29-38) New York: Palgrave Macmillan US).

² Glej ICJ *Order from 26 January 2024 on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa v. Israel).

³ <https://www.reuters.com/world/europe/pro-palestinian-protesters-occupy-amsterdam-university-overnight-local-media-2024-05-08/>; <https://www.aljazeera.com/news/2024/5/8/in-the-us-south-pro-palestinians-face-crackdown-on-campus-and-in-streets-2>; <https://www.aljazeera.com/news/2024/4/1/we-jews-are-just-arrested-palestinians-are-beaten-german-protesters>.

⁴ <https://www.theguardian.com/world/article/2024/may/08/pro-palestine-student-protests-campus-europe-arrests-police>; <https://www.nbcnews.com/news/us-news/2000-people-arrested-nationwide-palestinian-campus-protests-rcna150446>.

⁵ <https://edition.cnn.com/2024/01/28/europe/europe-germany-hamas-crackdown-free-speech-intl/index.html>; <https://www.i24news.tv/en/news/international/europe/1699528989-berlin-criminalizes-slogan-from-the-river-to-the-sea-palestine-will-be-free>.

⁶ <https://www.theartnewspaper.com/2024/03/13/german-museum-director-at-centre-of-row-over-cancelled-candice-breitz-exhibition-steps-down>; <https://www.artnews.com/art-news/news/germany-art-scene-israel-war-gaza-1234700551/>.

⁷ <https://www.dw.com/en/german-police-shut-down-pro-palestinian-conference/a-68810306>; <https://www.aljazeera.com/news/2024/4/12/germany-cancels-pro-palestine-event-bars-entry-to-gaza-war-witness>.

⁸ <https://www.aa.com.tr/en/world/german-research-institution-parts-ways-with-professor-critical-of-israel/3131748>; <https://www.theguardian.com/education/2024/apr/10/nancy-fraser-cologne-university-germany-job-offer-palestine>.

⁹ <https://www.theguardian.com/education/2023/nov/22/harvard-law-pro-palestinian-letter-gaza-israel-censorship#:~:text=Harvard%20journal%20accused%20of%20censoring%20article%20alleging%20genocide%20in%20Gaza,a,-This%20article%20is&text=A%20prestigious%20journal%20published%20by,because%20editors%20feared%20a%20backlash>.

Nesprejemljivo je, da se tudi v državah Evropske Unije nad akademiki, ki opozarjajo na grozote, ki jih Izrael izvaja v Gazi, izvajajo neformalni prikriti nadzor na javnih in celo zasebnih družbenih omrežjih, hudi pritiski in sankcije v obliki odpovedi akademskih udejstvanj, zaposlitev ali celo aretacij. Akademsko okolje je in mora ostati primarni prostor za svobodno oblikovanje in izražanje (kritične) misli, vsak akademik pa ima v svojem delovanju ne le pravico, temveč tudi dolžnost odzivanja na resne družbene probleme s svojega raziskovalnega področja znotraj relevantnega zgodovinskega in družbenega konteksta. Inštitut za kriminologijo trdno podpira vse domače in tuje akademike, ki so kljub bolj ali manj očitnim pritiskom in sankcijam uspeli zbrati pogum in nadaljevati svoje delo. Pozivamo k varovanju akademske svobode in splošne svobode izražanja in protesta s strani državnih organov ter javnih institucij, ki morajo zagotavljati pogoje za varno in kvalitetno akademsko delo. Menimo, da bi Slovenija kot država članica Evropske Unije morala jasno izraziti skrb nad tovrstnim dogajanjem v preostalih članicah EU, še posebej v Nemčiji, Franciji in na Nizozemskem, saj ima napad na akademsko svobodo v eni državi članici uničujoče učinke za celotno akademsko skupnost Evropske Unije.

Pri tem ugotavljamo, da omenjeni posegi v temeljne človekove pravice in svoboščine pogosto temeljijo na neupravičeni instrumentalizaciji obtožb antisemitizma. Antisemitizem je oblika rasističnega sovraštva, ki se je do skrajnosti materializiral v nacističnem holokavstu, in je kot tak nesprejemljiv in nevaren. Kljub porazu Nacizma v drugi svetovni vojni pa v družbi še kako prisoten, zato je nujno vsakršne primere antisemitizma strogo obsoditi in se nanje ustrezno, tudi (kazensko)pravno odzvati. Absurdno pa je enačenje kritike dejanj države Izrael z antisemitizmom. To enačenje specifične politične garniture z judovstvom ni le netočno in zavajajoče, temveč tudi izredno nevarno na več ravneh, tako za judovsko populacijo kot tudi za nujno potrebno demokratično javno razpravo, ki postane s tem izredno omejena. Najhujše posledice pa ima tovrstna zloraba izraza antisemitizem seveda za Palestince, saj jih oropa pravice do jasnega opozarjanja na lastno trpljenje in nazadnje pravice do življenja. Na Inštitutu za kriminologijo zato odločno zavračamo instrumentalizacijo IHRA definicije antisemitizma, usmerjeno v utišanje glasov, kritičnih do dejanj države Izrael.

Nazadnje izražamo solidarnost in podporo globalnim študentskim protestom, ki obsojajo izraelsko nasilje, okupacijo in genocid ter zahtevajo premirje, vključno s slovenskimi študenti, ki so se jim pridružili. Poudarjamo, da sta svoboda izražanja in protesta temeljni človekovi pravici in eden od ključnih stebrov demokratične družbe.

Kolektiv Inštituta za kriminologijo pri Pravni fakulteti v Ljubljani

Ljubljana, 10. 5. 2024



Statement by the Institute of Criminology at the Faculty of Law Ljubljana on the situation in Gaza and other Occupied Palestinian Territories and the related violations of fundamental human rights and freedoms within the European Union

We, the researchers of the Institute of Criminology, express our sadness and outrage at the situation in Gaza and in other Occupied Palestinian Territories. We join the numerous warnings that what is happening in Gaza meets the legal definition of the crime of genocide.¹ The plausibility of genocide has also been established by the International Court of Justice in The Hague in its Order of 26 January 2024.²

At the same time, we express our strong concern about the propagation of a one-sided narrative on this situation through the restriction of the freedom of expression and right to peaceful protest, granted by national constitutions, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. We are witnessing restrictions on these rights in countries across the Western world, including some countries of the European Union. We are concerned about the repression of peaceful student and other protests through the use of force³, the arbitrary arrest of protesters⁴, the criminalisation of protest slogans⁵, and the cancellation and banning of many academic, artistic and other events that seek to openly debate the current situation in Gaza and other Occupied Palestinian Territories⁶. Examples of such worrisome restrictions include the shut-down of the recent Palestine Congress in Berlin⁷, the termination of the employment contracts at Universities and other scientific research organisations when individuals are vocally critical of the Israeli Government's practices⁸, the refusal to publish academic articles dealing with the aforementioned issues⁹, and other repressive actions

¹ See the UN Special Rapporteur Francesca Albanese's Report *Anatomy of a Genocide* from 25 March 2024. Warning of the risk of a genocide being perpetrated in Gaza was issued soon after 7 October 2023 by more than 800 academics from the relevant scientific disciplines: <https://twailr.com/wp-content/uploads/2023/10/Gaza-public-statement-and-signatories.pdf>, and was followed by many scientific contributions, reaching similar conclusions (see, Segal, R. & Daniele, L. (2024) *Gaza as twilight of Israel exceptionalism: Holocaust and genocide studies from unprecedented crisis to unprecedented change*. Journal of Genocide Research 1-10; Lederman, S. (2024) *Gaza as a Laboratory 2.0*. Journal of Genocide Research, 1-6). Additionally, an extensive corpus of scientific works from before 7 October 2023 refers to a genocide as well (such as Pappé, I. (2006) *Genocide in Gaza*. In: The Plight of the Palestinians: A Long History of Destruction (201-205). New York: Palgrave Macmillan US; Lendman, S. (2010) *Israel's slow-motion genocide in occupied Palestine*. In: The Plight of the Palestinians: A Long History of Destruction (29-38) New York: Palgrave Macmillan US).

² ICJ Order from 26 January 2024 on the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel).

³ <https://www.reuters.com/world/europe/pro-palestinian-protesters-occupy-amsterdam-university-overnight-local-media-2024-05-08/>; <https://www.aljazeera.com/news/2024/5/8/in-the-us-south-pro-palestinians-face-crackdown-on-campus-and-in-streets-2>; <https://www.aljazeera.com/news/2024/4/1/we-jews-are-just-arrested-palestinians-are-beaten-german-protesters>.

⁴ <https://www.theguardian.com/world/article/2024/may/08/pro-palestine-student-protests-campus-europe-arrests-police>; <https://www.nbcnews.com/news/us-news/2000-people-arrested-nationwide-palestinian-campus-protests-rcna150446>.

⁵ <https://edition.cnn.com/2024/01/28/europe/europe-germany-hamas-crackdown-free-speech-intl/index.html>; <https://www.i24news.tv/en/news/international/europe/1699528989-berlin-criminalizes-slogan-from-the-river-to-the-sea-palestine-will-be-free>.

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⁸ <https://www.aa.com.tr/en/world/german-research-institution-parts-ways-with-professor-critical-of-israel/3131748>; <https://www.theguardian.com/education/2024/apr/10/nancy-fraser-cologne-university-germany-job-offer-palestine>.

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by certain state bodies. All these examples constitute serious violations of the fundamental rights of individuals.

It is unacceptable that, even in the countries of the European Union, academics who draw attention to the atrocities committed by Israel in Gaza are subjected to informal covert surveillance on public or even private social media accounts, severe pressure and sanctions in the form of dismissal from academic activities, termination of employment or even arrest. The academic environment is and must remain the primary forum for the free formation and expression of (critical) thought, and every academic has not only the right but also the duty to address and respond to serious social problems in their field of research within a relevant historical and social context. The Institute of Criminology firmly supports all academics, domestic and foreign, who, despite more or less apparent pressures and sanctions, have gathered the courage to continue their work. We call for the protection of academic freedom and the general freedom of expression and protest by the state authorities and public institutions, which must guarantee the conditions for safe and quality academic endeavours. We believe that Slovenia, as a Member State of the European Union, should clearly express its concern about such developments in other EU Member States, especially in Germany, France and the Netherlands, as an attack on academic freedom in one Member State has devastating effects for the entire academic community of the European Union.

We note that these encroachments on fundamental human rights and freedoms are often based on the unjustified instrumentalisation of accusations of anti-semitism. Anti-semitism is a form of racist hatred, which materialised to the extreme in the Nazi Holocaust, and is as such unacceptable and dangerous. Despite the defeat of Nazism in the Second World War, it is still present in society, which is why it is imperative that any instances of anti-Semitism be condemned in the strongest possible terms and responded to appropriately, which includes a (criminal) legal response.

It is absurd, however, to equate criticism of the actions of the State of Israel with anti-semitism. This equation of a specific political entity with Judaism is not only inaccurate and misleading but also extremely dangerous on several levels – for the Jewish population as well as for the much-needed democratic public debate. The latter becomes extremely limited due to such misuse of the term. However, the most devastating consequences of such misuse are, of course, faced by the Palestinians, since it deprives them of the ability to clearly express their own suffering and, ultimately, of the right to life. At the Institute of Criminology, we therefore strongly reject the instrumentalisation of the IHRA's definition of antisemitism, aimed at silencing voices that are critical of the actions of the State of Israel.

Finally, we express our solidarity and support for the global student protests aiming to condemn Israeli violence, occupation and genocide and calling for a ceasefire, including the Slovenian students who have recently joined them. We stress that freedom of expression and freedom of protest are fundamental human rights and are among the key pillars of a democratic society.

The collective of the Institute of Criminology at the Faculty of Law Ljubljana

Ljubljana, 10. 5. 2024

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