

**Question for written answer E-003803/2025/rev.1
to the Commission**

Rule 144

**Gaetano Pedulla' (The Left), Mario Furore (The Left), Danilo Della Valle (The Left),
Dario Tamburrano (The Left)**

Subject: Call for the Commission to acknowledge international law with regard to Gaza

On 5 September 2025, the Commission spokesperson made the following statement on the genocide in Gaza: 'It's not up to the Commission to judge on this question and definition, but really for the courts. And there has been no College decision¹'.

The foreign affairs spokesperson stated to journalists that: 'Establishing whether international crimes, including genocide, have been committed, is the competence of national courts as well as international courts and tribunals, which may have jurisdiction. And the legal qualification of such an act, an act of genocide, does require the proper establishment of facts and a finding of law²'.

The ICC has issued arrest warrants for Netanyahu and Gallant for war crimes and crimes against humanity, and the UN International Court of Justice has agreed to hear South Africa's genocide case against Israel, deeming there to have been a plausible risk of genocide as far back as January 2024. The UN Genocide Convention governs the prevention of that crime, and a UN inquiry accuses Israel of acts constituting genocide by destroying hospitals. Given the fact that that UN rapporteur Albanese has accused Israel of genocide, and considering Articles 2 and 3 of the Treaty on European Union:

1. Why will the Commission not publicly acknowledge the rulings of international courts and the UN on Israel's crimes?
2. Does the Commission consider that action can only be taken on genocides after they have been committed and recognised as such by an international court?
3. What international law instruments does the Commission actually support using to put an end to Israel's assault on Gaza?

Submitted: 1.10.2025

¹ 'M. O.: EU Commission – It's not up to us to define whether it's genocide' (Agenzia Giornalistica Italia news agency) – Brussels, 5 September 2025. – 'It's not up to the Commission to judge on this question and definition, but really for the courts. And there has been no College decision on this particular subject.' These were the words of European Commission Spokesperson Paula Pinho in response to a question on the definition of genocide regarding Israel's military actions in Gaza. 'Establishing whether international crimes, including genocide, have been committed, is the competence of national courts as well as international courts and tribunals, which may have jurisdiction. And the legal classification of such an act, an act of genocide, does require the proper establishment of facts and a finding of law', added the Commission's Spokesperson for Foreign Affairs and Security Policy, Anouar El Anouni. Yesterday, Teresa Ribera, Vice-President of the European Commission for a Clean, Just and Competitive Transition, called what is happening in Gaza 'a genocide' and spoke of 'Europe's failure to act'. (AGI)Bxp/Bra 051241 SET 25 NNNN.

² *ibid.*