

## **Episode 36: Key Concepts of International Law and the Current State of Jurisprudence**

**Guest:** Prof. Dr. Dr. h.c. mult. Claus Kreß, LL.M. (Cambridge), Director of the Institute for Peace Research and Security Law, University of Cologne

**Hosts:** Efe, Philip, Yusuf

**Bio:** Professor Claus Kreß is one of the world's most distinguished international law scholars. He holds the Chair for Criminal Law and International Law at the University of Cologne, where he also directs the Institute for Peace Research and Security Law. His academic career includes guest professorships at Cambridge, Melbourne, Kyoto, and Columbia University, and his research - focused on the law on the use of force, the law of armed conflict, and international criminal law - is reflected in more than 200 publications. He is also a Life Member of Clare Hall College, Cambridge, reflecting his sustained international engagement and standing in the field of international law. Kreß has been deeply involved in shaping international criminal law: he served as a delegate for Germany during the drafting of the Rome Statute, played a key role in defining the crime of aggression adopted in 2010, and today serves as Special Adviser to the Prosecutor of the International Criminal Court. He has also been appointed as an ad hoc judge in the ICJ genocide case *The Gambia v. Myanmar*. His contributions to the field have been recognized with multiple honorary doctorates and the M.C. Bassiouni Justice Award. He is a member of the North Rhine-Westphalian Academy of Sciences and of the Leopoldina, Germany's National Academy of Sciences, that evolved from the oldest continuously existing science and medicine academy worldwide. Today it spans all disciplines, membership is among Germany's highest scientific honors.

**In this episode:** In this legal anchor episode, hosts Efe, Philip, and Yusuf sit down with Prof. Claus Kreß for an in-depth conversation on key concepts of international law, its institutions, and the state of jurisprudence regarding contested issues around Israel and Palestine. They explore the foundations of international justice: what the Rome Statute regulates, how the International Court of Justice (ICJ) and International Criminal Court (ICC) differ, and what constitutes war crimes, crimes against humanity, and genocide. Prof. Kreß provides insight into the legal assessment of the October 7 Hamas attacks, the status of Gaza under international law after 2005, and the ICC's charges against both Hamas leaders and Israeli officials. He explains why proving genocidal intent is so challenging, drawing parallels to the precedent set by Srebrenica, and discusses the ICJ's evaluation of South Africa's case against Israel and its July 2024 advisory opinion on the legal status of the Occupied Palestinian Territories. The discussion also addresses pressing contemporary challenges: the legality of Israeli and U.S. strikes against Iran, the potential erosion of international law through sanctions against ICC officials and hesitancy to enforce arrest warrants, and the risks these developments pose for the future of the rules-based

international order. Finally, Prof. Kreß emphasizes why young people's engagement is crucial to safeguard and strengthen international justice in a time of growing global ambivalence.

### **Links:**

**Prof. Dr. Dr. h.c. mult. Claus Kreß, University of Cologne:** <https://iipsi.jura.uni-koeln.de/personen/direktor> (Last accessed on October 21, 2025).

**Special Advisor on Crime of Aggression, International Criminal Court:** [https://www.icc-cpi.int/sites/default/files/itemsDocuments/otp/bios/Bio-Claus-Kreb-\(IOP\).pdf](https://www.icc-cpi.int/sites/default/files/itemsDocuments/otp/bios/Bio-Claus-Kreb-(IOP).pdf) (Last accessed on October 21, 2025).

**Judge ad hoc at the International Court of Justice:** <https://www.icj-cij.org/current-judges-ad-hoc> (Last accessed on October 21, 2025)

### **Resources:**

**UN Convention on the Prevention and Punishment of the Crime of Genocide:** <https://tinyurl.com/rv8puxnj> (Last accessed on October 21, 2025).

**ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Order of 26 January 2024 (Provisional Measures):** <https://icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf> (Last accessed on October 21, 2025).

**ICJ, *South Africa v. Israel*, Order of 28 March 2024 (Provisional Measures):** <https://www.icj-cij.org/node/203847> (Last accessed on October 21, 2025).

**ICJ, *South Africa v. Israel*, Order of 24 May 2024 (Provisional Measures):** <https://www.icj-cij.org/node/204091> (Last accessed on October 21, 2025),

**Advisory Opinion of the International Court of Justice on the legal status of the Occupied Palestinian Territories (July 19, 2024):** <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf> (Last accessed on October 21, 2025).

### ***Separate ICJ Opinions:***

**Judge Nolte (Germany):** <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-08-en.pdf> (Last accessed on October 21, 2025).

**Judge Tladi (South Africa):** <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-14-en.pdf> (Last accessed on October 21, 2025).

**Declaration of Presiding Judge Salam:** <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-01-en.pdf> (Last accessed on October 21, 2025).

**IVth. Geneva Convention (1949), Article 49 (6):** “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33\\_GC-IV-EN.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf) (Last accessed on October 21, 2025).

**ICERD Artikel 3:** <https://tinyurl.com/muw46yvf>

***Please also check out our other episodes to explore multiple perspectives.***

***Dedication:***

*We dedicate this Podcast to all victims and survivors of October 7, the hostages and their families, to all innocent civilians killed and injured in Gaza and their grieving families and friends. To our dear guests Udi Goren, Khalil Sayegh, Sima and Mai who shared their losses so powerfully with us. To their families: Tal's wife Ella Haimi, their children Nir, Einav, Udi and Lotan, who never got the chance to meet his father. To Khalil Sayegh's mother and siblings, to Mai's and Sima's family, to her mother Bushra.*

*To the blessed memory of: Tal Haimi, Lara Sayegh, Jeris Sayegh, Mahmoud, Danny Darlington and Haim Perry.*

***Disclaimer:***

In each episode of this podcast, the invited guests speak on their own behalf. They share their experiences, assessments, and expert perspectives. These contributions are central to the multiperspectivity of the project but do not necessarily reflect the views of the editorial team or producers.