

17 June 2025

Rt Hon Christopher Luxon, Prime Minister

Cc: Rt Hon Winston Peters, Minister of Foreign Affairs

Hon Todd McLay, Minister for Trade and Investment

Hon Paul Goldsmith, Minister of Justice

Via email

Dear Prime Minister,

The signatories to this letter are members of the legal community, at all levels of seniority, including former judges, King's Counsel, senior barristers, law firm partners, practising and retired lawyers, legal academics and in-house lawyers. A number of us were signatories to the December 2023 letter to ministers expressing the view of the signatories that "a permanent ceasefire in Gaza is warranted, including to ensure that international law is upheld." That remains the case. The purpose of this letter is to urge a strong response from New Zealand to the current situation in Gaza.

***The plight of civilians in Gaza***

The 26 July 2024 Joint Statement (**Joint Statement**) from the Prime Ministers of Canada, Australia and New Zealand acknowledged: "The situation in Gaza is catastrophic. The human suffering is unacceptable. It cannot continue."<sup>1</sup>

But it has continued. The plight of the civilian population in Gaza has significantly deteriorated, featuring steadily escalating levels of bombardment, forced displacement of civilians, blockades of aid and deliberate targeting of hospitals, aid workers and journalists. Reliable sources including UN agencies and independent experts have documented and reported on this. Extracts from recent reports are set out below. We urge you to consider them and to seek further advice from your officials on the mounting body of evidence of Israel's breaches of international law.

On 7 May 2025, independent United Nations experts demanded immediate international intervention to:<sup>2</sup>

... end the violence or bear witness to the annihilation of the Palestinian population in Gaza – an outcome with irreversible consequences for our shared humanity and multilateral order ...

These experts cited over 52,535 deaths, of which 70 percent continue to be women and children, and 118,491 injuries as of 4 May 2025. They note Israel's blockade of Gaza had become harsher since the end of the ceasefire in March 2025 with food and water having been cut off for months and describe the situation in Gaza as:<sup>3</sup>

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<sup>1</sup> [Joint statement from the Prime Ministers of Canada, Australia and New Zealand | Beehive.govt.nz.](#)

<sup>2</sup> See <https://www.ohchr.org/en/press-releases/2025/05/end-unfolding-genocide-or-watch-it-end-life-gaza-un-experts-say-states-face>.

<sup>3</sup> [Ibid.](#)

... one of the most ostentatious and merciless manifestations of the desecration of human life and dignity.

On 13 May 2025 in his briefing to the Security Council, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Tom Fletcher, urged the Council to take action. He called for a response “as humanitarians” and stated:<sup>4</sup>

Israel is deliberately and unashamedly imposing inhumane conditions on civilians in the Occupied Palestinian Territory.

His report noted the desperation of the UN and its partners to resume humanitarian aid at scale across Gaza, and that Israel had denied them access despite having an obligation as the occupying power to agree to aid and facilitate it. The report referred to Israel’s blockade of aid, forced displacements of Palestinians, the risk of famine despite the availability of funded food, the few remaining hospitals and surviving medics, attacks on humanitarian workers, violations of the UN’s privileges and immunities, restrictions on international and non-governmental organisations, ongoing violence in the West Bank where entire communities have been destroyed, and the killing of Palestinian journalists.

The Under-Secretary-General referred to the International Court of Justice’s consideration of whether a genocide is taking place in Gaza and that the clear provisional measures it imposed in January 2024<sup>5</sup> had not been implemented. The Under-Secretary-General went on to state (emphasis added):

This degradation of international law is corrosive and infectious. It is undermining decades of progress on rules to protect civilians from inhumanity and the violent and lawless among us who act with impunity.

**Humanity, the law and reason must prevail.**

### *The obligations of the international community*

On 19 July 2024 the International Court of Justice (ICJ) declared Israel’s continued presence in the Occupied Palestinian Territory “is unlawful”, and that “all States are under an obligation not to recognize” the decades-long occupation.<sup>6</sup> The Court noted that other states had an obligation “to abstain from entering into economic or trade dealings with Israel concerning the Occupied Palestinian Territory or parts thereof which may entrench its unlawful presence in the territory” and “to take steps to prevent trade or investment relations that assist in the maintenance of the illegal situation created by Israel in the Occupied Palestinian Territory.”<sup>7</sup> As well, the Court found that all states were “under an obligation not to render aid or assistance in maintaining the situation created by Israel’s illegal presence in the Occupied Palestinian Territory”, and that all “States parties to the Fourth Geneva Convention have the obligation ... to ensure compliance by Israel with international humanitarian law as embodied in that Convention”.<sup>8</sup>

On 30 July 2024 UN independent human rights experts noted the ICJ advisory opinion “... reaffirms peremptory norms prohibiting annexation, settlements, racial segregation and apartheid, and should be seen as declaratory in nature and binding on Israel and all States supporting the occupation.”<sup>9</sup>

New Zealand later voted in favour of the September 2024 UN General Assembly resolution calling upon all UN Member States to comply with their obligations under international law and take concrete steps to

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<sup>4</sup> [UN Relief Chief calls on Security Council to act decisively to prevent genocide in Gaza | OCHA](https://www.icj-cij.org/node/203454).  
<sup>5</sup> <https://www.icj-cij.org/node/203454>.

<sup>6</sup> <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>.

<sup>7</sup> Ibid, at [278].

<sup>8</sup> Ibid, at [279].

<sup>9</sup> <https://www.ohchr.org/en/press-releases/2024/07/experts-hail-icj-declaration-illegality-israels-presence-occupied>.

address Israel's ongoing presence in the Occupied Palestinian Territory.<sup>10</sup> New Zealand noted it expected Israel to take meaningful steps towards compliance with international law including withdrawal from the Occupied Palestinian Territory.<sup>11</sup> As must be clear from the May 2025 reports noted above, Israel has done nothing of the sort.

### *Options to strengthen New Zealand's response*

The evidence of Israel's breaches of international law becomes more compelling by the day. New Zealand could do more to condemn these actions. For example, this could include:

- Condemnation of Israel's unlawful presence in the Occupied Palestinian Territory;<sup>12</sup>
- Immediate review of all diplomatic, political, and economic ties with Israel, inclusive of business and finance, pension and investment funds, academia and charities;<sup>13</sup>
- Investigations and prosecutions against those involved in crimes in the occupied Palestinian territory, particularly dual citizens serving in Israel's military or involved in settler violence;
- Dissemination of the ICJ's findings to ensure that the illegality of Israel's presence in the occupied territory is fully understood at all levels of the government and reflected in public documents and education systems;
- Challenging Israel's deliberate efforts to rewrite the rules of international humanitarian law;
- Imposing sanctions such as those recently imposed on two extremist Israeli politicians<sup>14</sup> and those imposed on Russia after its invasion of Ukraine.<sup>15</sup>

We urge you to consider taking actions such as these to demonstrate New Zealand's strong commitment to ensure that humanity, the law and reason must, indeed, prevail.

The individuals named on the attached list have agreed to have their names included as signatories to the letter. They do so in their private and personal capacity and not on behalf of any client, employer or in any official capacity.

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<sup>10</sup> <https://docs.un.org/en/A/ES-10/L.31/Rev.1>.

<sup>11</sup> <https://www.mfat.govt.nz/en/media-and-resources/unga-illegal-israeli-actions-in-occupied-jerusalem-and-the-rest-of-the-occupied-palestinian-territory-item-5-draft-resolution-aes-10l-31rev-1-explanation-of-vote>.

<sup>12</sup> For example, New Zealand condemned Russia's illegal invasion of Ukraine: [Russian invasion of Ukraine | New Zealand Ministry of Foreign Affairs and Trade](#).

<sup>13</sup> For example this could include a review of the Co-operation agreement between New Zealand and Israel on Technological Innovation Research and Development) <https://www.treaties.mfat.govt.nz/search/details/p/256/350>.

<sup>14</sup> <https://www.beehive.govt.nz/release/nz-places-travel-ban-extremist-israeli-politicians>.

<sup>15</sup> Russia Sanctions Act 2022.