



Palestine Justice Campaign

The Palestine Justice Campaign is an international single-issue group of concerned citizens, trade unionists and human rights workers who volunteer to assist the Ziada family in their pursuit for justice.

Statement

This is the statement presented by Ismail Ziada at the Court hearing on September 17, 2019. The originally prepared, more elaborate statement, is found in attachment. He was unable to deliver this in full at the hearing itself due to the limited speaking time awarded to him.

Your honours, it is a close to unspeakable tragedy due to which I am in this court today. The factual information about this tragedy is by now well known to you.

What I would like to add to this factual information is some personal insight into the precious lives we lost. I struggled to stand in front of you today to gain justice and accountability on their behalf. In addition it is crucial to also mention those left behind and to address the quest I have been on to be here with you today.

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I attach importance to mentioning the names of those I lost; my mother, Muftia, my brother Jamil and his wife Bayan. Their 12 year old son Shaban. My two other brothers, Youssef and Omar.

I also would like to provide you with just a glimpse into who they were. My mom Muftia was expelled from her village Fallujah as a young child and grew up in a refugee camp in Gaza. Her life was dedicated to raising us and lifting us out of poverty.

My sister in law Bayan, a woman with many talents. Lost to the world but most to the children she left behind.

Jamil, my bright, soft-spoken eldest brother who went out to work from the age of 15, doing hard labour to support the entire family, thereby enabling us to get an education, lifting us out of the extreme poverty we had been locked into.

Youssef, the joker of the family and Omar our last 'little' brother. Both left a wife and young children.

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Apart from the lives lost I want to mention those still here. As the Palestinian poet Rafeef Ziada says, 'Palestinians get up every day to teach the rest of the world life'. This is what my family continued to do every single day since 2014. There were those in my family graduating from high school or university. Some got married. My brother Hassan continued his work as a trauma psychologist while doing what he could to support our orphaned nephews and nieces.

I have had a relative privilege, being able to live and raise my children in the safety of The Netherlands. However, this privilege came at a price, being isolated from my family in Gaza with virtually no possibility for us to visit one another due to the continuing Gaza blockade.

Despite of what happened I also try to continue to teach life. To my wife, to our sons and the wider world around me. Me sitting here in front of you today bears witness to this too. But still, what happened has permanently scarred me and those close to me. Without wanting to get into personal



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detail here, the pain of this loss has impacted me, my wife, our marriage and, by extension, while we try our best to shield them, our boys.

The quest for justice and accountability I embarked upon is helpful as it is empowering to be able to try hold those responsible for the death of my family accountable. But again, there is a price to this. While the wound created by what happened will never completely heal I sometimes wonder if I'm not continuously scratching its surface. Not a day goes by without us speaking or dealing with something connected to this judicial process. I hope this ultimately helps me, helps us psychologically but, honestly, I am not entirely sure of this. Much also depends on the eventual outcome of this process.

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Now it took convincing on the part of my wife, her late great-uncle Henk Zanoli and others for me to step into this trajectory. While my wife and her great-uncle shared a background in law, providing them with faith in legal recourse in The Netherlands, I had a different lived experience concerning the application and the merits of law. 2014 was not the first time I was impacted by Israeli army actions. I was shot with live ammunition in the leg. I was shot at very close range with a rubber coated metal bullet in the head. I witnessed another boy being shot in the head next to me, dying on the spot. I was beaten up severely by a group of Israeli soldiers. All this happened before I reached the age of 15.

And this is just the tip of the iceberg of the experiences I personally lived through for which no one was ever held accountable and for which recourse to any kind of justice was beyond imagination. A personal yet 'normal' experience for Palestinians that the legal team will elaborate on in their submissions.

Given this context it is painful that those representing the defendants argue to deny me access to justice yet again. Knowing a thing or two about the Israeli legal system and the way it works against Palestinians, I find the argumentation brought forward farcical as well as vicious. The manner in which the Israeli state has abused the concept of law to legitimize denial of basic rights to Palestinians is staggering and well documented by numerous organizations, Palestinian, international and Israeli alike.

I have faith that this court is able to recognize the concept of law is abused here as nothing but a fig leave to cover up what is in fact a system of occupation, oppression and denial of rights.

On the matter of immunity I need to emphasize that if the court awards this I effectively have no recourse to justice at all. Awarding immunity here would be doing not only injustice in this case but would do harm to the very concept of justice as such. I will not even touch upon the morality of awarding immunity for a potential war crime.

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Your honours, the road I have embarked upon has been long and difficult. Apart from the emotional and financial stress we experienced various forms of pressure along the way that I want to make you aware of.



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Last December we faced a severe financial crisis as the submission of defendants required us to, in effect, build up another case. I was seriously considering giving up as we just didn't have the financial means to continue. We were in deep crisis. Right at that time the brake cable of our family car was cut, right in front of our home. We filed a case with the police but the investigation provided no leads.

Some of my relatives in Gaza urged me to drop the case after this happened and spend sleepless nights worrying about us. Based on the Palestinian lived experience, cut brake cables or a bomb under your car is not unimaginable. My wife always reassures me, and, I imagine, in some way herself too, that as a Dutch family and EU citizens we will be shielded from serious harm. Nevertheless my personal concerns over our safety have increased since this incident.

But there was more. In May the Israel lobby organization, CIDI, published an article on my wife claiming, among other things, that she is promoting, as they called it 'ending Jewish democracy' due to her work for The One State Foundation. A negative reference to this court case was also made. It resulted in the minister of foreign affairs, for whose ministry she also works, being called into parliament by a Freedom Party parliamentarian who branded her 'an anti-Semitic stain in the corps diplomatique' and asked for her to be fired.

In case you were not yet aware I also need to mention that, while this is a civil case, the defendants legal expenses are covered by the Israeli Ministry of Justice. We rely on our own limited financial means and financial support we were able to obtain at grassroots level. While we received tremendous support of many, we continue to face a situation of financial duress and uncertainty.

I want to emphasize that this is a case of principle for me. It is likely the expenses we will make will far outdo any compensation. As I made clear earlier, if compensation would ever be paid it will be donated in its entirety.

All that I have shared could give the impression that I am appealing to your sense of pity or sympathy. I am not. I am here as a consequence of my relative privilege. Privilege other Palestinians affected by the systematic impunity they are exposed to don't have. If there is a parable to compare my reality with I think of David and Goliath. Those on the other end representing Goliath and me, David; holding my head high and convinced of doing the right thing, seeking justice and accountability.

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I am sure this case will put this court under professional and personal pressure. There is no doubt that apart from the legal arguments being brought forward by those I'm facing today there will be additional implicit or explicit political, diplomatic and popular pressure exerted on your court by forces supporting those I'm trying to hold accountable.

At this time access to justice is under pressure globally. The trend is pointing towards a global decrease in respect for the law, in particular where it concerns human rights.

Despite this trend and despite the pressures your court will no doubt face I keep faith that you will do justice in this case. The Netherlands is promoting access to justice and ending impunity for war crimes. I have faith that this is the right place for me, a citizen of this country, to obtain access to justice.



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This is a struggle for justice by a Dutch Palestinian but it is ultimately a universal struggle related to universal human pain and loss. It is likely that I and the ones I loved and lost may be perceived or be painted as perpetrators of violence as opposed to victims of state sanctioned violence. As people different from 'us', practicing a religion people have become suspicious of, dressing in ways people object to.

I don't doubt the objectivity of this court but given the current climate I want to emphasize the universality of humanity this case touches upon as well as the universal importance of what I am asking you for; access to justice.

Thank you.