

Episode 38: Human Rights Situation in the Westbank

Guest: Michael Sfard — Human Rights Lawyer, Author, Commissioner at the International Commission of Jurists

Hosts: Mert & Yusuf

Bio: Michael Sfard is a leading Israeli human rights lawyer, known for representing activists, NGOs, and peace organizations before Israel's Supreme Court and in international forums. His practice focuses on strategic litigation against occupation, racism, and discrimination. A graduate of the Hebrew University and University College London, he has received the Emil Grinzweig Human Rights Award and authored *The Wall and the Gate: Israel, Palestine, and the Legal Battle for Human Rights* (2018). He serves as a commissioner with the International Commission of Jurists. He is the grandson of the sociologist and Holocaust survivor Zygmunt Bauman, and the son of parents who were expelled from Poland in 1968 for their participation in student protests. This background connects him to a family tradition of critical thinking and engagement with justice.

In this episode: Mert, and Yusuf speak with Michael Sfard about the power and limits of law in the Israeli-Palestinian conflict. Sfard shares why he became a human rights lawyer, and how international law has shaped - and struggled with - questions of justice, occupation, and rights. The conversation traces the evolution of international law and Israel's legal system, examines what law says about military occupation and Gaza's contested status, and unpacks recent rulings and warrants from the ICJ and ICC. Sfard also offers stories from daily life in the West Bank, reflecting on how realities have shifted since October 7. Finally, he asks whether law can still serve justice in an uneven world - and what message he would give to a new generation of justice-seekers.

Links:

Michael Sfard, Tel Aviv: <https://www.sfard.co.il/en> (Last accessed on October 21, 2025)

Sfard, Michael. *The Wall and the Gate: Israel, Palestine, and the Legal Battle for Human Rights*. Reprint ed., Henry Holt and Company, 2021. <https://us.macmillan.com/books/9781250860644/thewallandthegate/> (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).

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/atrocity-crimes/Doc.33_GC-IV-EN.pdf (Last accessed on October 21, 2025).

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.