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**THIRD WORLD APPROACHES**  
*to INTERNATIONAL LAW Review*

*TWAILR: Reflections #56/2024*

**‘How many martyrs left until liberation?’  
Mass atrocity as international law’s price for emancipation**

*Shabd Hammouri*

*If, one day, the people will to live  
Then fate must obey  
Darkness must dissipate  
And the chain must give way*

~ Abu Al-Qasim Al-Shabbi (1909– 1934), [‘The Will to Life’](#)

*What is the learned lesson?  
What do you gain, oh sir, from burning my hand?  
I promise you my hand will not shake.  
The light in my heart is even more ablaze*

~ Sayed Darwish (1892–1923), ‘Eh el Ebara’, [Sang by Hazem Shaheen](#)

We each have our personal story of how October 7<sup>th</sup> 2023 and the subsequent events unfolded in our lives. In my own story of the aftermath of October 7<sup>th</sup>, a dear friend tried to calm me down a few days into the hysteric slaughter in Gaza, saying ... ‘the darkest moment is that before the dawn’. As always, his hopefulness made me smile. The capacity to imagine a tomorrow is becoming our fiercest weapon.

Going back to Jordan for the winter break, the first topic on the table was what ‘was your encounter with that day?’. The story of one dear friend illustrates the complex dread that we collectively felt. She was walking with two other Palestinian

women by the sea in Beirut on the eve of October 6<sup>th</sup>. They were discussing whether Palestinian liberation is ever possible. When retelling the story, my friend sighed and looked at me: “heartbreakingly we concluded that it will only be possible with one million martyrs”. We both did not know how to react to the pain in her words. After all, many of us have been asking “How many martyrs left until liberation?”.

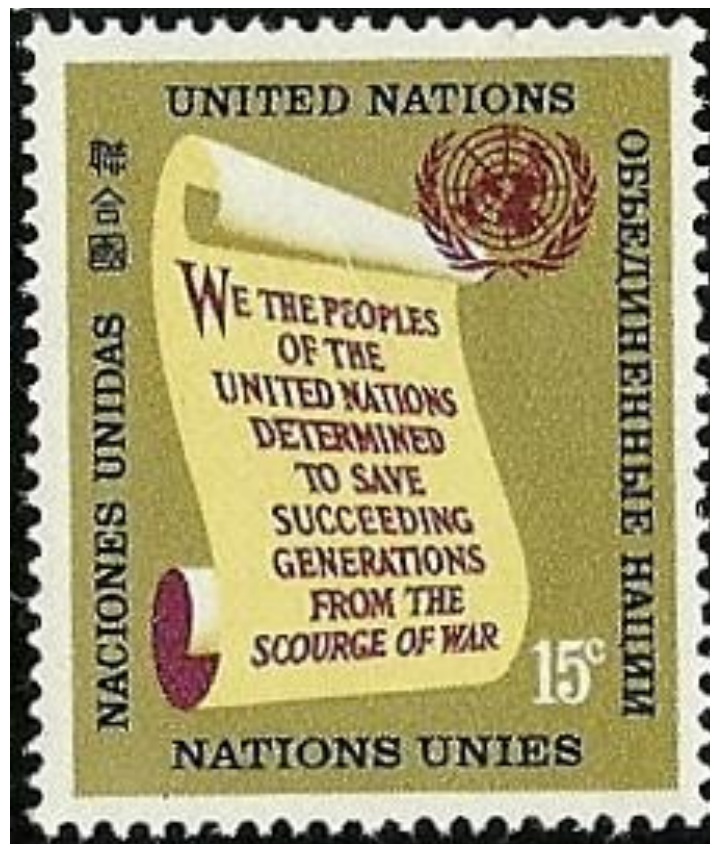
Despite the darkness of the thought, it is our most optimistic one: the idea that this suffering will eventually serve the purpose of ending the Israeli domination and subjugation of the Palestinian people. A question remains: if liberation is an inevitable, unnegotiable conclusion, why are the unimaginable atrocities we have been witnessing over the past four months, and 75 years (105 if we count suffering caused by British colonialism) deemed to be an inevitable price?

One clear element facilitating the inevitability of this price is the distance of the western spectator. On the 23<sup>rd</sup> of October, I was tasked with presenting the case for sounding [the red alert of unfolding genocide](#) to high-ranking UN officials in Geneva. We were greeted with smiles and welcomed to a room with a long table overlooking the scenic mountains of Geneva. Their tone, smiles, and diplomatic aura conveyed a mixture of atrocity denial and acceptance – which seemed tailored for the Palestinian cause, and sister causes like Sudan. After my elaborate and strongly worded presentation, I see the value stripped from my words in the eyes of the officials. In a calm tone, the top official asked: ‘what are your plans for the day after?’ I was struck by the level of normalisation - two weeks into a genocidal war where officials of a government administering a settler colonial project were calling for the annihilation of a city under siege on TV, and UN officials were coldly querying the plans for political and administrative post-genocide reconstruction. I responded, ‘so you accept the risk [of genocide] and plan to do nothing about it?’.

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Inspired by that moment, in this short piece I undertake a simple logical exercise to conclude that the positivist logic of international law in practice decrees that the price of national liberation is atrocities against the subjugated population.

To begin with, the only viable future accepted by the Palestinian community and allies is that of liberation, accountability, and reparations – no matter the cost to themselves. Our collective imagination of the future is not unrealistic. The inevitability of the end of domination on a collective level is a lesson we can easily extrapolate from history. This aspiration and historical conclusion are aligned with the core of the principles of the UN Charter, which international lawyers often seem to forget.



WE THE PEOPLES OF THE UNITED NATIONS DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and

to promote social progress and better standards of life in larger freedom...

Of course, these words were written in a particular worldmaking setting which asserted a European hegemonic outlook. In practice, there exists a politically inclined tendency to interpret these words as an expression of remorse over the episode of violence in World War II in the European context. Yet we can also interpret these words as an expression of universal principles - instating egalitarianism and refuting power politics and profiteering from violence (as famously done by [Tony Benn arguing against the bombing of Iraq](#) in 1998). In that case we can comfortably say that [domination and](#)

[subjugation of peoples is inherently in contravention of those principles](#). This is the type of interpretation that was firmly asserted in the [Declaration on the Granting of Independence to Colonial Countries and Peoples 1960](#), which stated in its preamble:

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith.

Here, states of the global South ascertain that the erosion of alien domination and subjugation is a primary tenant of international justice. On the other hand, the legitimacy of international law rests on some claim to international justice. This can be inferred from the ethos of its primary instruments as exemplified in the name of the 'International Court of Justice'. It would be naïve to say that international law is ever truly aligned with that ideal, but it can be said that its legitimacy rests on a balancing act between a claim to justice and its political inclinations. This is sharply exemplified in the recent provisional [order](#) by the ICJ in *South Africa v. Israel*, where the Court downplayed the seriousness of the allegations by opting for indeterminate language. Yet, at the same time, it refused to completely align itself with the dominant position of economically advanced states. It is arguable that the Court took this decision with a clear comprehension of the possible blow to its legitimacy if it swims too far from the logic of justice.

With the above in mind, we can conclude that the justness of the inevitable end of alien domination and subjugation is clear, and that an erosion of such justice would place the legitimacy of international law at the edge of the bin of history (at least from the perspective of the global South, and some social justice movements in the global North).

### **Syllogism #1**

*Alien domination and subjugation must inevitably end if the legitimacy of international law is to be upheld.*

*Israel [dominates and subjugates](#) Palestinians.*

*The Israeli domination and subjugation of Palestinians must inevitably end if the legitimacy of international law is to be upheld.*

Domination and subjugation are not sustainable, they breed endless grievance among the people being oppressed. Such peoples have [the right to struggle](#) against alien domination and subjugation. To deprive people of that right is to deny them their right

to dignity and equal rights, and to ask them to accept subhuman positioning. In response to such grievance, the dominating power will sanction the subjugated people. When the dominating power is endowed with privilege and capacity, facilitated by the protection of international powers whose interest is vested in the status quo, the dominating power will commit atrocities in the hope of breaking the will of the people.

In a recent panel on [the right of resistance and Palestine](#), Brahim Rouabah, an Algerian Professor of Political Science, reminded the audience of the atrocities committed against the Algerian people in their struggle for liberation against the 135 year-old French colonization. He referenced scenes from Gillo Pontecorvo's *The Battle of Algiers* ([see here for example](#)) to elaborate on tactics used by the French army to demonize and demoralize the Algerian resistance. In the background of this campaign, the French army committed atrocities against the Algerian people in what is now known as the revolution of the million martyrs. Similarly, the history of the [Israeli prosecution of Palestinian resistance](#) to alien domination and subjugation is that of collective punishment and atrocities which occurred in Lebanon, Jordan, Palestine and Israel.

## **Syllogism #2**

*A dominating power will suppress the struggle against domination and subjugation with atrocities against the subjugated people when it has privilege and capacity.*

*Israel is a dominating power with privilege and capacity.*

*Israel will suppress the struggle against domination and subjugation with atrocities against the subjugated people.*

So, we stand here with two logical conclusions:

The Israeli domination and subjugation of Palestinians must inevitably end if the legitimacy of international law is to be upheld.

Israel will suppress the struggle against domination and subjugation with atrocities against the subjugated people.

Logically then, the easiest path towards atrocity prevention and the protection of a vulnerable population would be ending the domination and subjugation immediately. Protection of the subjugated population against their colonizers seems to be the safest path towards complying with the principles of the UN Charter. Yet, such a reading

has remained niche in the mainstream international legal community. This is of course not surprising.

At the moment of decolonization, peoples of the global South [rose to the stage](#) to claim their voice. Attempts to validate their experiences of domination in the halls of international law were nonetheless often marginalized, and only rarely recognized. This meant that international law remains illiterate when presented with the task of identifying domination and translating the plight of those under the rubble of accumulated physical and economic dominating power. It fails to see that the dream of liberation is the only clear purpose supplying subjugated peoples with the will to live and heal. The historic moment that we live in now, as the whole world has been observing an ongoing genocide in Gaza for over four months, stands witness to the truth of such illiteracy. In this light, the reality we see today is the product a tipping scale towards dominating politics in the of the indeterminacy of international law coupled with the blindness to domination of anyone who has not lived it or made an effort to expand their perception to understand it.

Under this reality, the logical conclusions I reached are crystal clear to the subjugated population (such as my friend) with interest in changing the status quo, and 'vague' to those with the privilege and the capacity to prompt a change in the status quo yet who remain unwilling to do so. The politically motivated triumph of this 'vagueness' means that, as evidenced by the UN officials I met, the international legal system is designed to accept that the price of national liberation is atrocities.

In Alon Schwarz's [documentary](#) on Al Tantura massacre during the 1948 Nakba, the researcher [Ted Katz](#) demonstrates how the truth of atrocities has its way of coming to the surface. The logical conclusions now deemed vague will be crystal clear with the passage of time. It is the same story of Algeria, South Africa, Vietnam, Bosnia, Rwanda, Haiti ... over and over again. Without serious incorporation of the experience of dominated peoples into the body of international law, we will still live in a world where body parts in bags, crushed limbs under bulldozers, blindfolded and naked tortured bodies, orphaned children, starved populations, amputations without anaesthetic, and the elimination of entire families all remain the price of the recognition of the people's right of self determination and eventual national liberation.

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