

“It Is What It Is”

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Hoping for Justice

by Christina Hainzl

Ali Cherri's destroyed
apartment in Beirut.

“When can an individual bring a case before a national or international court for a violation of international humanitarian law?”

Paris/Vienna, November 26, 2024:

The French-Lebanese artist and filmmaker Ali Cherri is en route to Vienna in order to prepare his first solo exhibition in Austria, *How I Am Monument*, which is due to open in a week at the Secession Building.

Beirut, November 26, 2024:

Shortly before the ceasefire between Israel and Hezbollah, which has been brokered by the USA and France, the Israeli attacks intensify again. Ali Cherri's parents, Mahmoud Naim Cherri and Nadira Hayek, live in a district that is considered safe. As evening falls, a bomb destroys Ali Cherri's apartment without warning, killing his parents, who live there, and five more people. Months later, he recounts that he had spoken that day on the telephone with his mother, who was waiting, full of hope, for the ceasefire that was due to come into effect early on November 27, 2024.

Paris, April 2, 2026:

Ali Cherri files a suit in France in cooperation with the International Federation of Human Rights and Amnesty International. The objective of the legal action is to investigate the attack and to recognize it as a war crime: "As a son, a citizen, and a victim, it is my duty to ensure that this war crime committed by the Israeli army is recognized for what it is, so that it may be brought to justice – for my parents and for all the civilians killed that day. Justice cannot undo death, but seeking justice means refusing

to let impunity lead to the destruction of other lives," says Ali Cherri.

The legal action brought by Cherri around sixteen months later overlays his personal anguish with a broader question: how do we deal with the deaths of civilians, whether these occur in – to mention just a few – highly visible conflicts that are widely discussed in the media, such as the wars in Lebanon, Ukraine, Gaza, and Iran; or in less visible conflicts like that in Sudan; or in a conflict that is as good as invisible, such as the one in Libya.

When, in fact, can an individual file suit with a national or international court regarding the violation of humanitarian law? Gabriel Lentner, associate professor of international law and fellow at Stanford Law School, summarizes:

"In principle, States have the duty to investigate and eventually prosecute war crimes committed by their nationals or armed forces and, also, all crimes committed on their territory.

Where countries have neither the will nor the ability to do this, the ICC can undertake the task. This is the so-called Principle of Complementarity. But in many situations in which the ICC would be engaged, it lacks jurisdiction. The ICC can only investigate if the alleged crimes were committed by nationals or armed forces of a State party to the ICC or on its territory. In the States mentioned, neither the USA, China, Russia, nor Israel, Lebanon, or Syria are members. That means because Palestine is a party to the ICC, the



One of the few objects that were recovered after the bombing.

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"The war is the war for
human imagination, and no
one can fight it but you,"
Diane di Prima, Rant, Revolutionary Letter #75

court can prosecute crimes committed by Israeli and Palestinian nationals, but cannot do so in relation to Lebanon.

However, national courts, such as those in France or in Germany, can close this legal protection loophole by citing the principle of "universal jurisdiction." On this basis, States have the right to prosecute war crimes, regardless of where and by whom they are committed."

In practice, this principle often runs up against practical difficulties, such as a lack of the necessary resources and the requirement to prove that a country's national interests are affected. This also explains why so few cases have been brought in Europe to date, adds Lentner. "In Germany, a historic judgment was

made on this basis in 2022 when the Syrian Anwar R. was convicted of committing crimes against humanity by the Higher Regional Court of Koblenz, and verdicts have also been reached in France on the same principle. But the focus is always on the specific criminal responsibility of an individual for these crimes. Countries themselves are generally protected by immunity from cases brought before national courts."

The lawyer identifies the enforcement of the law as the decisive weak point. Because there is no centralized enforcement mechanism in place, it is countries themselves, in principle, that are responsible for policing international obligations.

Symbolic Power and Participation

Regardless of the outcome, Cherri's legal action challenges us to ask whether the principles enshrined in a democracy are always upheld and applied. However, the way in which we deal with this concern is also a cultural and social question: how do we respond to those who disregard and ride roughshod over human rights?

The war researcher Daniela Ingruber also recognizes the symbolic importance of this legal action: "The thing that fascinates me about this action is the fact that Cherri is also framing it as a public project, in which he is employing the law as his medium without sowing hatred. While many people

Only a few childhood photographs have survived: Ali Cherri with his father, Mahmoud Naim Cherri, and his siblings.



would not be in a position to do this, he is, thanks to his prominence and the support that he attracts. To this extent, I believe that this action is very important from a symbolic perspective, because it challenges traditional roles and people want to get involved. And when someone makes a stand and attempts to do this in such a peaceful way, it is fantastic. It is now up to the media to provide more regular – and more vigorous – coverage of Cherri's legal action."

Against Indifference

In 2006, Paolo Pellegrin and Scott Anderson documented the thirty-three-day war in Lebanon, also known as the July War. The title of their documentary *Double Blind*, borrowed from the scientific world, describes a method of study in which neither the tester nor the tested are aware of the

true nature of the object of the test. "Double Blind was an apt metaphor and also encapsulates what it was like to experience the war first hand, a war unlike any we have ever experienced before, and perhaps a harbinger for the modern wars to come. As journalists, we were traveling through a battlescape, where all the traditional features of the frontline had disappeared." Pellegrin's critical reflection upon "what sparked it and what was achieved in this war" not only strikingly resembles the current situation in Lebanon, but also paints a picture of the circumstances in which many people find themselves today.

We cannot be compensated for the loss of a human being. This is precisely why a decision by the French authorities to address Cherri's case would mark a democratic "awakening" and provide a signal for the innumerable individuals affected across all conflict regions.

Perhaps it would even encourage us to believe in design. And it could also be a sign of hope – which does not atone for what has happened, but makes it seem more manageable.

Paris, March 2026:

Charbel, a musician and writer, came to Paris from Beirut a year ago. As we sit outside the café on the edge of the Jardin du Luxembourg, soaking up the first warm rays of the sun, he tells me that he can hardly sleep. The war has intensified again, bringing up feelings of fear that tether him permanently to his mobile phone. "The only thing that we all want is a little peace." Around this time, the photographer Mohamad Shehab, who helped Ali Cherri reconstruct and document the attack that killed his parents, is also killed, together with his young daughter, when his own home is bombed.

"The fire is central"

Diane di Prima, Rant, Revolutionary Letter #75



Ali Cherri with his mother, Nadira Hayek.

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