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EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

Equality Privacy Social Rights
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Self-Determination of Peoples Civil Rights Democracy
Human Rights Rights of Migrants

Bologna, Donostia, Düsseldorf, Vienna, 24/09/2025

ELDH Statement on the Drone Attacks Against the Humanitarian Flotilla to Gaza

The European Lawyers for Democracy and Human Rights (ELDH) strongly condemns the recent drone attacks against the humanitarian flotilla delivering essential aid to the Gaza Strip. These attacks occurred in international waters, where the principle of freedom of navigation is guaranteed under Article 87(1)(a) of the United Nations Convention on the Law of the Sea (UNCLOS). The use of force against civilian vessels in such waters constitutes a flagrant violation of international law.

Under Article 23 of the Fourth Geneva Convention (1949), all parties to a conflict must permit the free passage of humanitarian consignments intended for civilians, particularly essential foodstuffs and medical supplies. In addition, Article 59 of the Convention provides that where the civilian population of an occupied territory is inadequately supplied, relief actions must be undertaken, and the occupying power must permit and facilitate such operations.

Gaza remains occupied territory under international law, as confirmed by the International Court of Justice Advisory Opinion on the Wall (2004) and by the consistent practice of the United Nations and the International Committee of the Red Cross (ICRC). Israel, as the occupying power, bears obligations under Article 55 of the Fourth Geneva Convention to ensure the provision of food and medical supplies to the protected population. Preventing or attacking humanitarian relief violates these obligations and exacerbates the humanitarian catastrophe.

The attack on humanitarian vessels may also amount to an act of aggression under Article 3(c) of UN General Assembly Resolution 3314 (1974), as well as a grave breach of the Geneva Conventions (Article 147, Fourth Geneva Convention) and a war crime under Article 8(2)(b)(iii) of the Rome

ELDH European Association of Lawyers for Democracy & World Human Rights

Co-President: Urko Aiartza (lawyer), Donostia, Basque Country

Co-President: Barbara Spinelli (lawyer) Bologna

Co-Secretary General: Thomas Schmidt (lawyer), Düsseldorf | E-Mail: Thomas.schmidt@eldh.eu | Phone +49 (0)172 68 10 888

Co-Secretary General: Serife Ceren Uysal (lawyer), Vienna | E-Mail: serifecerenuysal@gmail.com | Phone +43 664 4853347

Postal address: ELDH | Thomas Schmidt | Platanenstrasse 13 | D – 40233 Düsseldorf (Germany)

Website: www.eldh.eu

Statute of the International Criminal Court, which prohibits intentionally directing attacks against humanitarian missions.

These acts must also be assessed in the context of the International Court of Justice's ongoing case, *South Africa v. Israel* (Application of the Convention on the Prevention and Punishment of the Crime of Genocide, 2023). In its Order of 26 January 2024 on Provisional Measures, the Court found it plausible that Israel's conduct in Gaza could fall within the scope of the Genocide Convention and ordered Israel to "take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance" to the people of Gaza. Attacks against humanitarian aid flotillas constitute a direct violation of this binding order.

Furthermore, the deliberate obstruction of humanitarian aid must be considered in light of Article II(c) of the Genocide Convention (1948), which prohibits "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." By preventing life-saving assistance from reaching a besieged civilian population, Israel's actions contribute to conditions that may amount to genocidal acts.

Israel has no lawful right to maintain or enforce a naval blockade that denies humanitarian aid, as such measures constitute collective punishment prohibited under Article 33 of the Fourth Geneva Convention, and—as highlighted by the ICJ—may form part of conduct giving rise to state responsibility for genocide.

In light of these grave violations, ELDH calls upon the European Union and its member states, as well as other Mediterranean states, to take immediate steps to provide international protection for humanitarian missions to Gaza. This includes ensuring safe passage of aid vessels through the Mediterranean, establishing monitoring and escort mechanisms where necessary, and upholding their obligations under Article I of the Genocide Convention to prevent and punish genocide.

We therefore urge urgent independent international investigations into these unlawful attacks, accountability for those responsible, and immediate guarantees of safe passage for all humanitarian missions to Gaza. The international community must ensure full compliance with the binding provisional measures ordered by the International Court of Justice and act decisively to protect civilians and humanitarian workers.