

your reference
your reference

our reference
414.B23....

direct line
+31 43 3885726

Maastricht
26 September 2024

Subject: TISK samenwerkingen Israël

Beste bestuursleden,

Na een vooroverleg met 5.1 lid 2 e eerder deze maand bied ik u hierbij ter bespreking aan twee keer een ingevuld 'Toetsingskader Internationale Samenwerking – Deel 1' nav twee verzoeken die SHE Collaborates afgelopen zomer heeft ontvangen voor samenwerking met Israëlische partners.

Het eerste verzoek betreft een vraag van het Centre for Higher Education (CHE) rondom advisering bij een voorgenomen curriculumherziening aan zes medische faculteiten. Het tweede verzoek komt van het Ministry of Health (MOH) en betreft het opleiden van zorgprofessionals op het gebied van health professions education middels online en onsite training.

De vraag die we u stellen is of we voor één of beide van deze projecten deel II van het toetsingskader laten uitvoeren.

Vriendelijke groet,

5.1 lid 2 e

5.1 lid 2 e

Visiting address

5.1 lid 2 e

5.1 lid 2 e

www.maastrichtuniversity.nl
www.maastrichtuniversity.nl/she

Bank account nr: 065.76.25.418
IBAN: NL47 INGB 0657 6254 18
BIC: INGBNL2A

Postal address
P.O. box 616
6200 MD Maastricht
The Netherlands

VAT identifier EU
NL0034.75.268.B01

Deel I: Toetsingskader Internationale Samenwerking¹

Checklist met vragen om in te vullen indien samenwerking wordt beoogd met een buitenlandse partner.

UM	
UM-brede samenwerking?	☐ Ja ☒ Nee
Faculteit	Faculty of Health, Medicine and Life Sciences (FHML)
Instituut/afdeling (indien van toepassing)	SHE Collaborates

Beoogde buitenlandse partner	
Instelling	Council of Higher Education
Faculteit/instituut/afdeling (indien van toepassing)	Click or tap here to enter text.
Land	Israël

A. Wat is het doel van de samenwerking?
☐ Onderwijs algemeen ☐ Student exchange ☐ Co-schappen ☐ Double degree ☐ Onderwijsontwikkeling ☐ Onderzoek algemeen ☐ Onderzoekssamenwerking binnen Europese subsidie ☐ Onderzoekssamenwerking met andere buitenlandse subsidie/financiering ☐ Onderzoeksopdracht van buitenlands bedrijf ☐ Joint doctorate ☐ Breed partnerschap ☐ Organisatie congres ☒ Anders, namelijk: onderwijskundig advies online review van budget en plannen voor onderwijsverandering richting student gecentreerd onderwijs op de zes medische faculteiten in Israël.
Toelichting: Op basis van een internationale review van enkele jaren geleden wil de Council of Higher Education (CHE) het onderwijs op de medische faculteiten moderniseren richting student gecentreerd onderwijs. SHE Collaborates is gevraagd een remote evaluatie te doen van de budgetten en de plannen die de zes medische faculteiten van Israël hier gezamenlijk voor maken.

B. Wat is de beoogde vorm van samenwerking?
☐ Subsidiecontract ☐ Samenwerkingsovereenkomst ☐ Raamovereenkomst ☐ Service Level agreement (SLA) ☐ Consortiumovereenkomst ☒ Anders, namelijk consultancy overeenkomst

¹ Nadere toelichting bij de vragen is te vinden in het *Toetsingskader Internationale Samenwerking en Kennisveiligheid (TISK)*.

Consultancy overeenkomst tussen SHE Collaborates en Council for Higher Education in Israël voor remote document evaluatie en advies.

C. Wat zijn de beoogde resultaten ('deliverables') van de samenwerking?

Evaluatierapport betreffende de plannen voor transitie op zes medische faculteiten naar een student gecentreerd onderwijs curriculum.

D. Wat is de motivatie voor samenwerking met deze partner(s)?

- ☐ Met deze partner werken we al samen. Contract betreft verlenging van reeds bestaande samenwerking
- ☐ Met deze partner werken we al samen. Samenwerking betreft echter nieuwe activiteit
- ☒ Betreft nieuwe partner met goed trackrecord
- ☐ Onderzoek algemeen
- ☐ Onderwijs algemeen
- ☐ Anders, namelijk.....

E. Wat is de toegevoegde waarde van de samenwerking voor de UM?

De vraag is in lijn met de doelstellingen en passend binnen het aanbod van SHE Collaborates: het verbeteren van onderwijs voor gezondheidswerkers in internationale context. Middels dergelijke projecten vergroten wij onze internationale impact en bevorderen we de vertaling van onderzoek naar praktijk. Bovendien leren we zo hoe SHE/UM onderwijskundige expertise relevant is in diverse contexten en welke ontwikkelingen in zorg en onderwijs elders op de wereld ons onderzoek en onderwijs kunnen inspireren. Er is potentie voor een lange termijn samenwerking. Tevens sluit een dergelijke samenwerking aan bij de Global Engagement Policy en de internationaliseringsambities van de UM.

F. Wat is de toegevoegde waarde van de samenwerking voor de beoogde partner(s)?

Maastricht University, School of Health Professions Education (SHE) is wereldwijd een gerenommeerd instituut op het gebied van Health Professions Education. Door samenwerking met SHE krijgt het project aldaar een kwaliteitsimpuls door up-to-date en evidence informed onderwijskundig advies, en kunnen ze aan benchmarking doen. Ondersteuning door SHE verzekert de partner van gewenste groei en ontwikkeling richting volgende accreditaties.

G. Welke formele aspecten zijn aan de samenwerking verbonden die enige vorm van een schriftelijke overeenkomst noodzakelijk maken?

- ☐ Er wordt background kennis ingebracht
- ☐ Er worden afspraken over Intellectual Property gemaakt
- ☐ Onderwijs algemeen
- ☒ De UM investeert in de samenwerking d.m.v. het inzetten van personeel en/of infrastructuur
- ☒ De UM ontvangt een financiële bijdrage van de partnerorganisatie
- ☐ Anders, namelijk.....

Personele inzet: ongeveer 10 werkdagen waarvoor financiële vergoeding.

H. Welke financiële implicaties/verplichtingen zijn verbonden aan de samenwerking?

Initieel een verplichting van ongeveer 10 werkdagen en het leveren van een evaluatierapport.

I. Welke risico's zijn verbonden aan de samenwerking? Op welke manier(en) kunnen deze worden gemitigeerd?

- Moreel/ethisch risico – (zie toetsingskader deel II) Council of Higher Education is geen Israëlische overheidsinstelling maar wordt wel door het Ministry of Education aangestuurd (leden zijn wetenschappers).
- PR-risico / reputatieschade; gerede kans dat publiciteit rondom deze samenwerking tot negatieve reacties van pro-palestijnse studenten en andere leden van de samenleving leiden. Mitigeren door te kunnen onderbouwen waarom voor een eventuele samenwerking op dit gebied is gekozen **5.1 lid 2 i**. Risico beperkt door (initieel) korte samenwerking van 2 tot 3 maanden in de vorm van bureauwerk zonder reizen/bezoeken van of aan Israël.

J. Is samenwerking met deze partner toegestaan/wenselijk?

Ja, want:

- Het samenwerkingsverzoek is inhoudelijk relevant
- Het is passend bij de missie en visie van SHE Collaborates
- Het onderwerp (medisch onderwijs) is weinig beladen.

Indien uit de antwoorden op bovenstaande vragen blijkt dat er risico's op het gebied van Kennisveiligheid verbonden zijn aan de beoogde samenwerking en/of er twijfels bestaan of de beoogde samenwerking wel toegestaan/wenselijk is, dan dienen de vragen in Deel II. Toetsingskader Kennisveiligheid te worden ingevuld.

Deel I: Toetsingskader Internationale Samenwerking¹

Checklist met vragen om in te vullen indien samenwerking wordt beoogd met een buitenlandse partner.

UM	
UM-brede samenwerking?	☐ Ja ☒ Nee
Faculteit	Faculty of Health, Medicine and Life Sciences (FHML)
Instituut/afdeling (indien van toepassing)	SHE Collaborates

Beoogde buitenlandse partner	
Instelling	Ministry of Health
Faculteit/instituut/afdeling (indien van toepassing)	Click or tap here to enter text.
Land	Israël

A. Wat is het doel van de samenwerking?
☐ Onderwijs algemeen ☐ Student exchange ☐ Co-schappen ☐ Double degree ☐ Onderwijsontwikkeling ☐ Onderzoek algemeen ☐ Onderzoekssamenwerking binnen Europese subsidie ☐ Onderzoekssamenwerking met andere buitenlandse subsidie/financiering ☐ Onderzoeksopdracht van buitenlands bedrijf ☐ Joint doctorate ☐ Breed partnerschap ☐ Organisatie congres ☒ Anders, namelijk: tailormade samenwerking: op maat gemaakte training voor 30 deelnemers op jaarbasis met de mogelijkheid tot langdurige (10 jarige) samenwerking.
Toelichting: De training is voor diverse health professionals (o.a. artsen, verpleegkundigen, fysiotherapeuten) van publieke opleidingsziekenhuizen in Israël. Zij willen training volgen op het gebied van health professions education met als doel om onderwijsvernieuwing in de eigen ziekenhuizen te gaan ontwikkelen en implementeren in op te richten 'Education Units'.

B. Wat is de beoogde vorm van samenwerking?
☐ Subsidiecontract ☐ Samenwerkingsovereenkomst ☐ Raamovereenkomst ☐ Service Level agreement (SLA) ☐ Consortiumovereenkomst ☒ Anders, namelijk consultancy overeenkomst

¹ Nadere toelichting bij de vragen is te vinden in het *Toetsingskader Internationale Samenwerking en Kennisveiligheid (TISK)*.

Consultancy overeenkomst tussen SHE Collaborates en het Israëlische Ministry of Health voor remote training in combinatie met on-site training (1-3 weken/jaar) en begeleiding bij onderwijskundige veranderprojecten.

C. Wat zijn de beoogde resultaten ('deliverables') van de samenwerking?

30 personen per jaar opleiden middels remote en on-site onderwijsactiviteiten en -opdrachten. Bij succesvolle afronding ontvangen deelnemers hiervoor een certificaat van SHE/UM. Het betreft een tailor made, niet-geaccrediteerde opleiding.

D. Wat is de motivatie voor samenwerking met deze partner(s)?

- ☐ Met deze partner werken we al samen. Contract betreft verlenging van reeds bestaande samenwerking
- ☐ Met deze partner werken we al samen. Samenwerking betreft echter nieuwe activiteit
- ☒ Betreft nieuwe partner met goed trackrecord
- ☐ Onderzoek algemeen
- ☐ Onderwijs algemeen
- ☐ Anders, namelijk.....

E. Wat is de toegevoegde waarde van de samenwerking voor de UM?

De vraag is in lijn met de doelstellingen en passend binnen het aanbod van SHE Collaborates: het verbeteren van onderwijs voor gezondheidswerkers in internationale context. Middels dergelijke projecten vergroten wij onze internationale impact en bevorderen we de vertaling van onderzoek naar praktijk. Bovendien leren we zo hoe SHE/UM onderwijskundige expertise relevant is in diverse contexten en welke ontwikkelingen in zorg en onderwijs elders op de wereld ons onderzoek en onderwijs kunnen inspireren. Er is potentie voor een lange termijn samenwerking.

Tevens sluit een dergelijke samenwerking aan bij de Global Engagement Policy en de internationaliseringsambities van de UM.

F. Wat is de toegevoegde waarde van de samenwerking voor de beoogde partner(s)?

Maastricht University, School of Health Professions Education (SHE) is wereldwijd een gerenommeerd instituut op het gebied van Health Professions Education.

Door samenwerking met SHE krijgt de partner up-to-date en evidence informed onderwijs voor een grote groep geselecteerde zorgprofessionals, die op hun beurt de onderwijscultuur in publieke ziekenhuizen kunnen verbeteren. Een langdurige samenwerking biedt zicht op continuïteit en doorontwikkeling van het programma, passend bij de veranderende context.

G. Welke formele aspecten zijn aan de samenwerking verbonden die enige vorm van een schriftelijke overeenkomst noodzakelijk maken?

- ☐ Er wordt background kennis ingebracht
- ☐ Er worden afspraken over Intellectual Property gemaakt
- ☐ Onderwijs algemeen
- ☒ De UM investeert in de samenwerking d.m.v. het inzetten van personeel en/of infrastructuur

☒ De UM ontvangt een financiële bijdrage van de partnerorganisatie ☐ Anders, namelijk.....
De UM zet personeel en cursusmateriaal in en ontvangt hiervoor een financiële vergoeding.

H. Welke financiële implicaties/verplichtingen zijn verbonden aan de samenwerking?
Dit is afhankelijk van de nog te maken afspraken, o.a. over de duur van de samenwerking en de mogelijkheden voor wat betreft remote en on-site trainingsmogelijkheden.
Er is tijd van personeel nodig en certificaten bij succesvolle afronding.

I. Welke risico's zijn verbonden aan de samenwerking? Op welke manier(en) kunnen deze worden gemitigeerd?
- Moreel/ethisch risico (zie toetsingskader deel II). Ministry of Health is een overheidsorgaan van de Israëlische overheid - PR-risico / reputatieschade; gereede kans dat publiciteit rondom deze samenwerking tot negatieve reacties van pro-palestijnse studenten en andere leden van de samenleving leiden. Mitigeren door te kunnen onderbouwen waarom voor een eventuele samenwerking op dit gebied is gekozen
5.1 lid 2 i

J. Is samenwerking met deze partner toegestaan/wenselijk?
Ja, want: - Het samenwerkingsverzoek is inhoudelijk relevant - Het is passend bij de missie en visie van SHE Collaborates - Het onderwerp (medisch onderwijs) is weinig beladen.

Indien uit de antwoorden op bovenstaande vragen blijkt dat er risico's op het gebied van Kennisveiligheid verbonden zijn aan de beoogde samenwerking en/of er twijfels bestaan of de beoogde samenwerking wel toegestaan/wenselijk is, dan dienen de vragen in Deel II. Toetsingskader Kennisveiligheid te worden ingevuld.

Matauanu, Andrada (BU)

From: Letschert, Rianne (CVB)
Sent: Monday, 21 October 2024 11:35
To: 5.1 lid 2 e
Cc: Knowledge-security (BU); 5.1 lid 2 e
Subject: Re: TISK ter bespreking in FB/RvB
Attachments: image002.png; Aanbiedingsbrief TISK.pdf; 2409 SHE_Israel_CHE_Deel I TISK.docx; 2409 SHE_Israel_MoH_Deel I TISK.docx

Dag 5.1 lid 2

Ik zou bevroren nu strikt uitleggen, en momenteel geen nieuwe samenwerkingen aangaan; hoe spijtig dit ook is voor betrokkenen. Ik hoop dat we snel een afgestemd kader hebben waardoor we aan de slag kunnen. Dat is de meest zuivere weg dan nu toch uitzonderingen te maken of bevroren op een bepaalde manier al gaan interpreteren.

Groet Rianne

Met vriendelijke groet/Kind regards,

Prof.dr. Rianne Letschert
Bestuursvoorzitter/ President
Professor international law and victimology

5.1 lid 2 e

Op 18 okt 2024 om 13:22 5.1 lid 2 e
het volgende geschreven:

Dag Rianne,

Via 5.1 lid 2 e kregen we de vraag om twee potentiële samenwerkingen van de FHML-school SHE met Israëlische partners te beoordelen. Één samenwerking betreft een dienstverleningscontract met een van de overheid onafhankelijk instituut voor onderwijsontwikkeling en onderwijskwaliteit. De andere samenwerking betreft een opdracht voor het geven van training (zowel remote als op locatie) aan health professionals van publieke opleidingsziekenhuizen in Israël in opdracht van het Israëlisch ministerie van onderwijs.

In mei van dit jaar hebben we aangegeven dat bestuurlijke samenwerkingen met partijen uit Israël 'gefrozen' worden en dat er geen nieuwe samenwerkingen worden aangegaan.

We kunnen tegen de vraag van FHML op verschillende manieren aankijken:

1. De voorgestelde samenwerkingen betreffen geen bestuurlijke samenwerkingen, dus deze vallen niet onder de afspraak dat er geen nieuwe samenwerkingen met Israëlische partners tot stand gebracht mogen worden;
2. Vanwege de afspraak dat er geen nieuwe samenwerkingen zullen komen zolang er geen HRDD framework is, zullen we bovenstaande aanvragen parkeren totdat het HRDD

framework en de commissie is ingesteld. De aanvragen zullen dan door de commissie worden behandeld;

3. Samenwerkingen met de Israëlische overheid gaan we momenteel niet aan. Een samenwerking met een Israëlische partij op een niet-risicovol gebied (geen sensitieve technologie en geen militair doel) zou op het niveau van een vakgroep wél aangegaan mogen worden;
4. De samenwerking waarbij op locatie onderwijs gegeven gaat worden, kunnen we momenteel niet aangaan omdat het reisadvies negatief is en er geen UM'ers af mogen reizen. Een samenwerking met een Israëlische partij op een niet-risicovol gebied (geen sensitieve technologie en geen militair doel) zou op het niveau van een vakgroep wél aangegaan mogen worden.

Mijn advies zou zijn om de overeenkomst met het Israëlisch ministerie van onderwijs niet af te sluiten vanwege de politieke situatie in Israël plus het feit dat we momenteel geen onderwijs op locatie kunnen geven. Over de samenwerking met het onafhankelijk instituut denk ik wat ruimer. Deze zou in principe door kunnen gaan (mits de organisatie zich niet schuldig maakt aan de schending van mensenrechten of betrokken is bij de oorlog; nog te onderzoeken door ons) tenzij we vinden dat deze voorgestelde samenwerking onder de gemaakte afspraken rondom de freeze en het niet aangaan van nieuwe samenwerkingen valt.

Graag jouw visie op:

1. Het voorstel om de overeenkomst met het Israëlisch ministerie van onderwijs voor het geven van onderwijs niet af te sluiten;
2. De vraag in hoeverre de overeenkomst m.b.t. de dienstverlening aan een van de overheid onafhankelijk instituut valt onder de gemaakte afspraken rondom de freeze en het niet aangaan van nieuwe samenwerkingen?

We missen in deze tussenfase nu het HRDD framework en de commissie. Vandaar dat ik nu bij jou terecht kom.

Hartelijke groeten,

5.1 lid

From: 5.1 lid 2 e

Sent: woensdag 16 oktober 2024 14:27

To: 5.1 lid 2 e

Cc: 5.1 lid 2 e

Subject: FW: TISK ter bespreking in FB/RvB

Beste 5.1 lid 2 e

Hierbij bied ik je twee verzoeken aan (zie bijgevoegd). We hebben beide verzoeken in het faculteitsbestuur besproken en zijn akkoord met het voorleggen ervan voor een toets op kennisveiligheid. We zijn ons bewust van het feit dat er momenteel een concept document bestaat rondom Due Dilligence toetsing, en dat dat in dit geval mogelijk vertraging zou kunnen veroorzaken, maar ik laat me graag door het security office adviseren over deze verzoeken.

Alvast mijn dank,

Met vriendelijke groet,

5.1 lid 2 e

From: 5.1 lid 2 e

Sent: donderdag 26 september 2024 13:59

To: 5.1 lid 2 e

Subject: TISK ter bespreking in FB/RvB

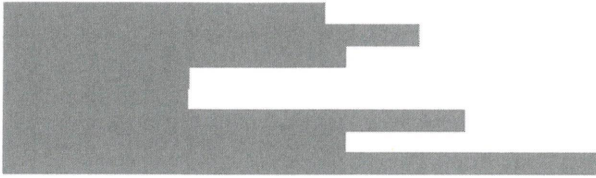
Beste 5.1 lid 2 e

Zoals vorige week besproken hierbij de ingevulde TISK deel 1 voor beide Israëlische verzoeken, plus een korte toelichting voor bespreking in de besturen. Kan ik deze stukken via jou aanbieden of is er een andere route om ze te agenderen?

Ik ben zelf komende week in Brazilië aan het werk. Mijn collega 5.1 lid 2 e (in cc) is bereikbaar voor eventuele vragen en/of vervolgstappen.

Groeten,

5.1 līd 2 e



From: President's Office (UM)
Sent: Thursday, November 21, 2024 11:03:30 AM
To: 5.1 lid 2 e
Cc: Letschert, Rianne (CVB)
Subject: FW: Risicovolle internationale partnerschappen kennisveiligheid
Attachments: Overzichten risicovolle internationale partnerschappen.pdf; Brief aan universiteiten over overzichten risicovolle internationale partnerschappen nov 2024.pdf

Svp behandelen als binnengekomen post.

Met vriendelijke groet/Kind regards,



5.1 lid 2 e



[Disclaimer](#)



Please consider your environmental responsibility before printing this e-mail.

From: 5.1 lid 2 e
Sent: donderdag 21 november 2024 10:48
Cc: 5.1 lid 2 e
Subject: Risicovolle internationale partnerschappen kennisveiligheid

Beste bestuurder,

De minister van OCW heeft UNL op 10 oktober jl. aangeschreven inzake kennisveiligheid. Ik breng graag bijgevoegde brieven bij u onder de aandacht.

Met vriendelijke groet,

5.1 lid 2 e



Ministerie van Onderwijs, Cultuur en
Wetenschap

>Retouradres Postbus 16375 2500 BJ Den Haag

College van Bestuur
t.a.v. portefeuillehouder kennisveiligheid

Datum 19 november 2024

Betreft Overzichten van risicovolle internationale partnerschappen

Geacht College van Bestuur,

De minister van OCW heeft recent een brief over kennisveiligheid gestuurd naar Universiteiten van Nederland. In de brief roept de minister de universiteiten op om overzichten van risicovolle internationale partnerschappen gereed te hebben aan het eind van 2024.

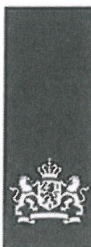
In deze brief heeft de minister gemeld dat een afschrift hiervan ter kennisgeving naar alle universiteiten wordt gestuurd. Met het oog hierop treft u bijgevoegd deze brief van de minister.

Ik verzoek uw aandacht hiervoor en ga zonder tegenbericht ervan uit dat uw overzicht van risicovolle internationale partnerschappen uiterlijk eind van volgende maand gereed is. Mocht u nog vragen hebben hierover, dan verneem ik die graag.

Met vriendelijke groet,

de minister van Onderwijs, Cultuur en Wetenschap,
namens deze,

5.1 lid 2 e



Ministerie van Onderwijs, Cultuur en
Wetenschap

>Retouradres Postbus 16375 2500 BJ Den Haag

Vereniging Universiteiten van Nederland
T.a.v. 5.1 lid 2 e
Postbus 13739
2501 ES DEN HAAG

**Onderzoek en
Wetenschapsbeleid**
Rijnstraat 50
Den Haag
Postbus 16375
2500 BJ Den Haag
www.rijksoverheid.nl

Contactpersoon
5.1 lid
2 e

Onze referentie
46767521

Uw brief van
25 april 2024

Uw referentie
UNL 24034 U

Bijlagen
2

Datum

Betreft Overzichten risicovolle internationale partnerschappen

Geachte 5.1 lid 2 e

De universiteiten hebben in de afgelopen jaren belangrijke stappen gezet met het ontwikkelen en implementeren van kennisveiligheidsbeleid. Uit het Sectorbeeld kennisveiligheid universiteiten van 2023 maak ik op dat kennisveiligheid een vaste waarde is binnen de universiteiten. Dit stel ik op prijs. Ik waardeer ook de constructieve rol die UNL en de universiteiten vervullen in de aanpak kennisveiligheid. Onze goede samenwerking is van groot belang voor het bouwen aan een weerbare wetenschap.

De Rijksoverheid en de kennissector zijn gezamenlijk verantwoordelijk voor de aanpak kennisveiligheid. In die aanpak is een belangrijke rol weggelegd voor de instellingsbesturen. De beschikbaarheid van centrale, actuele overzichten van risicovolle internationale partnerschappen stelt bestuurders in staat om effectief risicomangement te voeren. Dit hebben wij reeds in 2022 met elkaar geconcludeerd en beschreven in de Nationale Leidraad Kennisveiligheid.

5.1 lid 2 e heeft in zijn brief van 25 april jl. beschreven welke aanpak de universiteiten kiezen bij het instellen en actualiseren van deze overzichten. Ik ben blij om te vernemen dat alle universiteiten hard werken aan het opstellen van een overzicht, naast alle andere maatregelen die zij treffen en hebben getroffen om de universiteit weerbaarder te maken.

5.1 lid 2 e heeft aangegeven dat het instellen van zulke overzichten voor sommige universiteiten een organisatorische uitdaging vormt. Tegelijkertijd weten we dat de Nederlandse kennisinstellingen op grote schaal doelwit zijn van pogingen van statelijke actoren om hoogwaardige technologie buit te maken. Ook proberen statelijke actoren wetenschappelijke activiteiten te beïnvloeden. Dreigingen tegen de nationale veiligheid wachten niet tot wij klaar zijn. Ook de integriteit van wetenschap vraagt om voortdurend onderhoud. Ik verwacht van de universiteiten dan ook meer urgentie op dit punt.

Ik roep de universiteiten daarom op hun overzichten aan het eind van 2024 gereed te hebben. Ik voel mij gesterkt in deze oproep door de motie Rooderkerk en Paternotte die in mei 2024 in de Tweede Kamer is aangenomen. De motie treft u aan als bijlage.

Onze referentie
46767521

Naar aanleiding van het Sectorbeeld kennisveiligheid universiteiten heb ik aangekondigd samen met de kennisinstellingen het begrip internationale partnerschappen in de Nationale Leidraad te verduidelijken. Daarmee krijgen de kennisinstellingen meer richting over de op te stellen overzichten, zonder dat de Leidraad verwordt tot een afvinklijst die zijn doel voorbij schiet.

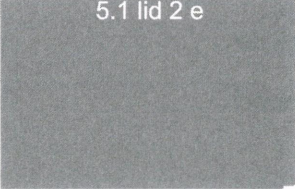
Een werkgroep bestaande uit medewerkers van OCW, UNL en de overige partners in de aanpak kennisveiligheid heeft hiervoor een tekst opgesteld. In de Regiegroep Kennisveiligheid is deze tekst onlangs vastgesteld. Ons gezamenlijke voornemen is om deze tekst op te nemen in de Nationale Leidraad. De actualisering daarvan is gepland eind 2024.

Een afschrift van de brief wordt verzonden naar de bestuurlijk portefeuillehouders kennisveiligheid bij de universiteiten.

Met vriendelijke groet,

de minister van Onderwijs, Cultuur en Wetenschap,

5.1 lid 2 e



Nationale Leidraad Kennisveiligheid
Paragraaf 6.3**6.3 Zorg voor een accurate informatiebasis voor besluitvorming**

Omdat bestuurders binnen kennisinstellingen eindverantwoordelijk zijn voor het risicomanagement van de hele instelling is het belangrijk dat zij de beschikking hebben over de juiste informatie. Voor de beheersing van alle relevante typen kennisveiligheidsrisico's (ongewenste kennisoverdracht, heimelijke beïnvloeding en inmenging of ethische kwesties) is het daarom van belang dat bestuurders snel en op regelmatige basis inzicht kunnen krijgen in een actueel en compleet overzicht van risicovolle internationale partnerschappen die betrekking hebben op onderzoek en onderwijs.

Kennisinstellingen kennen op grond van hun institutionele autonomie veel vrijheid en eigen verantwoordelijkheid binnen de inrichting van hun risicomanagement. Dit betekent dat de precieze vorm van een dergelijk overzicht, en de precieze rol die dat overzicht speelt binnen het risicomanagement, afhankelijk kan zijn van de behoeften en vereisten die voortvloeien uit de aard van de instelling en de wijze waarop het risicomanagement binnen die instelling is ingericht. Het is daarbij van belang dat het overzicht geen verantwoordingsinstrument wordt en het niet bedoeld is om te delen met de buitenwereld. Zo kan een instelling vertrouwelijke informatie opnemen in het overzicht, die van belang kan zijn voor de risicobeheersing.

Binnen deze vrijheid ligt wel vast dat het overzicht zodanig van opzet dient te zijn dat het een bestuurder ten minste in staat stelt om periodiek een inschatting te maken van de cumulatieve risico's die voortkomen uit het geheel van lopende en voorgenomen samenwerkingen. Bijvoorbeeld op het gebied van ongewenste afhankelijkheid van buitenlandse kennis, infrastructuur of investeringen.

Om goed aan die functie te kunnen voldoen is het in ieder geval noodzakelijk dat in het overzicht ten minste alle lopende meerjarige samenwerkingen tussen organisaties of organisatieonderdelen zijn opgenomen op het gebied van de geïdentificeerde risicovolle vakgebieden binnen de instelling.¹ Daarbij moet sprake zijn van één of meerdere partners van buiten de Europese Unie en van een vastgestelde overeenkomst of een investering (in bijvoorbeeld financiering, personeel of materieel) van één of beide partners.

¹ Voortvloeiend uit de risicoanalyse. Zie hoofdstuk 5: het inschatten van risico's.

De genoemde vereisten aan een overzicht bieden houvast, maar vragen ook veel verantwoordelijkheid van kennisinstellingen voor een eigen afweging. Een gedegen overzicht vraagt om een context-afhankelijke invulling van kennisinstellingen ten aanzien van:

Onze referentie
46767521

1. *Omvang van de risico's*

Er is geen eenduidig onderscheid tussen relevante en irrelevante risico's. Of een risico groot genoeg is om van belang te zijn voor de risicobeheersing kan bijvoorbeeld verschillen tussen instellingen, vakgebieden en type risico's.

2. *Aard van de samenwerking*

Binnen de wetenschap bestaat er een grote variëteit aan manieren om samen te werken. Precies welke typen van samenwerking relevant zijn ten aanzien van de risicobeheersing kan bijvoorbeeld verschillen tussen instellingen, vakgebieden en type risico's.

3. *Aard van buitenlands belang*

Naast volledig buitenlandse instellingen kan er op veel manieren sprake zijn van buitenlands belang binnen samenwerkingspartners, denk daarbij bijvoorbeeld ook de samenwerking met bedrijven met hun gedeelde eigendoms- en aandeelhoudersstructuren. De mate waarin een buitenlands belang relevant is voor de risicobeheersing kan bijvoorbeeld verschillen tussen vakgebieden en typen risico's.

MOTIE VAN DE LEDEN ROODERKERK EN PATERNOTTE

Voorgesteld 21 mei 2024

De Kamer,

gehoord de beraadslaging,

constaterende dat de MIVD en de AIVD het weglekken en de diefstal van kennis en technologie door bijvoorbeeld China onverminderd zorgelijk noemen;

constaterende dat Oberon, Dialogic en AWTI adviseren om een eenduidige definitie voor internationale samenwerking te gebruiken en dit te verwerken in een volgende editie van de Nationale leidraad kennisveiligheid;

van mening dat effectief risicomanagement op het gebied van kennisveiligheid en bewustwording over de afhankelijkheden van een kennisinstelling van groot belang is;

van mening dat het daarvoor noodzakelijk is dat universiteiten zo snel mogelijk centrale, actuele overzichten van hun internationale partnerschappen hebben;

verzoekt de Minister de universiteiten op te dragen uiterlijk dit jaar een centraal en actueel overzicht te realiseren van hun internationale samenwerkingen;

verzoekt de regering om met de kennisinstellingen een landelijke set uniforme criteria te ontwikkelen op grond waarvan zij inschattingen kunnen maken van de risico's bij het aangaan van internationale samenwerkingen,

en gaat over tot de orde van de dag.

Rooderkerk
Paternotte

5.1 lid 2 e

From: 5.1 lid 2 e
Sent: Tuesday, 28 January 2025 17:10
To: 5.1 lid 2 e
Subject: RE: [JZZaak25.0115] FW: Project EU-Calprotect - Consortium Agreement - V1
Attachments: Re: TISK ter bespreking in FB/RvB

Dag 5.1 lid 2 e,

Ik heb eerder een dergelijke casus aan de hand gehad. Bij afwezigheid van het HRDD-kader heb ik toen de vraag neergelegd bij Rianne. Zij heeft toen aangegeven dat er tot nader order geen nieuwe samenwerkingen meer aangegaan mogen worden. Zie bijgaande mail.

Hartelijke groeten,

5.1 lid 2 e

From: 5.1 lid 2 e
Sent: dinsdag 28 januari 2025 17:00
To: 5.1 lid 2 e
Cc: Knowledge-security (BU)
Subject: RE: [JZZaak25.0115] FW: Project EU-Calprotect - Consortium Agreement - V1
Beste 5.1 lid 2 e

Is dit nieuw? Het is mij wel bekend dat er tot nader order geen bestuurlijke samenwerkingen met Israëlische instellingen worden aangegaan. Dat er geen onderzoekssamenwerkingen – zoals deze - meer mogen worden aangegaan is mij niet bekend.

Groeten,

5.1 lid 2 e

Van: 5.1 lid 2 e

Verzonden: dinsdag 28 januari 2025 15:36

Aan: 5.1 lid 2 e

CC: 5.1 lid 2 e

Onderwerp: RE: [JZZaak25.0115] FW: Project EU-Calprotect - Consortium Agreement - V1

Beste 5.1 lid 2 e

Samenwerkingen met Israëlische organisaties zijn bevroren totdat het Human Rights Due Diligence framework in werking is. De verwachting is dat de U-raad daar eind februari een advies over zal uitbrengen. Vervolgens zal het CvB een besluit moeten nemen. Dat betekent dat we waarschijnlijk in maart zitten voordat het HRDD officieel in werking kan treden. Daarna zal de commissie (die nog samengesteld moet worden) een advies moeten uitbrengen over de samenwerking. Ik zie dat er een deadline is van 1 april. We kunnen ook niet vooruitlopen op een beslissing van de commissie, dus dat zal krap worden.

Bevriezen betekent dat lopende samenwerkingen mogen blijven doorgaan totdat ze zijn afgerond, maar dat er geen nieuwe samenwerkingen gestart mogen worden. Dat kan pas nadat de HR-commissie daar een advies over heeft uitgebracht.

Hartelijke groeten,

5.1 lid 2 e

From: 5.1 lid 2 e

Sent: dinsdag 28 januari 2025 15:15

To: 5.1 lid 2 e

Subject: [JZZaak25.0115] FW: Project EU-Calprotect - Consortium Agreement - V1

Beste 5.1 lid 2 e

Zou jij vanuit het oogpunt van kennisveiligheid een toets willen uitvoeren op de University of Haifa en ons van een terugkoppeling willen voorzien? Voor meer informatie over dit project kun je contact opnemen met 5.1 lid 2 e

Alvast bedankt!

Met vriendelijke groeten / Best wishes,



5.1 lid 2 e

From: 5.1 lid 2 e

Sent: donderdag 23 januari 2025 12:17

To: 5.1 lid 2 e

Cc: 5.1 lid 2 e

Subject: FW: Project EU-Calprotect - Consortium Agreement - V1

Beste 5.1 lid 2 e

In de bijlage vind je de eerste versie van een nieuw consortium agreement.

Het gaat weer om een Europees consortium (EpPerMed, <https://www.eppermed.eu/funding-projects/calls/jtc2024>) met nationale funding (ZonMW).

De beoogde startdatum is 1 april 2025, en voor een van de consortium partners is het een voorwaarde dat het CA is ondertekend voor het project van start gaat (zie bijgevoegde email & bericht hieronder).

Ik heb de tekst van de aanvraag toegevoegd (ik kan met herinneren dat je daar de vorige keer ook naar vroeg) en hieronder heb ik de tekst gepaste die ik in een eerder CA ook gebruikt heb om de background van De Maastricht Studie te beschrijven.

Ik hoop dat je tijd hebt hiernaar te kijken.

Met vriendelijke groeten

5.1 lid 2 e

Describe Background	Specific restrictions and/or conditions for implementation	Specific restrictions and/or conditions for Exploitation
Expertise in epidemiological and experimental studies on the metabolic and genetic aspects of obesity and cardiometabolic diseases. Data from The Maastricht Study, to be identified during the Project and as approved by The Maastricht Study in accordance with its guidelines, as available from https://www.demaastrichtstudie.nl/data-guidelines .		Access to data is provided during and after the Project, subject to the DMS Data Guidelines and DMS Publication Guidelines, as available from https://www.demaastrichtstudie.nl/data-guidelines .

Part I: HRDD Country Assessment Tool

This template includes Part I of the HRDD assessment tool: the country assessment tool, a checklist that can help to conduct the country assessment.

The aim of this country assessment is to make an inventory of serious indications of whether international crimes and/or serious violations of human rights are taking place in the partner country, in order to determine whether there are grounds for initiating a HRDD assessment at the partner level. The following steps and sources may facilitate this assessment.

1. What is the country's score on the Human Rights Index?

The United Nations' [Universal Human Rights Index](#) offers an annual overview of the current human rights situation in a particular country. The index is based on indicators on the extent to which inhabitants of a country are free of human rights violations (such as torture by the government, political murders and forced labour, have property rights, and have freedom of movement, religion, expression of opinion and the freedom to meet). Consider the score as basic contextual information.

2. What is the country's score on the Academic Freedom Index?

Consider the [Academic Freedom Index](#) as it says something about the current space for freedom of thinking in a particular country.

3. Is the country involved in an armed conflict?

Check [Today's Armed Conflicts](#) or the [Global Conflict Tracker](#) to see whether the country is involved in a conflict with another country or in an internal conflict at the national level.

4. Are there (one or more) indications of serious violations taking place in the country?

Check whether the country is involved in one or more international crimes as defined by the International Criminal Court¹ or in gross or serious violations of human rights:

- a. Aggression
- b. War crimes
- c. Crimes against humanity
- d. Genocide
- e. Gross or serious violations of human rights

Sources to be used may include (this list is not exhaustive):

- Judgments by international, regional or national courts of justice. These indicate whether in a certain area international crimes or serious violations of human rights take place (e.g. regional, and international levels, including those of the International Court of Justice, the European Court of Human Rights, the Inter-American Court of Human Rights, and the International Criminal Court); the ICC, along with other *ad hoc* tribunals, focus on individual criminal responsibility for international crimes, which requires a contextual factor of international crimes, incl. genocide, war crimes, and crimes against humanity.
- UN applicable sources relating to country specific human rights violations.
- Academic publications.
- Information from Dutch and foreign embassies.
- Reports by NGOs such as Human Rights Watch, Amnesty International, International Red Cross.
- Case by case expert advice.

The Committee must base its country assessment on the availability of multiple reliable sources.

The above sources (when they give indications of international crimes and serious violations in a country) can trigger the application of the HRDD assessment on our partners in the respective country (this also relates to partners whose activities take place in this country but their headquarter is located in another country).

If the answers to the questions above point to serious indications that international crimes and/or serious violations of human rights are taking place in the country, please proceed to *Part II HRDD Partner Assessment Tool* and answer the questions in that section.

¹ See <https://www.icc-cpi.int/about/how-the-court-works> for the crimes a, b, d and e.

Part II: HRDD Partner Assessment Tool

This template includes Part II of the HRDD assessment tool: the partner assessment tool, a checklist that can help to conduct the partner assessment.

The aim of the partner assessment tool is to make an assessment of serious indications of whether a partner is involved in international crimes or serious violations of human rights. Note that a partner is not held responsible for international crimes or serious violations of human rights committed by the national government or other non-state actors, in which it is not involved. A partner *can* be held accountable for the extent to which it contributes to such violations itself. In the HRDD assessment, all contextual factors need to be taken into account, for instance relating to the situation that partners may be controlled or subjected to their national regime and may not have the space to act based on a position that goes against their national government.

The following questions must be considered and answered.

1. **Has the partner been convicted for international crimes and/or serious violations of human rights? Are there indications that the partner is/has been, involved in such violations?**

Check whether there are serious indications that the partner is involved in one or more international crimes as defined by the International Criminal Court¹ or in gross violations of human rights:

- a. Aggression
- b. War crimes
- c. Crimes against humanity
- d. Genocide
- e. Gross or serious violations of human rights

Search in public sources for indications that the partner has contributed to international crimes or serious violations of human rights. To have 'plausible indications' means that several reliable sources substantiate these indications. Consider the provision of academic knowledge or technology that may have both civilian and military uses (dual use). Also analyse the types of contribution that the partner institution makes: (i) contribution, (ii) omission, or (iii) compliance, and what this means for UM.

- To ensure that we use reliable sources, note that we need a variety of different sources, from different kinds of organisations (not only from organisations that are based on one and the same political point of view). Reliable sources may include:
 - Judgments by international, regional or national courts of justice, to the extent that these focus on institutions,
 - UN applicable sources relating to institution specific human rights violations,
 - Academic publications,
 - Information from Dutch and foreign embassies,
 - Reports by NGOs such as Human Rights Watch, Amnesty International, International Red Cross,

- Online statements on the partner institution's website, and statements of the partner institution's Executive or Faculty Board in the (social) media,
 - Case by case expert advice.
- Even if there are indications that a partner is indirectly contributing to international crimes and/or serious violations of human rights, indicate in which ways the partner is doing so (often corporations are indirectly/implicitly involved, e.g. by providing logistical support, or by providing services that are necessary for committing international crimes or serious violations of human rights).
 - Also analyse the types of contribution that the partner institution makes (according to the indications found): (i) contribution, (ii) omission, or (iii) compliance, and what this may mean for UM.
- 2. Are there (one or more) indications that the partner is involved with the military or in warfare, such as controversial weapon development, and thereby contributing to violations of international law?**

Search in public sources to see whether the partner is involved with the military. Do this by focussing on, amongst others, (i) controversial weapons development at the partner institution, (iii) whether there is military presence at the partner's premises and the nature of this presence, or (iv) whether the partner is providing logistical support to the military. If the partner is involved in military involvement, for several reasons, it may be undesirable to enter into cooperation (consider, for instance, research on a vulnerable group with a partner, where the results and data of the respondents end up with the military actors, who subsequently use the research data against the vulnerable group).

[For background information: the Assessment Framework International Collaboration and Knowledge Security (TISK) includes a guideline to check whether the partner *country* is listed in the [EU sanctions map](#), in order to avoid cooperation with military organisations outside the EU (which is high-risk and therefore highly undesirable. This framework also includes the checks on dual use and export regulations.)

- 3. If the answer to one or both of the previous questions is 'yes', what is the level of involvement in such violations of the partner?**

Direct – indirect involvement is placed on a continuum.

- If a partner features on the lower end (indirect involvement), we will assess impact and consequences.
- If a partner features on the higher end (towards direct involvement) and we have clear indications of this high degree of involvement, the advice is to end the partnership.

¹ See <https://www.icc-cpi.int/about/how-the-court-works>.

Part III: HRDD Individual Activity Assessment Tool

The aim of this individual activity self-assessment is to facilitate our academic community to reflect on the potential contributions of the activity (carried out between academic staff members at both institutions) to international crimes or serious violations of human rights. It is not compulsory to assess individual activities; staff are encouraged to be aware of the ways in which their activities may contribute to international crimes or serious violations of human rights. The following checklist may facilitate this assessment.

- 1. What is the nature of the joint activity? Does the activity (or project) contribute to improving the human rights situation in a country/region/organisation?**

If a collaboration can reasonably be expected to contribute positively to a human rights situation based on available sources, the Committee may advise to continue the collaboration. Staff working on such a project should have a dialogue with the HRDD Assessment Committee on this, so that the Committee is aware of the project and can weigh this positive impact against the human rights situation a partner institution may be involved in.

- 2. Why do we want to work with this partner on this activity at this moment in time? What added value does collaboration with this partner bring UM?**
- 3. Why does the partner want to work with us on this activity?**
- 4. What does the collaboration in this activity mean for the safety of our staff and students?**
- 5. What are the risks to human rights involved in this partnership?**
- 6. Which measures can be taken to prevent international crimes or serious violations of human rights in this partnership?**

Proposal for the three HRDD pilot countries

MUO-AA, 14 February 2025

Starting points pilot phase

- In the pilot phase (April-June 2025), the HRDD Assessment Committee will review all UM administrative strategic partnerships in three countries. As promised to the UM community and University Council, one of these countries is Israel.
- A 'strategic administrative partnership' is a partnership that requires the approval of the Executive Board (EB) or Faculty Board (FB) and where the partnership transcends individual activities between academics; often the partnership is focused on the strategic goals at the institutional or faculty level and the partnership is formalised through a contract signed by the EB or FB. This partnership may involve formalised UM-wide participation in academic networks, partnerships between faculties, commercial partnerships, and student and staff exchange partnerships.

Approach

To arrive at this proposal, the following approach has been used:

- A check in Today's Armed Conflicts of the Geneva Academy, which identifies countries in which armed conflict is currently taking place.
- A brief country check in the United Nations' Universal Human Rights Index to see whether there are indications that international crimes or gross human rights violations are taking place in the country. However, based on this database, it is difficult to assess whether the human rights violations in these countries meet the high threshold set in our HRDD Assessment Framework.
- A check in the UM Partnerships database being developed by Team Knowledge Security (nearly complete) to check in which countries (that emerged from the above two indexes) UM has one or more administrative strategic partnerships.

Proposal

The proposal is to select **Israel**, **buiten scope** as the three pilot countries for the pilot phase of the HRDD assessment.

Israel: our starting point has been to evaluate our partners in both Israel and Palestine, but Palestine is excluded from the assessment because UM has no strategic administrative partnerships there.

Analysis overview

Country (green = Armed Conflict + UM strat. admin. partnerships)	Mentioned in Armed Conflict Index (green = yes)	UM strategic administrative partnerships
EUROPE		

buiten scope

buiten scope

To: 5.1 lid 2 e

EXTRACT from DECISIONS CONFIDENTIAL CONSIDERATION EXECUTIVE BOARD

- Meeting on 11/03/2025

When the undermentioned gives cause for making comments, a request for an explanation from and/or a conversation with the Executive Board, please turn to the office of the Executive Board (Griffie CvB).

Re: 15. Besluiten buiten vergadering om genomen; CvB-besluit
15.2
UM Human Rights Due Diligence (HRDD) Raamwerk
Memo AA d.d. 2025-03-12 kenmerk C25.00418_RB

Als onderdeel van het UM Global Engagementbeleid 2024-2030 is er in goede samenspraak met de UM-gemeenschap, stakeholders en medezeggenschap een UM-mensenrechtenkader (human rights due diligence) opgesteld. Dit mensenrechtenkader omvat een beleidskader, een mensenrechtentoets, een (voorstel m.b.t. een) toetsingscommissie en een voorstel voor een pilot.

Wat betreft het toetsingskader en -commissie, is er een nauwe samenhang met die van kennisveiligheid en fossiele industrieën.

Het CvB, het advies van de Universiteitsraad gehoord hebbende, besluit om:

1. Het definitieve UM-mensenrechtenkader (HRDD raamwerk) goed te keuren;
2. Te starten met de voorgestelde pilotfase;
3. De voorgestelde mensenrechtenclausule¹ (waar mogelijk) v.a. 01-04-2025 op te nemen in bestuurlijke contracten (i.e. contracten te ondertekenen door CvB of decanen)

1 "Either Party is entitled to prematurely terminate this Agreement immediately upon notice to the other Party, and without prejudice to any other remedies a Party may have, only in the event:

(...)

- the Dutch government informs either Party that the collaboration as laid down in this Agreement should be terminated pursuant to knowledge safety and/or any regulations in that regard and/or in case either Party is added to any sanctions list, such as but not limited to the EU sanctions list.
- that there have been serious human rights violations and/or international crimes committed by either Party as defined by international law."

Registratiedatum:
ADP poststuknummer:

MEMO
aan College van Bestuur

Onderwerp: UM Human Rights Due Diligence (HRDD) Raamwerk Kenmerk: C25.00418_RB Datum: 12 maart 2025 Vertrouwelijk: nee Financiële implicatie: ja Besproken met: [redacted] [redacted] 5.1 lid 2 e [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] deelnemers HRDD dialogosessies & pressure cooker sessies (d.w.z. medewerkers faculteiten en dienstencentra), SBI, OPI, Universiteitsraad, decanen	Opgesteld door: [redacted] 5.1 lid 2 e [redacted] Paraaf: [redacted] 5.1 lid 2 e [redacted] 5.1 lid 2 e Paraaf: [redacted] 5.1 lid 2 e Paraaf:
Portefeuillehouder: Rianne Letschert Eventuele opmerkingen: Paraaf:	
<u>Waarom</u> wordt het voorstel nu aan CvB voorgelegd: In het UM Global Engagementbeleid 2024-2030, inhoudelijk aangenomen door het CvB op 22 april 2024, is aangekondigd dat de UM een mensenrechtenkader (een <i>Human Rights Due Diligence</i> – HRDD – Raamwerk) zal ontwikkelen aan de hand waarvan een toets kan plaatsvinden of er indicaties zijn dat onze institutionele partnerschappen betrokken zijn bij ernstige mensenrechtenschendingen of internationale misdaden. In het voorjaar van 2024 heeft het CvB i.s.m. de decanen en de Universiteitsraad besloten om een dergelijk mensenrechtenkader te ontwikkelen. Het afgelopen jaar is dit kader in hechte samenwerking met de UM-gemeenschap ontwikkeld. Middels deze memo wordt het UM-mensenrechtenkader ter finale goedkeuring aan het CvB voorgelegd. Het mensenrechtenkader omvat een beleidskader, een mensenrechtentoets, een voorstel voor het opzetten van een toetsingscommissie en een voorstel om in het eerste jaar volgens een pilot te gaan werken. Er is nauwe samenhang tussen de toetsingskaders en -commissies van mensenrechten, kennisveiligheid en fossiele industrieën. <u>Wat</u> wordt van CvB verwacht: ☐ ter kennisname ☐ opiniërend bespreken ☒ besluitvorming Besluit CvB: Nu het CvB het advies van de Universiteitsraad gehoord heeft, besluit het CvB om: 1. Het definitieve HRDD-raamwerk goed te keuren en te starten met de pilotfase;	

2. De voorgestelde mensenrechtenclausule (waar mogelijk) vanaf 1 april 2025 op te nemen in nieuwe bestuurlijke contracten d.w.z. contracten ondertekend door het CvB of een Decaan) en om deze clausule als volgt te verwoorden:

"Either Party is entitled to prematurely terminate this Agreement immediately upon notice to the other Party, and without prejudice to any other remedies a Party may have, only in the event:

(...)

- the Dutch government informs either Party that the collaboration as laid down in this Agreement should be terminated pursuant to knowledge safety and/or any regulations in that regard and/or in case either Party is added to any sanctions list, such as but not limited to the EU sanctions list.
- that there have been serious human rights violations and/or international crimes committed by either Party as defined by international law."

Korte samenvatting onderwerp:

Het mensenrechtenkader omvat een beleidskader (zie bijlage 1), een mensenrechtentoets (zie bijlagen 2, 3 en 4), een voorstel voor het opzetten van een toetsingscommissie, een voorstel om vanaf het voorjaar een mensenrechtenclausule op te nemen in nieuwe bestuurlijke contracten en een voorstel om in het eerste jaar volgens een pilot te gaan werken. Voor onze institutionele partnerschappen in landen waar indicaties zijn dat er ernstige mensenrechtenschendingen of internationale misdaden plaatsvinden zal worden getoetst of er indicaties zijn dat de partner betrokken is bij deze schendingen.

Afstemming

De UM heeft de wens en ontwikkeling van het mensenrechtenkader vanaf het begin in hechte samenwerking met de academische gemeenschap bediscussieerd.

- Op 21 en 27 juni 2024 hebben er twee dialoogsessies plaatsgevonden, via een open aanmelding voor staf, met als doel om gezamenlijk de basisprincipes voor een UM-mensenrechtenkader te bespreken en vast te stellen. Aan deze dialoogsessies hebben 29 medewerkers deelgenomen uit vijf faculteiten en verschillende servicecentra. Een aantal medewerkers die niet aanwezig konden zijn, heeft schriftelijk commentaar geleverd. De input uit deze sessies is gebruikt in een conceptraamwerk.
- Op 9 september 2024 heeft een *pressure cooker* sessie plaatsgevonden met 27 medewerkers. In deze sessie hebben de deelnemers in vier aparte werkgroepen verschillende onderdelen van het concept raamwerk in detail bediscussieerd. Deze input is vervolgens in het raamwerk meegenomen.
- In de zomer van 2024 is het HRRD Raamwerk besproken met verschillende studenten(afgevaardigden).
- Op 13 november 2024 heeft een Studium Generale debat plaatsgevonden over het morele kompas van de universiteit en academische vrijheid.
- Het Management Team heeft het raamwerk op 20 november 2024 besproken en op 15 januari 2025 goedgekeurd. (In de versie die het MT heeft goedgekeurd zijn sindsdien enkel heel kleine wijzigingen aangebracht).
- Het raamwerk is vijf keer besproken in de Universiteitsraad, nl. op 12 juni 2024 (zowel in de strategie- als in de R&E commissie), op 4 december 2024 (strategiecommissie), op 22 januari 2025 (plenair) en op 19 februari 2025 heeft de plenaire Universiteitsraad het raamwerk goedgekeurd, onder vermelding van een aantal aanbevelingen die grotendeels in de pilotfase en de daaropvolgende evaluatie meegenomen zullen worden.
- Sinds augustus 2024 is het HRDD Raamwerk (incl. toetsingsprocedures en de opzet van de toetsingscommissie) afgestemd en ontwikkeld in nauwe samenwerking met de betrokken collega's op het gebied van kennisveiligheid en fossiele samenwerkingen.
- De definitieve versie van het raamwerk is op 25 februari ter kennisgeving naar de decanen verstuurd.

Implementatie

Het raamwerk bevat een voorstel om een mensenrechtentoetsingscommissie op te zetten, bestaande uit vier vaste leden (inclusief een voorzitter en een ethicus), die wordt ondersteund door een secretaris. Op 24 maart zijn de vacatures voor de voorzitter en twee verdere commissieleden intern gepubliceerd (de ethicus is al geworven), zodat de commissie rond 1 april van start kan gaan.

Momenteel wordt een implementatieplan geschreven voor de werking van de Sensitive Partnerships Unit en het Sensitive Partnerships Committee, een overkoepelende commissie die zal zorgen voor de samenhang tussen de werking van de toetsingscommissies mensenrechten, fossiel en kennisveiligheid. De *linking pin* tussen de drie subcommissies kennisveiligheid, mensenrechten en fossiel wordt gevormd door 5.1 lid 2 e

heeft bevestigd graag plaats te nemen in alle drie de subcommissies.

Het implementatieplan (dat separaat aan eht CvB wordt aangeboden) bevat ook een voorstel om op Umployee één centraal aanmeldpunt op te zetten waar UM-medewerkers kunnen 'aankloppen' en via een zelfevaluatie eerst zelf kunnen toetsen of het voorgenomen project risico's bevat t.a.v. kennisveiligheid, mensenrechtenschendingen en/of fossiele partnerschappen.

Mensenrechtenclausule

Het HRDD-raamwerk bevat een voorstel om vanaf 1 februari 2025 een mensenrechtenclausule op te nemen in nieuwe bestuurlijke contracten (d.w.z. contracten ondertekend door het CvB of een Decaan). JZ adviseert om deze clausule als volgt te verwoorden (optie 1; zie paragraaf 5.1 van het HRDD-raamwerk):

"Either Party is entitled to prematurely terminate this Agreement immediately upon notice to the other Party, and without prejudice to any other remedies a Party may have, only in the event:

(...)

- the Dutch government informs either Party that the collaboration as laid down in this Agreement should be terminated pursuant to knowledge safety and/or any regulations in that regard and/or in case either Party is added to any sanctions list, such as but not limited to the EU sanctions list.
- that there have been serious human rights violations and/or international crimes committed by either Party as defined by international law."

Pilot

In het raamwerk wordt voorgesteld om in de eerste helft van 2025 drie casussen op het gebied van mensenrechten te laten toetsen in een *pilot* fase en om eind 2025 de aanpak van het raamwerk, de werkbaarheid en de opzet van de toetsingscommissie(s) te evalueren en – waar nodig – een voorstel te formuleren voor bijstelling. Deze evaluatie wordt uitgevoerd door de HRDD Assessment Commissie, met ondersteuning vanuit de Sensitieve Partnerschappen Unit en MUO-AA. In het voorjaar heeft het Management Team, na advies van de Universiteitsraad, besloten om samenwerkingen met partners in Israël te toetsen. Deze partnerschappen zullen in deze eerste pilotfase worden meegenomen.

Bijlagen:

Bijlage 1. UM HRDD Framework
Bijlage 2. Template Part I-HRDD Country Assessment Tool
Bijlage 3. Template Part II_HRDD Partner Assessment Tool
Bijlage 4. Template Part III_Individual Activity

Ter inzage te leggen stukken bij Griffie CvB:

Assessment Tool (voluntary)	
Financiële implicatie: De financiële implicaties hebben betrekking op de bezoldiging voor de commissieleden (de betreffende financiën zijn in een aparte memo aan het CvB voorgelegd (C25.00063_RB); de overige financiële implicaties worden meegenomen in het Implementatieplan Sensitive Partnership Unit & Sensitive Partnerships Committee. Personele implicatie: Het is van belang dat de HRDD Assessment-commissieleden en de ondersteunende medewerkers vanuit de Sensitieve Partnerschappen Unit en MUO-AA tijd krijgen om zich hiervoor in te zetten met het oog op een goede balans. De betreffende leidinggevende zou ruimte hiervoor moeten maken in het takenpakket van de desbetreffende persoon.	
Risico: Op dit moment is het afwachten of we op tijd de juiste commissieleden kunnen werven.	
Procesimplementatie en follow up: <u>Coördinatie:</u> - MUO-AA en de Sensitieve Partnerschappen Unit coördineren het implementatieproces tot het moment dat de HRDD Assessment (sub)commissie van start gaat. - MUO-AA stemt met JZ af dat de voorgestelde mensenrechtenclausule (waar mogelijk) wordt opgenomen in nieuwe bestuurlijke contracten. <u>Communicatie:</u> MUO, de Sensitieve Partnerschappen Unit en M&C stemmen een voorlichtingscampagne af vanuit de gezamenlijke toetsingskaders kennisveiligheid, mensenrechten en fossiel-vrije samenwerking om de stakeholders (waaronder UM academisch en ondersteunend personeel) te informeren.	
Trefwoorden voor ADP/Corsa Mensenrechten toets; Human Rights Due Diligence Framework; gevoelige samenwerkingen; sensitive partnerships	

Human Rights Advisory Committee

Working Principles

Table of Contents

1. Mandate and Scope	1
2. Legal Framework	2
3. Triggering Processes for HRDD Assessments	2
4. Committee Governance	3
5. Evidentiary Framework	5
6. Structure and Methodology of Advisory Reports	7
7. Amendments	9
Annex I - Table: Evidentiary Standards Applied by International and UN Bodies	9

1. Mandate and Scope

1.1. The aim of the Committee is to be an advisory committee that supports the Maastricht University community in its mission to contribute positively to the human rights situation in the world, in particular in countries where the human rights situation is one that includes international crimes and/or serious human rights violations.

1.2. To this purpose, the Committee advises the Executive Board on whether:

- a) There are serious indications that international crimes or serious human rights violations are taking place in, or are committed by, a country;
- b) There are serious indications that a partner institution is contributing to such acts.

1.3. Definition of International Crimes

By international crimes, the Committee understands the crimes within the jurisdiction of the International Criminal Court, as defined in the Rome Statute of the International Criminal Court under Articles 6, 7, 8, and 8 bis—that is, genocide, crimes against humanity, war crimes, and the crime of aggression.

1.4. Definition of Serious Violations of Human Rights

By *serious violations of human rights*, the Committee understands violations which are typically perpetrated on behalf of a state or other entity and serve a political purpose, often requiring certain organisational structures (such as units, institutions, or services). While serious violations may include conduct that qualifies as international crimes, their scope is broader and encompasses grave infringements of social, economic, and cultural rights, as well as civil and political rights. Assessment criteria include the nature of the obligations breached, the scale or magnitude of the violations, and the impact on victims.

- 1.5. The Committee's primary mandate concerns the assessment of institutional partnerships, not individual collaborations (e.g., ERC or Horizon 2020 projects). However, the Committee may also be consulted by individual staff members for non-binding advice on the potential implications of their individual activities, particularly where the Committee has determined and communicated that serious indications of violations exist in a given country.
- 1.6. It is within the Committee's mandate to gather relevant information, access correspondence and documentation, and, where appropriate, to consult with ad hoc experts. Individual members may consult experts informally; however, the Committee as a whole shall determine whether and how such input may be used in the assessment. All members must have the opportunity to critically review and question each source.
- 1.7. In its deliberations, and in drafting its advisory reports, the Committee shall be mindful of potential chilling effects on academic freedom, research collaboration, and the autonomy of individual staff members—both within UM and at partner institutions.
- 1.8. In its deliberations, and in drafting its advisory reports, the Committee should consider whether the particular partnership contributes, or provides a counterweight against, international crimes and/or human rights violations taking place at the country and/or institutional level.

2. Legal Framework

- 2.1. The Committee is established under the Human Rights Due Diligence (HRDD) Framework adopted by Maastricht University's Executive Board. Its mandate and procedures are derived from this institutional policy instrument.
- 2.2. The Committee's advice shall also adhere to the broader Dutch legal framework. In particular, it operates within the legal structure set out in the Higher Education and Research Act. This law affirms the autonomy of both individual researchers and faculties within higher education institutions. Particular attention should be paid to the following provisions:
 - a) Article 1.6: "Academic freedom shall be observed at institutions of higher education and at university medical centers."
 - b) Article 9.12: "Teaching and the practice of science shall take place within the faculty. The faculty is headed by the dean."

3. Triggering Processes for HRDD Assessments

This section outlines the different pathways by which a Human Rights Due Diligence (HRDD) assessment may be triggered under the mandate of the Committee.

3.1. Institutional Partnerships (Existing, New, or Renewed)

HRDD assessments may be initiated for existing, new, or renewed institutional strategic partnerships involving Maastricht University. In such cases:

- a. Phase 1 (Country-Level Assessment): The Committee shall first assess whether there are serious indications that international crimes or serious human rights violations are taking place in the country or are committed by the country in which the partner institution is based or operates.
- b. Phase 2 (Partner-Level Assessment): If serious indications are found at the country level, the Committee may proceed to assess whether the partner institution is contributing to such violations.

3.2. Personal Requests from UM Staff

- 3.2.1. Personal requests submitted by members of the UM academic community may trigger an assessment under the Committee's mandate, as set out in Section 1.5 of these Working Principles. Such requests must first be reviewed by the Sensitive Partnerships Unit (SPU), which conducts a preliminary credibility check to assess the seriousness and reliability of the concern.
- 3.2.2. If the SPU determines that the concern is credible, the Committee may proceed directly to a partner-level assessment without requiring a prior determination under Phase 1 (country-level assessment), provided that the request pertains to a specific partner institution or collaborative project.

3.3. Whistleblower Reports

- 3.3.1. Whistleblowers—including UM staff, students, or external stakeholders—may trigger an HRDD assessment by submitting concerns about a specific partner. These reports are first screened by the SPU, which performs a credibility check to assess the seriousness and reliability of the concern.
 - 3.3.2. If the SPU determines that the concern is credible, the matter is referred to the HRDD Committee for assessment. In such cases, the Committee may proceed directly to a Phase 2 assessment without a preceding Phase 1.
- 3.4. All assessments triggered under Sections 3.1, 3.2, or 3.3 shall follow the evidentiary framework outlined in Section 5 of these Working Principles and apply the evidentiary threshold of serious indications.

4. Committee Governance

4.1. Internal Functioning and Procedural Rules

The following principles govern the internal functioning and administration of the HRA Committee, including meetings and procedural coordination:

- 4.1.1. Quorum: Committee meetings and any form of decision-making may only proceed with a minimum quorum of three members present.
- 4.1.2. Consensus as the norm: The Committee strives to make administrative, procedural, and assessment decisions by consensus.
- 4.1.3. Voting procedure: If consensus cannot be reached and a vote is requested, the Committee shall decide by simple majority of those present and voting.

- 4.1.4. Abstentions: Members may abstain from voting. Abstentions do not count toward the majority but are counted toward quorum.
- 4.1.5. Casting vote of the Chair: In the event of a tie, the Chair shall exercise a casting (decisive) vote.
 - 4.1.5.1. If the Chair is absent, the Committee shall designate another member present to act as Chair for that meeting. The acting Chair shall also hold the casting vote in case of a tie.

4.2. Decision-Making on Assessments

This section governs the Committee's decision-making process when determining whether Maastricht University's institutional partnerships and other collaborative projects that fall under the scope of this Committee, as defined in Section 1, raise concerns under the HRDD Framework.

- 4.2.1. Basis of assessment: Serious indications must be established in accordance with the evidentiary standards and methodology described in Section 5 of this document.
- 4.2.2. The Committee applies the same decision-making procedures as described under Section 4.1, including quorum, voting rules, and the Chair's casting vote.
- 4.2.3. Dissenting opinion: A committee member may request that their dissenting opinion—optionally including their name—be included in the advisory report. A dissenting opinion must be substantiated with reasons.
- 4.2.4. Recusal: Committee members are expected to be independent, neutral, and free from personal or institutional interests that could impair their objectivity. If a member has previously expressed a public opinion on a matter under review or has a potential conflict of interest, they must disclose this. The Committee will then determine whether recusal is appropriate to preserve the impartiality of its deliberations.

4.3. Consultations

The Committee may engage in consultation to support its mandate, subject to the decision-making procedures outlined in Section 4.1.

- 4.3.1. Expert consultation: The Committee may consult internal or external experts to provide information, analysis, or context relevant to an assessment. These experts serve in an advisory capacity and do not participate in decision-making. The selection of experts must follow the Committee's standard procedure for decision-making.
- 4.3.2. Consultation within the University: The Committee may consult members of the Maastricht University community—including academic staff, administrative offices, or governance bodies—to obtain information relevant to its assessments. Where appropriate, the Committee may issue calls for input or engage in targeted outreach to gather contextual or institutional knowledge.
- 4.3.3. Consultation with external actors: The Committee may engage in consultations with actors outside Maastricht University where this would meaningfully contribute to its understanding of a country or partner institution, or

of other matters deemed relevant by the Committee for the pursuance of its mandate.

4.4. Confidentiality

- 4.4.1. Discussions among members of the advisory committee are confidential.
- 4.4.2. Members agree to operate under the Chatham House Rule, meaning participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.
- 4.4.3. Consultations provided by anyone to the Committee as mentioned under 4.3 may be treated confidential, where requested or appropriate. This may include the content of the consultation, as well as the identity of the person providing information, unless the consultant wishes otherwise.

5. Evidentiary Framework

5.1. Standard of Proof

- 5.1.1. The principal evidentiary standard for initiating and advancing an assessment is the presence of serious indications that international crimes or serious human rights violations are taking place in, or are committed, by a country with which Maastricht University has institutional partnerships, and/or that the partner(s) in question is or are contributing to such acts.
- 5.1.2. This standard also applies to cases referred to the Committee by the Sensitive Partnerships Unit, whether under the whistleblower procedure or following individual requests for non-binding advice from staff members regarding the potential implications of their activities.
- 5.1.3. This standard:
 - a. Requires more than speculation or uncorroborated allegations;
 - b. Does not require conclusive proof or a criminal conviction;
 - c. Demands a substantiated, well-founded concern based on multiple reliable sources.

5.2. Source Categories and Evidentiary Reliability

The Committee distinguishes between sources based on their objectivity, reliability, independence, and methodological rigor. It must critically assess the independence, methodology, and potential biases of each source.

5.2.1. Presumptively Independent, Impartial and Authoritative Sources

These include:

- a. Judgments by international, regional, or national courts (e.g., the International Court of Justice (ICJ), the International Criminal Court (ICC), the European Court

- of Human Rights (ECtHR), the African Court of Human Rights (ACtHR), and the Inter-American Court of Human Rights (IACtHR));
- b. Reports and findings of UN Fact-Finding Missions or Commissions of Inquiry;
- c. Reports of the Office of the UN High Commissioner for Human Rights (OHCHR);
- d. Concluding Observations from UN Treaty Bodies (e.g., the Committee on the Elimination of Racial Discrimination (CERD), the Human Rights Committee (HRC), the Committee against Torture (CAT), the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee on the Rights of the Child (CRC), and the Committee on Economic, Social and Cultural Rights (CESCR)).

These sources are presumed to be independent and impartial and are generally considered authoritative in the context of international law, including international human rights, international humanitarian and international criminal law. However, the evidentiary thresholds applied by these bodies differ (e.g., the “plausibility” standard in ICJ provisional measures versus “conclusive proof” in genocide findings). These variations must be carefully considered when assessing the precise weight of individual decisions or reports. An annex to these Working Principles provides guiding information on the evidentiary standards applied by international courts and bodies in different types of proceedings.

5.2.2. Other Sources

These include:

- a. Reports by UN Special Rapporteurs;
- b. Reports by NGOs, in particular those who have a proven track record of well informed, in-depth and relatively unbiased research, such as Human Rights Watch, Amnesty International;
- c. Information from Dutch and foreign embassies;
- d. Academic publications;
- e. Reports by learned societies—that is, scholarly associations, academies, or professional bodies composed of experts in a specific academic or scientific field
- f. Official statements or public communications by the partner institution (including websites, reports, or social media);
- g. Media reports and open-source intelligence (OSINT);
- h. Case-by-case expert advice obtained through internal or external consultation.
- i. Reports or information by other Human Rights Advisory (or similar purpose) Committees at other universities.

The probative value of these sources depends on their transparency, methodological rigor, and corroboration by other sources. Greater weight should be assigned to those that demonstrate independent verification, multi-sourced input, and consistency with other reliable information

5.3. Cross-Cutting Evidentiary Principles

- 5.3.1. Substantiation threshold: To establish serious indications multiple, independent, and credible sources must substantiate the claim. Isolated or uncorroborated sources are insufficient.
- 5.3.2. Transparency and documentation: The Committee shall maintain a clear record of sources consulted, an evaluation of their reliability, and the rationale supporting its findings. The evidentiary reasoning behind each determination should be explicitly stated.
- 5.3.3. Consistency: The Committee shall apply a consistent standard across cases and ensure that the weighting of sources is aligned with the methodology set out above.
- 5.3.4. Application to reporting: The evidentiary principles set out in this section are to be directly applied in the drafting of advisory reports, particularly in addressing the questions posed in the Country and Partner Assessment Tools. For further guidance on how these tools structure the Committee's written advice, See Section 6: Structure and Methodology of Advisory Reports.

6. Structure and Methodology of Advisory Reports

This section outlines the structure and evidentiary methodology to be followed when drafting advisory reports. Reports must be grounded in the HRDD Assessment Tools and adhere to the evidentiary standards outlined in Section 5.

6.1. Alignment with Assessment Tools

- 6.1.1. Advisory reports issued by the Committee should follow the structure set out in the Country Assessment Tool (Part I) and Partner Assessment Tool (Part II) (Version February 2025), where applicable.
- 6.1.2. The report should respond to the questions contained in the tool(s) and apply the considerations indicated therein.

6.2. Guiding Questions

- 6.2.1. The Country Assessment Tool (Part I) poses the following guiding questions:
 - a. What is the country's score on the Human Rights Index?
 - b. What is the country's score on the Academic Freedom Index?
 - c. Is the country involved in an armed conflict?
 - d. Are there (one or more) indications of serious violations taking place in the country?
- 6.2.2. The Partner Assessment Tool (Part II) poses the following guiding questions:
 - a. Has the partner been convicted for international crimes and/or serious

violations of human rights? Are there indications that the partner is or has been involved in such violations?

b. Are there (one or more) indications that the partner is involved with the military or in warfare, such as controversial weapon development, and thereby contributing to violations of international law?

c. If the answer to one or both of the previous questions is 'yes', what is the level of involvement in such violations of the partner?

6.3. Use of Sources and Methodology

6.3.1. The sources of evidence and methodological principles discussed in this document—particularly in Section 5—should guide the Committee's answers to the above questions.

6.3.2. This is especially relevant for:

a. Question 4 of the Country Assessment Tool: "Are there (one or more) indications of serious violations taking place in the country?"

b. Questions 1 to 3 of the Partner Assessment Tool concerning the partner's potential or actual involvement in international crimes or serious human rights violations.

6.4. Reporting Structure

6.4.1. Depending on the case, the Committee may issue:

a. A single integrated report covering both the country-level (Phase 1) and partner-level (Phase 2) assessment; or

b. Two separate reports, each addressing one phase.

6.4.2. When conducting an assessment in response to a personal request for advice or following a whistleblower report deemed credible by the Sensitive Partnerships Unit, the Committee may carry out a Phase 2-type assessment without prior Phase 1 determination. In such cases, the reporting format should remain proportionate to the scope and nature of the request.

6.5. Public and Internal Versions of Reports

6.5.1. Advisory reports must be transparent in their reasoning and clearly indicate the evidentiary basis on which findings are made.

6.5.2. Where Phase 1 results in a finding of serious indications that international crimes or serious human rights violations are taking place in or by a country, this finding shall be communicated to the UM academic community, in accordance with the HRDD Framework.

6.5.3. Only reports triggered under triggered under Sections 3.1 and 3.3 shall be sent to the Executive Board.

6.5.4. The version of the report submitted to the Executive Board shall include the full detail of the Committee's assessment, including all relevant evidence, sources consulted, and the rationale behind its conclusions.

6.5.5. A version of the report sent to the Executive Board may be prepared for public disclosure. This public version does not need to include all sensitive

details or underlying evidence used in the internal assessment, and may be redacted or summarised as appropriate.

7. Amendments

7.1. These principles may be amended by the Committee.

7.2. Any amendment must follow the decision-making procedures set out in Section 4.1.

Draft version 13 May 2025

Annex I - Table: Evidentiary Standards Applied by International and UN Bodies

Institution/Body	Type of Decision/Report	Typical Evidentiary Standard
International Court of Justice (ICJ)	Provisional Measures Orders	Plausible rights and plausible risk of irreparable prejudice
International Court of Justice (ICJ)	Final Judgment on Merits	Varies depending on allegation: • Conclusive proof for genocide allegations • Clear and convincing evidence (high probability) for certain serious violations • Balance of probabilities
International Court of Justice (ICJ)	Advisory Opinions	Balance of probabilities
International Criminal Court (ICC)	Opening of Situation	Reasonable basis to believe
International Criminal Court (ICC)	Arrest Warrant / Summons to Appear	Reasonable grounds to believe
International Criminal Court (ICC)	Confirmation of Charges	Substantial grounds to believe
International Criminal Court (ICC)	Trial Judgment	Beyond reasonable doubt
European Court of Human Rights (ECtHR)	Final Judgment	Balance of probabilities
Inter-American Court of Human Rights (IACtHR)	Final Judgment	Balance of probabilities
African Court of Human Rights	Final Judgment	Balance of probabilities
UN Fact-Finding Missions and Commissions of Inquiry	Reports	Reasonable grounds to believe
UN Office of the High Commissioner for Human Rights (OHCHR)	Reports (e.g., thematic and country-specific)	Typically credible evidence; in some reports, reasonable grounds to believe

From: [redacted] 5.1 lid 2 e
Sent: donderdag 15 mei 2025 15:51
To: [redacted] 5.1 lid 2 e
Cc: [redacted] 5.1 lid 2 e
Subject: RE: Informatie gevraagd | Samenwerking Hebrew University of Jerusalem

Hallo [redacted] 5.1 lid 2 e
Dank voor jullie mail.

Bijgevoegd:

- Visie en plannen omtrent voorgenomen uitwisselings-samenwerking met HUJI + verzoek om aanbeveling door Honorary Consulate of Israel gericht aan Prof. Dr. Martin Paul. 23 juli 2014.
- Letter of Intent (voornemen voor een formele samenwerking). Ondertekend op 4 juli 2014 door Prof. Dr. M. Paul, President UM, gericht aan de Honorary Consul of Israel.
- Uitwisselingsovereenkomst Maastricht University, Faculty of Psychology (FPN) – Hebrew University of Jerusalem (HUJI), Faculty of Social Sciences, Department of Psychology. Ondertekend op 9/13 maart 2017

Totstandkoming formele samenwerking:

Initiatiefnemer voor de formele samenwerking met HUJI is [redacted] 5.1 lid 2 e en de heer [redacted] 5.1 lid 2 e (HUJI). [redacted] 5.1 lid 2 e werkt al enige tijd samen op onderzoeksgebied met HUJI, incl. enkele bezoeken aan HUJI gesubsidieerd door een Lady Davis Fellowship. De samenwerking is tot stand gekomen met toestemming/support van de pro-rector van de Hebrew University, Pro. Dr. Martin Paul (President UM), en het FPN bestuur. Evenals aanbevelingsbrieven van de Israëlische ambassadeur in Nederland, van de Israëlische Honorair Consul, en van de Burgemeester van Maastricht. Zie bijgaand document voor meer details.

Scope: uitwisseling van bachelor studenten voor studie en staf (op individuele basis). Op jaarbasis: 1 jaarstudent of 2 semesterstudenten.

- FPN Bachelor studenten kunnen vakken volgen bij de HUJI Department of Psychology en/of the Rothberg International School (RIS)
- HUJI studenten kunnen onderwijs volgen van de Engelstalige Bachelor Psychology bij FPN

Start uitwisseling: 2017/2018. De samenwerking is op verzoek van CvB officieel bevroren per academisch jaar 2024/2025 in afwachting van de uitkomst van toetsing middels het toetsingskader 'mensenrechten'. De fysieke uitwisseling was al eerder stopgezet als gevolg van het negatief reisadvies voor Israël (als gevolg van de oplopende spanningen) uitgegeven door BuZa op 7 oktober 2023.

Overzicht van inkomende/uitgaande studentmobiliteit met HUJI sinds de start van de samenwerking (totaal: 8 uitgaand, 1 inkomend)*

2017-2018: 1 inkomend

2018-2019: 2 uitgaand

2019-2020: 2 uitgaand

2022-2023: 2 uitgaand

2023-2024: 2 uitgaand (1 eerder teruggekeerd vanwege negatief reisadvies, 1 niet vertrokken vanwege situatie. Beiden hebben hun uitwisseling bij HUJI op afstand, online, afgerond)

* Dus slechts 1 inkomende exchange student. Enkele door HUJI genomineerde studenten hadden zich om diverse redenen teruggetrokken. Financiële drempel speelt ook mee. Disbalans was punt van aandacht (hoewel HUJI desondanks studenten kon blijven ontvangen).

buiten scope

Mochten jullie vragen hebben of meer informatie behoeven, dan hoor ik het graag. Succes!

Groeten,

5.1 lid 2 e

From: 5.1 lid 2 e

Sent: donderdag 15 mei 2025 12:31

To: 5.1 lid 2 e

Cc: 5.1 lid 2 e

Subject: Informatie gevraagd | Samenwerking Hebrew University of Jerusalem

Hoi 5.1 lid 2 e

Als voorbereiding op de behandeling van de mensenrechtencommissie van onze partners in Israel, zou ik je willen vragen om 5.1 lid 2 e en mij te voorzien van alle informatie die je hebt over de samenwerking met Hebrew University. Dus graag contract, informatie over disciplines, aantal studenten uitgewisseld, andere contacten die er mogelijk zijn in het kader van deze overeenkomst, en alle andere informatie die je hebt die relevant zou kunnen zijn.

Het zou fijn zijn als je me dit zo snel mogelijk zou kunnen terugkoppelen.

Alvast bedankt en veel groeten,

5.1 lid 2 e



Maastricht University

5.1 lid 2 e

Final Draft 20 May 2025

HRDD Phase 1 Country Assessment Report: Israel/Palestine

Submitted to the Executive Board by the Human Rights Advisory Committee (HRAC)

Table of Contents

Introduction	1
1. What is the country's score on the Human Rights Index?.....	2
2. What is the country's score on the Academic Freedom Index?.....	2
3. Is the country involved in an armed conflict?	2
4. Are there (one or more) indications of serious violations taking place in the country?	3
Conclusion.....	4
Annex I Summary and Analysis of Evidence	5
Annex II - Excerpts	6
International Court of Justice (ICJ)	6
International Criminal Court – Situation in the State of Palestine	9
Reports of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel Established by Human Rights Council Resolution S-30/1 (28 May 2021)	11
Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel.....	12
United Nations High Commissioner for Human Rights	15
National Court - Netherlands	22
NGOs Reports	23
Human Rights Watch	23
Amnesty International.....	23

Introduction

This report presents the findings of the Human Rights Advisory Committee (HRAC) under Phase 1 of the HRDD assessment for Israel/Palestine, the first country reviewed under the Committee's mandate. In line with Principle 6.4.1(b) of the Working Principles, the Committee has decided to issue a standalone Phase 1 report for this pilot assessment, reflecting its commitment to transparency and thorough documentation. This decision does not set a precedent for all future cases, which may be addressed through a single, consolidated report covering both phases.

In line with the principles outlined in Section 6 of the Working Principles, and in particular Principles 6.1 and 6.2.1, this report follows the structure set out in the HRDD Country Assessment Tool – Part 1.

Pursuant to its mandate to support Maastricht University in its commitment to contribute positively to the human rights situation in the world—especially where international crimes and serious human rights violations are concerned—this report aims to provide a clear and evidence-based foundation for the Executive Board’s next steps under the HRDD Framework.

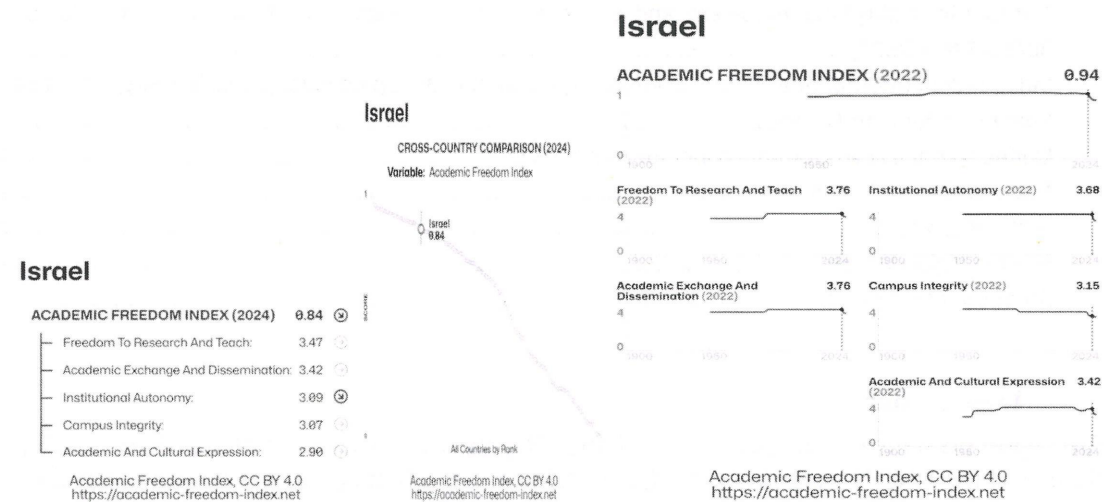
1. What is the country’s score on the Human Rights Index?

The UN Universal Human Rights Index does not provide a single quantitative score. Instead, it compiles the number and nature of recommendations and observations issued by various UN human rights mechanisms. A search for Israel in the database returns 1,845 recommendations and observations, spanning 33 documents issued by 16 different mechanisms. While this does not constitute a score, it provides a contextual indication of the extent of international scrutiny and documentation regarding Israel’s human rights record.

2. What is the country’s score on the Academic Freedom Index?

In 2024, Israel scored 0.84 on the Academic Freedom Index (AFi), where the highest possible score is 1. This score is considered relatively high in global comparison. However, after decades of stability at 0.94 (from 1980 to 2022), the AFi score dropped by 0.103 between 2022 and 2024—a sudden shift that diverges from Israel’s previously consistent trend and warrants attention

Regarding Institutional Autonomy, a subcomponent of the AFi measured on a 0–4 scale, Israel scored 3.09 in 2024. This sub-score has declined since 2022, falling by 0.596 and interrupting a long-standing pattern of stability. These recent developments reflect a sharp and sudden weakening of academic freedom, albeit from a relatively strong baseline.



Screenshots taken on 20-21 May 2025.

3. Is the country involved in an armed conflict?

According to the [Global Conflict Tracker](#) maintained by the Center for Preventive Action at the Council on Foreign Relations, Israel is involved in two major armed conflicts:

- The Israeli-Palestinian conflict, categorized as a worsening territorial dispute;

- An escalating interstate conflict with Hezbollah, a non-state armed group operating from Lebanon.

Additionally, as documented by the Rule of Law in Armed Conflicts (RULAC) project of the Geneva Academy, Israel is the occupying power in three internationally recognized occupations:

1. The Golan Heights, which are part of Syria;
2. The Shebaa Farms, which are part of Lebanon;
3. The West Bank, East Jerusalem, and the Gaza Strip, which are part of Palestine.

While Israel withdrew its ground forces from Gaza in 2005, it continues to exercise significant control over the territory and is thus recognized as the occupying power under international law.

As of the current period, Israel is a party to multiple international armed conflicts—against Palestine, Lebanon, and Syria—and a non-international armed conflict with Hezbollah.

4. Are there (one or more) indications of serious violations taking place in the country?

The HRAC has concluded that there are serious indications that Israel has committed and continues to commit multiple international crimes and serious human rights violations, including:

- War crimes
- Crimes against humanity
- Potential acts of genocide

This conclusion is grounded in findings from institutions widely regarded as authoritative and independent in the field of international human rights and international criminal law, including:

- The International Court of Justice (ICJ) – *Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (19 July 2024); *Order on Provisional Measures in South Africa v. Israel* (26 January 2024)
- The International Criminal Court (ICC) – *Arrest Warrants issued by Pre-Trial Chamber I* (21 November 2024); *Appeals Chamber Decision on Jurisdiction Challenge* (24 April 2025)
- The UN Commission of Inquiry (COI) – *Reports on the Occupied Palestinian Territory, including East Jerusalem, and Israel* (14 June and 14 September 2024)
- The Office of the High Commissioner for Human Rights (OHCHR) – *Report on the Human Rights Situation in the Occupied Palestinian Territory* (A/HRC/58/28, February 2025); *Report on Israeli Settlements* (A/HRC/58/73, March 2025)

- The Hague Court of Appeal – *Judgment in Oxfam Novib et al. v. The Netherlands* (12 February 2024); Advice of Advocate General to Supreme Court (2 December 2024)

These findings are further corroborated by credible investigations and reports published by leading human rights NGOs, including:

- Human Rights Watch – *Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water* (December 2024); *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (January 2021)
- Amnesty International – *The State of the World's Human Rights 2024* (April 2024)

In addition, the HRAC notes that there are also serious indications that war crimes and crimes against humanity have been committed in the State of Israel by Hamas - *Arrest Warrants issued by Pre-Trial Chamber I* (21 November 2024).

Taken together, these sources constitute a robust and deeply corroborated body of evidence that not only meets but exceeds the evidentiary threshold set by the HRDD Framework for establishing serious indications of international crimes and serious human rights violations committed in and by Israel.

A summary and analysis of the main sources of evidence relied upon for this conclusion is provided in Annex I, while Annex II presents relevant excerpts from the decisions, reports, and findings of the institutions and bodies cited above.

Conclusion

Based on its mandate under the HRDD Framework and Working Principles, and drawing on a wide range of impartial, independent, authoritative, as well as corroborated sources (see annexes), the HRAC concludes that there are serious indications that Israel has committed and continues to commit international crimes and serious human rights violations, including war crimes, crimes against humanity, and potential acts of genocide.

These findings meet and exceed the evidentiary threshold set out in the HRDD Framework for advancing from Phase 1 (country-level assessment) to Phase 2 (partner-level assessment). In line with this conclusion, the HRAC will now proceed to assess whether there are serious indications that partner institutions located in Israel are contributing to these violations.

The HRAC having reached the conclusion that the threshold for Phase 1 has been met, the HRDD Framework foresees that the Executive Board enter into contact with relevant institutions in Israel to inform them that the University is proceeding to Phase 2 of the assessment. The HRAC would appreciate being kept informed about any responses received and other relevant information arising from this engagement with partner institutions.

This report is intended to inform the Executive Board's decision-making. The HRAC has/will also share a summary of the findings of Phase 1 for communication to the broader University community.

Annex I Summary and Analysis of Evidence

There are serious indications that Israel has committed, and continues to commit, multiple international crimes and serious human rights violations. These include war crimes, crimes against humanity, and potentially acts of genocide.

The International Court of Justice (ICJ), in its Advisory Opinion of 19 July 2024, found that Israel's policies in the Occupied Palestinian Territory—such as settlement expansion, forcible transfer, discriminatory laws, and prolonged occupation—violate international law and amount to annexation, racial segregation, and breaches of the right to self-determination. In its Provisional Measures Order of 26 January 2024, the Court concluded that it is plausible that the rights of Palestinians in Gaza to be protected from genocide are at risk.

The International Criminal Court (ICC) issued arrest warrants on 21 November 2024 for Prime Minister Netanyahu and Defense Minister Gallant, finding reasonable grounds to believe they bear responsibility for starvation as a method of warfare (a war crime), murder and inhumane acts (crimes against humanity), and persecution and attacks against civilians. These findings concern acts allegedly committed in Gaza between October 2023 and May 2024. In April 2025, the Appeals Chamber confirmed that while jurisdictional issues are pending, the warrants remain valid.

The ICC Pre-Trial Chamber also issued an arrest warrant for Mohammed Diab Ibrahim Al-Masri (known as “Deif”), the highest commander of Hamas’s al-Qassam Brigades, for alleged war crimes and crimes against humanity committed in Israel and Palestine from at least 7 October 2023. On 26 February 2025, ICC Pre-trial Chamber I terminated proceedings against Mohammed Diab Ibrahim Al-Masri (Deif) following the Prosecution’s notification of his death.

The UN Independent International Commission of Inquiry, in its June and September 2024 reports, found war crimes including wilful killing, attacks on protected objects, and destruction of healthcare infrastructure, as well as crimes against humanity such as extermination, torture, and gender persecution—applying a “reasonable grounds to believe” standard.

Reports by the Office of the High Commissioner for Human Rights (OHCHR) in February and March 2025 confirm widespread and systematic violations of international humanitarian and human rights law, including policies of apartheid, forcible transfer, and collective punishment—notably of children.

The Hague Court of Appeal, in a February 2024 judgment, held that there is a “clear risk” that F-35 components exported from the Netherlands to Israel would be used to commit serious violations of international humanitarian law, based on Israeli conduct in recent operations. This ruling, now under appeal, was based on a precautionary standard, not conclusive proof. On 29 November 2024, the Advocate General has recommended to the Supreme Court that the Court of Appeal’s decision—requiring the Dutch State to cease exports of F-35 parts to Israel—be upheld.

These findings are corroborated by reputable human rights organizations. Human Rights Watch (Dec. 2024) concluded that Israel committed the crime against humanity of extermination and possibly acts of genocide. Amnesty International (Apr. 2024) documented deepened apartheid, mass displacement in Gaza, and systemic abuses in both the Occupied Palestinian Territory and within Israel. Human Rights Watch (2021) previously found that Israel's repression of Palestinians amounts to crimes against humanity of apartheid and persecution.

Annex II - Excerpts

International Court of Justice (ICJ)

Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem

International Court of Justice, Advisory Opinion of 19 July 2024

Paragraph 119:

“the Court considers that the transfer by Israel of settlers to the West Bank and East Jerusalem, as well as Israel's maintenance of their presence, is contrary to the sixth paragraph of Article 49 of the Fourth Geneva Convention.”

Paragraph 133:

“the Court also concludes that Israel's policy of exploitation of natural resources in the Occupied Palestinian Territory is inconsistent with its obligation to respect the Palestinian people's right to permanent sovereignty over natural resources.”

Paragraph 147:

“The Court considers that Israel's policies and practices, which it discusses in greater detail below (see paragraphs 180-229), including its forcible evictions, extensive house demolitions and restrictions on residence and movement, often leave little choice to members of the Palestinian population living in Area C but to leave their area of residence. The nature of Israel's acts, including the fact that Israel frequently confiscates land following the demolition of Palestinian property for reallocation to Israeli settlements, indicates that its measures are not temporary in character and therefore cannot be considered as permissible evacuations. In the Court's view, Israel's policies and practices are contrary to the prohibition of forcible transfer of the protected population under the first paragraph of Article 49 of the Fourth Geneva Convention.”

Paragraph 154:

“The Court considers that the violence by settlers against Palestinians, Israel's failure to prevent or to punish it effectively and its excessive use of force against Palestinians contribute to the creation and maintenance of a coercive environment against Palestinians. In the present case, on the basis of the evidence before it, the Court is of the view that Israel's systematic failure to prevent or to punish attacks by settlers

against the life or bodily integrity of Palestinians, as well as Israel's excessive use of force against Palestinians, is inconsistent with the obligations identified in paragraph 149 above."

Paragraph 173:

"In light of the above, the Court is of the view that Israel's policies and practices, including the maintenance and expansion of settlements, the construction of associated infrastructure, including the wall, the exploitation of natural resources, the proclamation of Jerusalem as Israel's capital, the comprehensive application of Israeli domestic law in East Jerusalem and its extensive application in the West Bank, entrench Israel's control of the Occupied Palestinian Territory, notably of East Jerusalem and of Area C of the West Bank. These policies and practices are designed to remain in place indefinitely and to create irreversible effects on the ground. Consequently, the Court considers that these policies and practices amount to annexation of large parts of the Occupied Palestinian Territory."

Paragraph 179:

"The Court has found that Israel's policies and practices amount to annexation of large parts of the Occupied Palestinian Territory. It is the view of the Court that to seek to acquire sovereignty over an occupied territory, as shown by the policies and practices adopted by Israel in East Jerusalem and the West Bank, is contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of territory by force."

Paragraph 197:

"the Court is of the view that Israel's residence permit policy amounts to prohibited discrimination under Articles 2, paragraph 2, 23 and 26 of the ICCPR, and Articles 2, paragraph 2, and 10, paragraph 1, of the ICESCR."

Paragraph 206:

"the Court is of the view that Israel's policies restricting freedom of movement amount to prohibited discrimination under Articles 2, paragraph 1, and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of CERD."

Paragraph 213:

"Israel's practice of punitive demolitions of Palestinian property, being contrary to its obligations under international humanitarian law, does not serve a legitimate public aim. The Court considers that, because this practice treats Palestinians differently without justification, it amounts to prohibited discrimination under Articles 2, paragraph 1, and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of CERD."

Paragraph 222:

"the Court considers that Israel's planning policy in relation to the issuance of building permits, and in particular its practice of property demolition for lack of a

building permit, which treats Palestinians differently from settlers without justification, amounts to prohibited discrimination, in violation of Articles 2, paragraph 1, and 26 of the ICCPR, Article 2, paragraph 2, of the ICESCR, and Article 2 of CERD.”

Paragraph 229:

“229. The Court observes that Israel’s legislation and measures impose and serve to maintain a near-complete separation in the West Bank and East Jerusalem between the settler and Palestinian communities. For this reason, the Court considers that Israel’s legislation and measures constitute a breach of Article 3 of CERD.”

Article 3 of CERD provides as follows:

“States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.”

This provision refers to two particularly severe forms of racial discrimination: racial segregation and apartheid.

Paragraph 243:

“The prolonged character of Israel’s unlawful policies and practices aggravates their violation of the right of the Palestinian people to self-determination. As a consequence of Israel’s policies and practices, which span decades, the Palestinian people has been deprived of its right to self-determination over a long period, and further prolongation of these policies and practices undermines the exercise of this right in the future. For these reasons, the Court is of the view that Israel’s unlawful policies and practices are in breach of Israel’s obligation to respect the right of the Palestinian people to self-determination.”

Paragraph 261:

“The Court considers that the violations by Israel of the prohibition of the acquisition of territory by force and of the Palestinian people’s right to self-determination have a direct impact on the legality of the continued presence of Israel, as an occupying Power, in the Occupied Palestinian Territory. The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel’s presence in the Occupied Palestinian Territory unlawful.”

Provisional Order of 26 January 2024, South Africa v. Israel
International Court of Justice

Paragraph 54:

“the facts and circumstances mentioned above are sufficient to conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are

plausible. This is the case with respect to the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III, and the right of South Africa to seek Israel's compliance with the latter's obligations under the Convention."

International Criminal Court – Situation in the State of Palestine

Press Release – 21 November 2024

Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant

"[O]n 21 November 2024, Pre-Trial Chamber I of the International Criminal Court ('Court'), in its composition for the Situation in the State of Palestine, unanimously issued two decisions rejecting challenges by the State of Israel ('Israel') brought under articles 18 and 19 of the Rome Statute (the 'Statute'). It also issued warrants of arrest for Mr Benjamin Netanyahu and Mr Yoav Gallant."

"The Chamber issued warrants of arrest for two individuals, Mr Benjamin Netanyahu and Mr Yoav Gallant, for crimes against humanity and war crimes committed from at least 8 October 2023 until at least 20 May 2024, the day the Prosecution filed the applications for warrants of arrest. The arrest warrants are classified as 'secret', in order to protect witnesses and to safeguard the conduct of the investigations."

"The Chamber considered that there are reasonable grounds to believe that both individuals intentionally and knowingly deprived the civilian population in Gaza of objects indispensable to their survival, including food, water, and medicine and medical supplies, as well as fuel and electricity, from at least 8 October 2023 to 20 May 2024. This finding is based on the role of Mr Netanyahu and Mr Gallant in impeding humanitarian aid in violation of international humanitarian law and their failure to facilitate relief by all means at its disposal. The Chamber found that their conduct led to the disruption of the ability of humanitarian organisations to provide food and other essential goods to the population in need in Gaza."

"The aforementioned restrictions together with cutting off electricity and reducing fuel supply also had a severe impact on the availability of water in Gaza and the ability of hospitals to provide medical care. The Chamber therefore found reasonable grounds to believe that Mr Netanyahu and Mr Gallant bear criminal responsibility for the war crime of starvation as a method of warfare."

"The Chamber found that there are reasonable grounds to believe that the lack of food, water, electricity and fuel, and specific medical supplies, created conditions of life calculated to bring about the destruction of part of the civilian population in Gaza, which resulted in the death of civilians, including children due to malnutrition and dehydration."

"On the basis of material presented by the Prosecution covering the period until 20 May 2024, [...] the Chamber found that there are reasonable grounds to believe that the crime against humanity of murder was committed in relation to these victims."

"In addition, by intentionally limiting or preventing medical supplies and medicine from getting into Gaza, in particular anaesthetics and anaesthesia machines, the two individuals are also responsible for inflicting great suffering by means of inhumane acts on persons in need of treatment. Doctors were forced to operate on wounded persons and carry out amputations, including on children, without anaesthetics, and/or were forced to use inadequate and unsafe means to sedate patients, causing these persons extreme pain and suffering. This amounts to the crime against humanity of other inhumane acts."

"The Chamber also found reasonable grounds to believe that the abovementioned conduct deprived a significant portion of the civilian population in Gaza of their fundamental rights, including the rights to life and health, and that the population was targeted based on political and/or national grounds. It therefore found that the crime against humanity of persecution was committed."

"Finally, the Chamber assessed that there are reasonable grounds to believe that Mr Netanyahu and Mr Gallant bear criminal responsibility as civilian superiors for the war crime of intentionally directing attacks against the civilian population of Gaza."

Press Release - 21 November 2024

Situation in the State of Palestine: Warrant of Arrest for Mohammed Diab Ibrahim Al-Masri ('Deif')

"On 21 November 2024, Pre-Trial Chamber I of the International Criminal Court ('Court'), in its composition for the Situation in the State of Palestine, unanimously issued a warrant of arrest for Mr Mohammed Diab Ibrahim Al-Masri, commonly known as 'Deif', for alleged crimes against humanity and war crimes committed on the territory of the State of Israel and the State of Palestine from at least 7 October 2023."

ICC Appeals Chamber Decision – 24 April 2025

Appeals Chamber remands jurisdiction challenge back to Pre-Trial Chamber

On 24 April 2025, the ICC Appeals Chamber reversed the earlier Pre-Trial Chamber decision on Israel's jurisdictional challenge and remanded the matter for reconsideration.

- The decision does not contest the substance of the arrest warrants or the finding of reasonable grounds to believe the crimes were committed.
- It specifically concerns whether the ICC has jurisdiction over Israeli nationals.
- The arrest warrants remain valid and are not suspended, as they are based on a distinct decision.
- However, if the Pre-Trial Chamber ultimately finds that the Court lacks jurisdiction over Israeli nationals, the warrants could be rendered ultra vires (beyond the Court's legal authority).

Despite this jurisdictional uncertainty, the Pre-Trial Chamber's finding remains: there are reasonable grounds to believe that Netanyahu and Gallant are responsible for war crimes and crimes against humanity committed in Gaza.

Reports of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel
Established by Human Rights Council Resolution S-30/1 (28 May 2021)

The methodology and standard of proof applied by the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel are detailed in its terms of reference. The Commission explains:

“In the course of its work, the Commission has decided to adopt the same standard of proof as the majority of international commissions of inquiry on human rights, that is one of ‘reasonable grounds’. This means that findings will be included in the reports where the ‘reasonable grounds’ standard of proof has been met, namely where, based on a body of verified information, an objective and ordinarily prudent observer would have reasonable grounds to conclude that the facts took place as described and, where legal conclusions are drawn, that these facts meet all the elements of a violation or abuse, and any individual identified is responsible for the violation or abuse. In applying the standard of proof adopted, the Commission will pay particular attention to corroborating relevant information it receives or has collected. It will do so by verifying every piece of information by obtaining consistent information from at least two other independent and reliable sources. In some cases, information provided by a reliable primary source may need to be corroborated by only one additional independent and reliable source, which may include the investigator’s own findings.”

Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel

Established by Human Rights Council Resolution S-30/1 (28 May 2021)

Report submitted to the Human Rights Council – 14 June 2024

UN Doc. A/HRC/56/26

This report examines violations of international human rights law, international humanitarian law, and possible international crimes committed by all parties between 7 October and 31 December 2023.

Paragraph 80:

“In relation to the Commission’s investigation into Israeli attacks and operations in Gaza and the Occupied Palestinian Territory, the Commission found that Israeli authorities and members of the Israeli security forces had committed war crimes, crimes against humanity and violations of international humanitarian law and international human rights law.”

Paragraph 81:

“The Commission found that the war crimes of starvation as a method of warfare; murder or wilful killing; intentionally directing attacks against civilians and civilian objects; forcible transfer; sexual violence; outrages upon personal dignity; and sexual and gender-based violence amounting to torture or inhuman and cruel treatment had been committed.”

Paragraph 82:

“The Commission found that through several actions, including siege, Israel had inflicted collective punishment on the Palestinian population in Gaza, in direct violation of international humanitarian law.”

Paragraph 83:

“The Commission found it foreseeable that civilians would be present in the areas targeted by the Israeli security forces; nonetheless, the Israeli security forces intentionally proceeded to direct its attacks against the civilian population and civilian objects, including places of worship, with such knowledge, in direct violation of the principles of distinction, proportionality and precaution and special protections for women and children under international humanitarian law.”

Paragraph 84:

“The Commission found that the chapeau elements of crimes against humanity had been fulfilled, namely widespread or systematic attacks directed against the civilian population in Gaza. The Commission found that the crimes against humanity of extermination; murder; gender persecution targeting Palestinian men and boys; forcible transfer; and torture and cruel, inhuman or degrading treatment had been committed.”

Paragraph 85:

“The Commission found that the siege and forcible transfer of the population, compounded by widespread destruction caused by attacks and military operations, had resulted in violations of international human rights law, including the rights to family life, adequate food, housing, education, health, social security and water and sanitation, affecting children and persons in vulnerable situations in particular. The age- and gender-specific harms had resulted in violations of the Convention on the Rights of the Child and rights to non-discrimination under the Convention on the Elimination of All Forms of Discrimination against Women.”

Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel

Established by Resolution A/HRC/RES/S-30/1 of the Human Rights Council on 28 May 2021

Report submitted to the General Assembly – 11 September 2024

UN Doc. A/79/232

This report examines the treatment of detainees and hostages, and attacks on medical facilities and personnel between 7 October 2023 and August 2024.

Paragraph 89:

“The Commission finds that Israel has implemented a concerted policy to destroy the health-care system of Gaza. Israeli security forces have deliberately killed, wounded, arrested, detained, mistreated and tortured medical personnel and targeted medical vehicles, constituting the war crimes of wilful killing and mistreatment and the crime against humanity of extermination. Israeli authorities carried out such acts while tightening the siege of the Gaza Strip, resulting in fuel, food, water, medicines and medical supplies not reaching hospitals, while also drastically reducing permits for patients to leave the territory for medical treatment. The Commission finds that these actions were taken as collective punishment against the Palestinians in Gaza and are part of the ongoing Israeli attack against the Palestinian people that began on 7 October.”

Paragraph 91:

“In relation to the attacks on Nasr, Shifa’, Awdah and Turkish hospitals, the Commission finds that, in view of the excessive number of civilian deaths and injuries, as well as the damage caused to and the destruction of the hospitals’ facilities, Israeli security forces failed to adhere to the principles of precaution, distinction and proportionality, constituting the war crimes of wilful killing and attacks against protected objects. The Commission finds that, in the attacks on Shifa’ and Nasr hospitals, Israeli security forces considered the hospitals’ premises and all surrounding areas as targetable without distinction and thus violated the principle of distinction. With regard to Israeli security forces seizing the Turkish Hospital for military purposes and establishing a military post therein, the Commission finds that such actions were not required by the imperative of military necessity and thus amount to the war crime of seizing protected property.”

Paragraph 95:

“In relation to the 29 January attack on a family, including five children, that was in a vehicle and on a Palestine Red Crescent Society ambulance (see para. 11), the Commission, based on its investigation, concludes on reasonable grounds that the 162 Division of the Israeli security forces was operating in the area and is responsible for killing the family of seven, as well as for shelling the ambulance, killing the two paramedics who were inside. Those actions constitute the war crimes of wilful killing and an attack against civilian objects.”

Paragraph 97:

“The Commission finds that the deliberate destruction of sexual and reproductive health-care facilities constitutes reproductive violence and has had a particularly harmful effect on pregnant, post-partum and lactating women, who remain at high risk of injury and death. Targeting such infrastructure is a violation of women and girls’ reproductive rights and the rights to life, health, human dignity and non-discrimination. In addition, it has caused immediate physical and mental harm and suffering to women and girls and will have irreversible long-term effects on the mental health and the physical reproductive and fertility prospects of the Palestinian people as a group.”

Paragraph 98:

“Intentionally targeting facilities that are crucial for the health and protection of women, newborns and children violated the norm of customary international humanitarian law that affords special protection to women and children in armed conflicts. Such harmful acts were both foreseeable and unremedied. The prolonged physical and mental suffering of injured children and the reproductive harm caused to pregnant, post-partum and lactating women amount to the crime against humanity of other inhumane acts.”

Paragraph 99:

“The Commission finds that Israeli security forces resorted to perfidy when soldiers entered a hospital in Jenin dressed as medical staff and female civilians on 30 January. That action constitutes a violation of international humanitarian law.”

Paragraph 102:

“Mistreatment of Palestinian detainees by Israeli authorities is the result of an intentional policy. Acts of physical, psychological, sexual and reproductive violence were perpetrated to humiliate and degrade Palestinians. This was observed across several facilities and temporary holding locations, as well as during interrogation and while in transit to and from facilities. Detainees, including older persons and children, were subjected to consistent mistreatment, including lack of sufficient food and appropriate hygiene facilities, beatings, abusive language and being forced to perform humiliating acts. Israeli security forces committed those acts with the intent to inflict pain and suffering, amounting to torture as a war crime and a crime against humanity and constituting a violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The deaths of detainees as a result of abuse or neglect amount to the war crimes of wilful killing or murder and violations of the right to life.”

Paragraph 103:

“This systematic abuse is directly and causally linked to statements made by Israeli officials, including the Minister of National Security, who is responsible for the Israel Prison Service, and other members of the Israeli coalition Government legitimizing revenge and violence against Palestinians. The lack of accountability for actions of individual members of the Israeli security forces and the increasing acceptance of violence against Palestinians have allowed such conduct to continue uninterrupted and become systematic and institutionalized.”

Paragraph 108:

“As the intensity of the hostilities increased, so did the prevalence and types of sexual and gender-based violence committed. In its previous report to the Human Rights Council (A/HRC/56/26), the Commission identified persecutory acts committed against Palestinian men and boys, including the filming of forced public stripping and nudity. The Commission finds that such persecutory acts continued in detention in the

form of sexualized torture. Male detainees were subjected to attacks on their sexuality and reproductive organs, including violence to their genitals and anus, and were forced to perform humiliating and strenuous acts naked or stripped as a form of punishment or intimidation, with a view to extract information from them. Male detainees were subjected to rape, which is a war crime and a crime against humanity. Such acts of sexual violence, causing severe physical and mental suffering, also amount to torture.”

United Nations High Commissioner for Human Rights

Israeli Settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the Occupied Syrian Golan - Report of the United Nations High Commissioner for Human Rights, UN Doc. A/HRC/58/73 – Submitted pursuant to Human Rights Council resolution 55/32 (covering 1 November 2023 to 31 October 2024)

Paragraph 13:

“During the reporting period, there was significant consolidation and expansion of Israeli settlements in the occupied West Bank, including East Jerusalem. All Israeli settlements are illegal under international law because they amount to the transfer by Israel of its population into an occupied territory. The maintenance and expansion of Israeli settlements also advances the integration of Palestinian territory into Israel, forming part of the policies and practices that amount to annexation of large parts of the Occupied Palestinian Territory, in violation of the prohibition on the acquisition of territory by force. Israeli settlements also fragment the remaining areas of the West Bank and disconnect the West Bank from Jerusalem, further inhibiting the fulfilment of Palestinians’ right to self-determination within a contiguous State.”

Pursuant to article 8 (2)(b)(viii) of the Rome Statute of the International Criminal Court, the transfer by the occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory, amounts to a war crime.

Paragraph 20:

“Israel continued the illegal appropriation of land for Israeli settlements in the occupied territory through declarations of ‘State land’, as well as the establishment of military zones, nature reserves and cultural and archaeological sites. This illegal appropriation remained one of the key tools for dispossession and the forcible transfer of Palestinians from their land, while enabling the transfer of the Israeli civilian population to those lands.”

Paragraph 23:

“In East Jerusalem, Israel continues to take measures to transfer its civilian population to this occupied territory and to forcibly transfer Palestinians within and from the occupied territory. These measures also isolate East Jerusalem from the rest of the West Bank and further undermine the drawing of a border for a Palestinian capital in

East Jerusalem, as part of the denial by Israel of Palestinians' right to self-determination."

Paragraph 25:

"The Israeli authorities have also started including the settlement of land title as an additional requirement for obtaining building permits in East Jerusalem, which are already almost impossible for Palestinians to obtain due to a discriminatory building permit scheme. The settlement of land title supplements other discriminatory laws, including the 1950 Absentee Property Law and the 1970 Legal and Administrative Matters Law, which enables the confiscation of Palestinian property and the advancement of Israeli settlement and forms part of the broader discriminatory legislation and measures implemented by Israel that constitute a breach of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination."

Paragraph 33:

"The denial by Israel of access by Palestinians to their agricultural lands for the harvest forms part of the coercive environment that induces their departure, and which may amount to forcible transfer. The unlawful expropriation and exploitation by Israel of these lands and their natural resources and the displacement of the Palestinian population also form part of Israeli policies and practices that amount to annexation of large parts of the Occupied Palestinian Territory and the violation of the right of the Palestinian people to self-determination."

Paragraph 40:

"The systematic failure of Israel to prevent or punish attacks by settlers against the life or bodily integrity of Palestinians, as well as its excessive use of force against Palestinians, not only violates their rights to life and to be protected against all threats or acts of violence but also continues to be fundamental to the creation and maintenance by Israel of a coercive environment of violence, discrimination and oppression that induces forcible transfer, enabling annexation and the denial of Palestinians' right to self-determination."

Paragraph 51:

"The increasingly blurred line between State and settler violence is leaving Palestinians bereft of any legal recourse and of any hope of obtaining justice and accountability. Exacerbating the already prevalent impunity documented by OHCHR, the Minister of National Security reportedly instituted a policy of police non-enforcement of the law in relation to violent settlers."

Paragraph 54:

"The forcible transfer of the Palestinian population in occupied territory continued not only through physical force, including settler violence, but also through an overarching institutional and legal regime of discrimination and oppression that leaves Palestinians no choice but to leave. This includes a regime of forced evictions and

house demolitions that, under the Settlement Administration, was enforced with increased vigour against Palestinian construction during the reporting period. A policy of non-enforcement was reportedly put in place vis-à-vis illegal Israeli construction.”

Paragraph 60:

“The establishment and continuing expansion of settlements in the Occupied Palestinian Territory and the occupied Syrian Golan amount to the transfer by Israel of its own civilian population into the territories that it occupies, which is strictly prohibited under international law.”

Paragraph 61:

“The ongoing transfer of power over the Occupied Palestinian Territory to the civilian Government of Israel is facilitating the further consolidation and expansion of Israeli settlements and the forcible transfer of the Palestinian population. Increasingly indistinguishable State-settler violence and wide-ranging and discriminatory movement restrictions, which devastated Palestinian livelihoods during the reporting period, are both causes and manifestations of the Israeli settlement advancement that continued to change the demographic composition of the occupied territory and to annex territory. This has had dire consequences for the human rights of the Palestinian people, including the denial of their right to self-determination, through an institutionalized regime of systematic discrimination, violence and oppression by Israel. This regime violates a wide range of other human rights, including those set out in article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination.”

Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem, and the Obligation to Ensure Accountability and Justice - Report of the United Nations High Commissioner for Human Rights, 13 February 2025

UN Doc. A/HRC/58/28 – Submitted pursuant to Human Rights Council resolution 55/28

“Unless otherwise stated, the information in the present report is drawn from OHCHR monitoring conducted in line with OHCHR methodological standards.”

Paragraph 4:

“the human rights situation in the Occupied Palestinian Territory worsened to an unprecedented extent, raising concerns of patterns of systematic violations of principles of international humanitarian law on the conduct of hostilities, many amounting to war crimes. The manner in which parties to the conflict in Gaza have conducted hostilities during the reporting period, especially the choices by Israel of methods and means of warfare, have involved an unprecedented disregard for international humanitarian law and international human rights law and, as the United Nations High Commissioner for Human Rights has repeatedly warned, raised concerns over the commission of war crimes and other possible atrocity crimes. Concerns over the commission of further atrocity crimes intensified during the Israeli military’s operations in North Gaza from October 2024.”

Paragraph 5:

“In the West Bank, the use of unnecessary and disproportionate force by Israel against Palestinians, including the unlawful use of methods and means developed for warfare, escalated dramatically in both intensity and frequency, while attacks by armed settlers, supported by Israeli forces, intensified. State and settler violence and a de facto policy of colonization contributed to further entrenchment of a discriminatory system amounting to segregation and oppression of Palestinians in the West Bank, including East Jerusalem, in violation of article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination, which obliges States parties to prevent, prohibit and eradicate all practices of segregation and apartheid.”

Paragraph 12:

“Most civilian deaths appear to have resulted from the parties’ choices of methods and means of warfare. Israel continued to launch strikes using weapons with wide-area effects in densely populated areas and attacked prima facie civilian objects, including residential buildings, schools and hospitals, in many cases providing little or no information as to how they could be considered lawful military objectives. Individual strikes and the broader targeting practices of Israel evinced a lack of compliance with fundamental principles of international humanitarian law, including distinction, encompassing the prohibition of indiscriminate attacks, such as area bombardment, proportionality and precautions in attack. Multiple specific Israeli attacks may amount to war crimes for failure to comply with these principles.”

Paragraph 15:

“While Israel frequently stated that it had targeted military objectives in its attacks, its conduct nonetheless often appeared inconsistent with the principles of proportionality and/or precautions in attack. On 27 July 2024, the Israeli Air Force struck Khadija School in the west of the city of Deir al Balah, which was sheltering hundreds of displaced persons and was serving as a field hospital. A rapid series of strikes killed at least 30 Palestinians, according to the Ministry of Health of the State of Palestine, with multiple air-dropped munitions destroying or damaging several buildings. The Israeli military issued a warning to those present ahead of the second and third air strikes, but not the first, in which most of the casualties had reportedly occurred. The majority of those killed appeared to have been women and children. Fatalities included a child in an adjacent house, eight individuals in a vendors’ area by the school walls, and, reportedly, four individuals driving a cart nearby. The Israeli military stated that it had targeted Hamas “terrorists” and weapons storage and development facilities inside the school. However, the large number of civilians expected to be present in a school used as shelter raises serious doubts as to whether the expected casualties of such a strike were proportionate to the anticipated military advantage gained from the objective stated by the Israeli military.”

Paragraph 16:

“An Israeli air strike on 10 September 2024 in Al Mawasi, Khan Younis, which Israel had unilaterally designated as a humanitarian zone, killed nine people, many of them sleeping in tents, including two women and five children. Israel subsequently stated that the attack had targeted “senior Hamas members”. One young girl was decapitated by the force of the strike, which, analysis indicates, may have included at least one

Mark 84 bomb, an air-dropped munition designed to penetrate through several floors of concrete. The use of such heavy weapons in a tent encampment appears to be a breach of the obligation of Israel to take all feasible precautions in attack and raises serious concerns about compliance with the principle of proportionality.”

Paragraph 17:

“Israel maintained a pattern of strikes on areas potentially containing military targets that destroyed or severely damaged wide swaths of surrounding urban terrain, raising concerns about indiscriminate attacks, including area bombardment, with the result and possible intention of rendering areas uninhabitable. The Israel Defense Forces conducted a major operation in Al Shifa medical complex in Gaza City between 18 March and 1 April 2024, including air strikes and shelling, completely destroying the hospital facilities and severely damaging the surrounding residential area. At least 175 buildings were destroyed and another 52 severely damaged within a 1-km radius of the medical complex between 1 and 31 March 2024, according to analysis by the United Nations Satellite Centre. According to additional analysis, another Israeli operation in Jabalya camp in North Gaza, a densely populated area of 1.4 km², between 11 and 31 May 2024, largely levelled parts of the camp and likely destroyed or damaged 460 buildings.”

Paragraph 19:

“The risk of forcible transfer was particularly acute in northern Gaza, which Israel has repeatedly ordered Palestinians to leave since 12 October 2023, while preventing the return of those displaced. In October 2024, Israel issued five orders for the population of North Gaza and parts of Gaza City to relocate southward, while besieging parts of these areas and preventing people from fleeing. The wide-ranging, frequently non-specific nature of Israeli displacement orders, alongside the lack of reported Palestinian armed group activity in some areas under displacement orders, indicate a likely absence of imperative military reasons for such displacement. Moreover, attacks by Israel on those trying to comply with these orders and continued attacks on the crowded “humanitarian zone” indicate that displacements have not been driven by concerns for their safety. Israel has also failed for over a year to provide those displaced with accommodation or to ensure their access to the necessities of life. The protracted nature of the displacement, the continued obstacles to returning home and the wide-scale destruction of housing, particularly in the north, call into question the temporariness of the displacement. Taken together, these elements appear to indicate that the Israeli military is conducting mass forcible transfer with the possible goal of permanently displacing Palestinians from, at least, northern Gaza.”

Paragraph 20:

“The Israel Defense Forces have targeted civilian officials and public buildings, dismantling governance, administrative and law enforcement structures in Gaza with devastating consequences for the population. Israel has asserted that all members of Hamas, including members of its civilian wing, are legitimate military targets. Under international humanitarian law, civilians are protected against attack, unless and for such time as they take a direct part in hostilities (ICRC, Customary International

Humanitarian Law Database, rule 6). Members of the Government of Israel have consistently stated their objective of destroying the governing capacity of Hamas.”

Paragraph 30:

“Israeli security forces resorted extensively to the use of lethal force that was unlawful because it was unnecessary or disproportionate. Many killings likely amounted to wilful killing, a war crime in the context of occupation. Israeli security forces frequently denied or delayed medical assistance for those shot. On 29 December 2023, a 15-year-old Palestinian boy who was throwing stones at soldiers inside a military watchtower in Al ‘Eizariya, east of Jerusalem, was shot twice from inside the watchtower by a soldier who, when the boy shouted for help, shot him twice more. The boy died shortly afterwards. The use of force in these circumstances appears unnecessary and, even if force were necessary, lethal force was disproportionate, rendering the killing unlawful. The shots fired at the boy after his initial injury raise serious concerns of extrajudicial execution.”

Paragraph 31:

“Israeli security forces intensified the use of air strikes, shoulder-fired missiles and shelling during a rising number of operations. OHCHR verified the killing of 172 Palestinians, including 27 children and 4 women, in 59 air strikes and of 25 others by shelling, with serious concerns of unlawful killings, including targeted killings and extrajudicial executions, alongside wanton destruction of Palestinian homes and infrastructure and resulting forcible transfer.”

Paragraph 33:

“On 27 August 2024, Israel launched simultaneous operations in the Jenin, Tulkarm and Tubas governorates, the largest in decades, with the stated intention of thwarting “terrorism”. Over 10 days, Israeli security forces killed 37 Palestinians, 8 of them children, in raids involving air strikes, ground-to-ground missiles and live ammunition. In Jenin camp and the city of Jenin alone, Israel damaged at least 1,900 housing units and bulldozed approximately 70 per cent of roads, as well as water and sewerage infrastructure. One Israeli soldier was killed by an improvised explosive device. The high Palestinian death toll and extensive material destruction appear incompatible with the human rights standards applicable to such operations.”

Paragraph 34:

“On the evening of 3 October 2024, in the absence of clashes or confrontations and without warning, an air strike penetrated a three-storey residential building in a densely populated neighbourhood in Tulkarm refugee camp, probably using at least one GBU-39 bomb, according to OHCHR analysis. The strike killed 18 Palestinians, including three children and one woman. At least 12 of those killed were unarmed. Israel stated that it had killed a “ Hamas leader” and other key “terrorists” planning imminent attacks against Israel, gathered in a cafe on the building’s ground floor. The use of heavy explosives in an air strike in such a context indicates the disregard of Israel for its obligations under international human rights law and the likely commission of unlawful killings.”

Paragraph 38:

“Israel expanded the practice of punitively demolishing the family homes of Palestinians accused of carrying out attacks against Israelis, often pending criminal proceedings. During the reporting period, the Israeli authorities punitively demolished 36 structures, forcibly displacing 158 Palestinians, including 55 children and 55 women. Such demolitions violate international law, including the prohibition of discrimination, as they are not implemented against non-Palestinians accused of similar crimes.”

Paragraph 39:

“Israeli authorities continued to undertake other practices potentially constituting collective punishment, including arbitrary mass detention of Palestinians, among them family members of “wanted” Palestinians; applying administrative measures to family members of alleged attackers; and withholding the bodies of 173 Palestinians.”

Paragraph 57:

“The ongoing lack of accountability measures for serious allegations of international law violations resulting from these structural obstacles has raised serious doubts about Israeli authorities’ willingness and ability to conduct genuine investigations, as required by international law.”

Paragraph 62:

“Israeli forces and Hamas and other Palestinian armed groups have committed violations of international humanitarian law in Gaza, in many cases amounting to war crimes and other gross violations and abuses of international human rights law. If committed as part of a widespread or systematic attack directed against a civilian population, further to a State or organizational policy, such acts may constitute crimes against humanity. If committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such, they may also constitute genocide.”

Paragraph 63:

“In the West Bank, including East Jerusalem, there was an intensification of Israeli measures against Palestinians, which, coupled with pervasive State support for or collaboration with settler violence, exacerbated the occupation’s stifling impact on Palestinians’ lives and livelihoods, while deepening the denial of their right to self-determination.”

Paragraph 64:

“The frequency with which violations have gone unpunished has normalized duty bearers’ egregious conduct. In Israel, the pervasive and long-standing lack of accountability and prevailing environment of impunity continued to enable international law violations, which escalated in the reporting period, with an unprecedented impact on the lives and rights of Palestinians.”

National Court - Netherlands

Oxfam Novib et al v The Netherlands

Court of Appeal of The Hague – February 2024

Export of F-35 components to Israel – Legal finding of “clear risk” of serious violations of IHL

In February 2024, the Court of Appeal in The Hague found that the export of F-35 fighter jet components, hosted in the Netherlands and destined for Israel, posed a “clear risk” that they would be used to commit serious violations of international humanitarian law (IHL)—that is, war crimes. The court ordered the Dutch State to halt the export of these parts. The decision is currently under appeal before the Supreme Court.

Key excerpts from the decision include:

Paragraph 5.13:

“It is correct in itself that a definitive legal judgment cannot be derived from these sources on the question of whether Israel has violated international humanitarian law, but that is not necessary either. After all, the issue in these summary proceedings is whether there is a 'clear risk' of such violations.”

Paragraph 5.16:

“The court concludes that there are many indications that Israel has violated the humanitarian law of war in a considerable number of cases. It is correct in itself that a definitive judicial decision on the question of whether the humanitarian law of war has indeed been violated in all these cases can only be made if a careful investigation of the facts has taken place, in which it has also been examined what information the commander who ordered the attack in question had and could have had. However, such a definitive decision is not necessary for a judgment on the 'clear risk'. The assessment of whether a clear risk exists relates to possible future use of the military goods to be delivered and this involves a certain degree of uncertainty. In estimating the likelihood of such future use, the conduct of the country of destination in the recent past will be significant, among other things. It cannot be required that conduct in the recent past could only play a role in estimating the clear risk if it has been definitively established that this conduct violated the humanitarian law of war. That would render the condition that it must be a 'clear risk' largely meaningless.”

Paragraph 5.17:

“The facts show that large numbers of civilian casualties have been caused, including thousands of children, that thousands of homes have been destroyed, that 'dumb bombs' are being used, that any residential area is attacked if there is the slightest indication that terrorist activity is taking place, that previously applied limits with regard to 'collateral damage' have been extended in the current conflict, that the policy of warning civilians before an attack has been abandoned, that drinking water supplies, bakeries and a grain mill have been destroyed, that a hospital (the Al-Indonesi Hospital) has been bombed and that many of the hospitals in Gaza are no longer functioning. That this destruction has been inflicted exclusively on military targets or concerns legitimate 'collateral damage' is not plausible, not only in view of

its unprecedented scale but also in view of the statements of Israeli soldiers themselves. On the basis of the foregoing, the court also concludes that the violations of international humanitarian law for which there is a clear risk are 'serious'."

NGOs Reports

Human Rights Watch

Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza *December 2024, pp. 28–29*

"Human Rights Watch concludes that Israeli authorities have over the past year intentionally inflicted on the Palestinian population in Gaza 'conditions of life calculated to bring about its physical destruction in whole or in part.' This policy, inflicted as part of a mass killing of Palestinian civilians in Gaza means Israeli authorities have committed the crime against humanity of extermination, which is ongoing. This policy also amounts to an 'act of genocide' under the Genocide Convention of 1948.

The crime of genocide requires acts of genocide to be committed with genocidal intent. The ICJ has said that to infer such intent from a pattern of conduct by the state, it needs to be 'the only reasonable inference to be drawn' from the acts in question. The pattern of conduct set out in this report together with statements suggesting some Israeli officials wished to destroy the Palestinians in Gaza may indicate such intent."

Human Rights Watch

Report on Israel and Palestine – January 2024

"Israeli authorities' repression of Palestinians, undertaken as part of a policy to maintain the domination of Jewish Israelis over Palestinians, amount to the crimes against humanity of apartheid and persecution."

Amnesty International

The State of the World's Human Rights – April 2024

"Following 7 October, Israeli authorities increased restrictions on freedom of movement across the occupied West Bank. Israeli authorities deepened the apartheid system oppressing Palestinians in Israel and the Occupied Palestinian Territories, by implementing laws and policies of segregation, deprivation and forced displacement. In Gaza alone, 1.9 million Palestinians were forcibly displaced due to Israeli offensives, out of a population of 2.2 million. State-backed settler violence increased. In the Negev/Naqab in southern Israel, Israeli forces continued to demolish Bedouin homes and whole villages, including one village for the 222nd time. In the West Bank, Israeli policing operations were the most lethal since 2005, with 110 Palestinian children among those killed. Detentions of Palestinians without charge or trial reached record levels. Inside Israel, police sometimes used excessive force and arbitrary arrests at anti-government demonstrations, and imposed bans on anti-war protests in Palestinian communities."

