

Episode 37: Legal Aspects of the Current Escalation

Guest: Dr. Nahed Samour, Radboud University

Bio: Dr. Nahed Samour is an internationally recognized legal scholar. She studied law and Islamic studies in Bonn, Birzeit/Ramallah, London, Berlin, Harvard, and Damascus, and completed her PhD at the Max Planck Institute for European Legal History in Frankfurt. She has conducted postdoctoral research in Helsinki, Göttingen, and Berlin, and taught as junior faculty at the Institute for Global Law and Policy at Harvard Law School. Currently, she conducts research and teaches at Radboud University in the Netherlands, focusing on constitutional law and international law. Dr. Samour has extensively analyzed the recent rulings of the International Court of Justice (ICJ) and the International Criminal Court (ICC), presenting her legal interpretations at panels of the German section of the International Society for Public Law, the world's leading scholarly association in public law.

In this Episode: In this episode, Yusuf speaks with Dr. Nahed Samour about the experiences of the Palestinian community in Germany since October 7 and the international legal assessment of the latest developments in Israel and Gaza. Dr. Samour explains the legal foundations of the concept of genocide, the ICJ's preliminary measures in South Africa's case against Israel, and the standards for proving genocidal intent. She also discusses the international responsibility of states supplying weapons to parties in conflict, historical comparisons with Bosnia and Myanmar, and the mechanisms in international law designed to prevent or stop an ongoing genocide. Another key topic is the ICC arrest warrants issued against Hamas leaders and Israeli Prime Minister Benjamin Netanyahu and former Defense Minister Yoav Gallant. Dr. Samour explains the potential legal implications of these decisions and finally, she examines the ICJ advisory opinion on the occupation of the Palestinian territories, its significance under international law, and possible consequences for German foreign policy.

Links:

Dr. Nahed Samour: <https://racereligionresearch.org/research-project/researchers/nahed-samour>

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).

ICERD Artikel 3: https://treaties.un.org/doc/Treaties/1969/03/19690312%2008-49%20AM/Ch_IV_2p.pdf (Last accessed on October 21, 2025).

Comparison of the three main Definitions of Antisemitism (IHRA, JDA, Nexus): https://thirdnarrative.org/three-definitions-of-antisemitism-a-comparison/?utm_source=chatgpt.com (Last accessed on October 21, 2025).

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.

Legal & Historical Anchor Episodes:

This podcast may include controversial legal terms of specific technical significance. Their legal applicability requires a thorough expert contextualization; for this, we refer to our legal chapter. All relevant terms of international law, its institutions, current controversies, and the state of jurisprudence are explained in the anchor episode with Prof. Dr. Dr. h.c. mult. Claus Kreß LL.M. (Cambridge) (Episode 36). He is co-author of the Rome Statute, Special Advisor to the International Criminal Court, and Judge at the International Court of Justice in the parallel Gambia vs. Myanmar genocide case.

Historical matters are discussed from multiple perspectives in this podcast. Please check the cross-references in the shownotes of the respective episodes for details. All historically contested issues are addressed in the history anchor episode with Prof. Dr. Dr. h.c. Gudrun Krämer (Episode 21), author of the comprehensive work *A History of Palestine: From the Ottoman Conquest to the Founding of the State of Israel* (Princeton 2008), a standard reference in the field. For her scholarly achievements as a historian, she was awarded the *Preis des Historischen Kollegs* in 2025, the highest distinction in her discipline in Germany.