

Opinion | Francesca Albanese Documents the Worst Crime Humanity Can Inflict. She's an Optimist.

M. Gessen

Advertisement

[SKIP ADVERTISEMENT](#)

M. Gessen

Her Optimism Has Won Her Some of the Most Powerful Enemies in the World

Oct. 16, 2025





Credit...Skander Khelif for The New York Times

Listen · 21:36 min

Ariano Irpino, Italy — Francesca Albanese can't buy a cup of coffee in her hometown. Every time she walks into a cafe, someone rushes to pay her check. Thirty years ago, when she graduated from high school, she couldn't wait to move away. Today, drivers stop to reach out their hands to greet her. A homemade banner hung on a highway overpass says "Grazie, Francesca!"

Albanese became a hometown hero after the White House branded her an enemy, which it did because of her work, over the past three years, as the United Nations special rapporteur for the occupied Palestinian territories. In the course of that work, she has pursued strategies that are as legally ambitious as they are politically risky. She has documented human rights abuses, as her predecessors did. She infuriated some of her allies by condemning the Hamas violence of Oct. 7, 2023, then caused a storm when she leaped onto social media to contest a boilerplate statement by the president of France that framed the violence as antisemitic. Perhaps most explosively, she has called out the corporations, including some of the largest in the United States, that enable and benefit from human rights abuses, and which are likely to [continue](#) to do so, regardless of the cease-fire.

In July, Secretary of State Marco Rubio [announced](#) that he was imposing sanctions on her. She became a "specially designated national," a [status](#) generally reserved for arms and drug smugglers, terrorists, and oligarchs who have funded them. People on the list cannot travel to the United States. They lose access to any assets they may have in the country, cannot do business with U.S. companies and can't use U.S. currency — which means that they cannot engage in most international financial transactions.

Under President Trump, sanctions have been used to target [defenders of Palestinian rights](#), including three prominent Palestinian human rights organizations that were punished for having "directly engaged in efforts by the International Criminal Court to investigate, arrest, detain, or prosecute Israeli nationals." The I.C.C.'s chief prosecutor, Karim Khan, has been subjected to sanctions, as have additional I.C.C. prosecutors and judges. Trump's administration placed [sanctions](#) on I.C.C. officials during his first term, too, when the court was said to be investigating American actions in Afghanistan. In his second term, he has been waging a campaign apparently aimed at destroying the institutions of international justice altogether.

The idea that some crimes are so heinous that the world has to step in dates back to the Nuremberg trials, which followed World War II. The last few years of this 80-year-old project have been a roller coaster. Russia's full-scale invasion of Ukraine was the first clear war of aggression in Europe since Hitler's defeat. Within months of the invasion, evidence of mass atrocities emerged in the Kyiv suburbs, which Russia had occupied for a month, and in the besieged city of Mariupol, where Russia appeared to be using starvation as a weapon of war. This was happening in the very places where some of the crimes prosecuted in Nuremberg had occurred less than a century earlier.

Image





The Nuremberg trials Credit...Keystone-France/Gamma-Keystone, via Getty Images

The Western world was united in outrage. The political will, the resources, and the evidence appeared to be in place finally to use the full potential of the institutions and laws created in the decades since Nuremberg.

And then, just a year and a half after Russia invaded Ukraine, Hamas attacked Israel, and Israel responded with force that quickly began to look extreme, then excessive, then indiscriminate, then like a possible war crime and finally like the ultimate crime: genocide. But even as a consensus took shape among human rights activists and genocide scholars, political consensus crumbled. Unlike the war crimes of President Vladimir Putin of Russia, those of Prime Minister Benjamin Netanyahu of Israel have been carried out with the support of the major Western powers.

International law began as a Western project — indeed, as the legal scholar Lawrence Douglas argues in his upcoming book, it has aided the Western imperial project. Its priorities have largely followed those of the Western powers. Some Western leaders cheered the I.C.C.'s arrest warrant for Putin, which it issued in March 2023, yet were appalled by the warrant for Netanyahu a year and a half later. (The court also issued a warrant for the Hamas commander Muhammad Deif, but Israel killed him.)

And just like that, the Western powers, which had never fully embraced this invention of theirs, became willing to leave international justice for dead.

This is the first in a series of columns on new and emerging attempts to deliver on the promise of international justice. For me, this promise is not abstract. It's personal — as, I suspect, it has been for dissidents all over the world. As an opposition journalist in Russia, and later, living in forced exile, I have cherished the thought that Putin might one day be tried for his crimes. I have said to myself that I will keep working long enough to be able to report from his trial. International justice is a civil religion for our time: Those of us who do not believe in God may still have believed in the higher judgment delivered in The Hague.

Sign up for the Opinion Today newsletter Get expert analysis of the news and a guide to the big ideas shaping the world every weekday morning.

To be sure, the United States has always hedged its bets in relation to international humanitarian law: Americans helped design the Nuremberg proceedings, argued cases there and presided in judgment. American judges sit in the International Court of Justice, a U.N. body. But the United States did not sign the founding treaty for the International Criminal Court. For much of the last 80 years, the United States has reserved for itself the role of the world's conscience, meting out punishment with little consultation and even less accountability. Still, the Trump administration's stance is different. This administration does not claim to have a conscience, and seeks to punish any country or person that aspires to have one.

The promise of Nuremberg is that the world as a whole will maintain its moral compass, even when some countries lose

theirs. That crimes will be punished even if the perpetrators have acted according to the norms and laws of their society, even if they were just following orders. What happens to that promise when the world's most powerful nation doesn't just recalibrate its moral compass, but smashes it?

"Some people say that the glass is nine-tenths empty," said Douglas, whose history of international justice, "The Criminal State: War, Atrocity, and the Dream of International Justice," will be published in the spring. "I like to say it's one-tenth full."

Albanese, for one, thinks that we are witnessing not the death of international justice, but a new beginning.

Image



The job of special rapporteur — Albanese's job — is unpaid. Many of these positions are held by men of retirement age. Albanese is much younger than any of her seven direct predecessors, and is the first woman to hold the position for the Palestinian territories. Her husband, Massimiliano Cali, is an economist with the World Bank. They are members of the tribe of international humanitarian workers: scrappy, fearless, perpetually unmoored. For the past few years, they have lived in Tunisia. (They were in Italy for the summer, staying with Albanese's mother, who has Alzheimer's.) They have lived in Washington, D.C., where Albanese lectured at Georgetown and where their first child was born.

For almost three years starting in 2010, they lived in the West Bank. What Albanese saw there shocked her — in part, she admits, because Israeli settlers “look like me. I'm sorry, I have my biases as well. I couldn't make sense that people who are Western educated could be so barbaric toward other human beings. So violent and so casual about it.” She wondered at the time: “Why aren't settlers taken to court? Back then, 15 years ago, no one was thinking of it.”

Albanese's experience of living and working in the West Bank is another way in which she is different from many of her predecessors. She said it's been 17 years since Israel last allowed a special rapporteur to enter the occupied territories.

Albanese has been by far the most publicly outspoken of the special rapporteurs. Once appointed, she took to social media — before accepting the position, she was a Twitter holdout — in an effort to bring attention to her findings and the plight of the Palestinians. As for the research itself, in addition to documenting what happens under the occupation, she stepped into a new realm by writing about how it happens and why, about the power structures that have allowed human rights abuses and in some cases even profited from them.

In June 2023, Albanese published a report on what she called the “carceral continuum” to which Palestinians in the occupied territories are subjected: not only imprisonment and detention, but also limitations on freedom of movement and digital surveillance. The restrictions and the surveillance, she suggested, “may amount to international crimes prosecutable under the Rome Statute,” the I.C.C.'s foundational document. Her next report focused on the rights of Palestinian children, and she concluded that Israel may be in violation of the Convention on the Rights of the Child and the legal responsibilities of an occupying power.

Then came the Hamas attack of Oct. 7 and Israel's onslaught on Gaza. In March 2024 — with more than 30,000 Palestinians killed, 70 percent of the housing destroyed, 80 percent of the population forcibly displaced — Albanese wrote that “there are reasonable grounds to believe that the threshold indicating Israel's commission of genocide is met.” Her subsequent report offered more detail on what she concluded was Israel's genocidal intent.

In addition to the International Military Tribunal at Nuremberg, U.S. military courts conducted 12 subsequent trials there, three of which focused on [the role of leading industrialists](#) in fueling the war and profiting from plunder and the use of slave labor. All of the defendants argued, in effect, that they were just trying to run a business. Almost half were acquitted; the longer sentences were soon commuted. At the end of the 1961 movie “Judgment at Nuremberg,” a young German lawyer, played by Maximilian Schell, informs the wise American judge played by Spencer Tracy that the trial of executives of I.G. Farben, whose subsidiary [manufactured](#) Zyklon B gas, has concluded. “Most of them were acquitted,” the lawyer says. “The others received light sentences.” His point is, the entire enterprise of trying to hold to account German society — not just its generals — has fizzled.

Still, the prosecutions established a new idea of accountability. In a [trial](#) currently underway in Sweden, oil company executives are facing charges in connection with war crimes in Sudan. The cement company Lafarge, which [pleaded guilty](#) in 2022 to providing material support to ISIS, faces [additional charges](#) in France over alleged complicity in crimes against humanity in Syria. If either case ends in jail time, it may mark the first time since Nuremberg that industry executives have been held criminally responsible for war crimes they have aided or profited from.

Image



Residents of Gaza returning home after the recent cease-fire agreement. Credit...Saher Alghorra for The New York Times

In the fall of 2024, Albanese announced that her next report would focus on the role of corporations in the genocide in Gaza. Submissions from lawyers and human rights organizations poured in. It was more material than Albanese had ever worked with. In the end, she investigated 48 companies — many of them, like [Alphabet](#), [Microsoft](#) and [Airbnb](#), based in the United States, though the list also included [Volvo](#), [Hyundai](#) and [BP](#). She says she reached out to all of them and heard back from only 18.

She also heard from the government of the United States. In April, the U.S. Mission to the United Nations issued a [statement](#) denouncing Albanese as “yet another example of why President Trump ordered the United States to cease all participation” in the U.N. Human Rights Council. “Ms. Albanese’s actions also make clear the United Nations tolerates antisemitic hatred, bias against Israel, and the legitimization of terrorism.” In May, Leo Terrell, the Trump-appointed head of the Justice Department’s task force to combat antisemitism, sent Albanese a [letter](#) demanding that she stop her “alarming campaign of letters targeting institutions that support or invest in the State of Israel.” The letter also accused her of taking money from pro-Hamas groups, of antisemitism, and of “defaming” the corporations she was investigating.

The first accusation related to funding Albanese received for a 2023 trip to New Zealand and Australia. A U.N. committee investigated and found no wrongdoing, though the committee reminded her of the need to avoid actual or perceived conflicts of interest. The accusations of antisemitism date back to 2014, when Albanese — then a humanitarian worker, not a U.N. official — wrote an open letter to the BBC about the organization’s coverage of that year’s Israeli war in Gaza. In it, she referred to “Israel’s greed,” and a week after that she wrote a letter that referenced a “Jewish lobby.”

She has since apologized repeatedly and said — including to me, more than once — that when she wrote the letters, she wasn’t aware that she was using antisemitic tropes. Eleven years later, she is more aware of how her words may reverberate, a part of the learning process she says has been a constant in her job. Among other things, she has read extensively on Jewish and Israeli history.

Albanese learned of the Department of Justice’s letter when it was posted on X. “This is where I started to freak out, to be scared,” she told me. Sitting on a bench in her hometown’s public park, in the shadow of a Norman castle,

overlooking a vast valley, she looked just as small and vulnerable as any human. Yet the U.S. government had accused her of intimidating the world's largest corporations. "Can you imagine me terrorizing Google, Microsoft?"

Some of Albanese's U.S. contacts started cutting ties with her, citing legal advice. Her phone numbers have been disseminated online. She has received increasingly frequent, disturbingly detailed threats.

On July 2, Albanese released her [report](#), titled "From Economy of Occupation to Economy of Genocide." She named companies including [Lockheed Martin](#) and [Caterpillar](#), which have provided physical equipment for the destruction in Gaza, and [Amazon](#), Alphabet, Microsoft and [Palantir](#), which have contributed sophisticated technology and software that Israel has used in its war effort. She called out the Massachusetts Institute of Technology for [conducting research](#) for the Israeli Defense Ministry.

A week later, the Trump administration announced the sanctions against her. She would be unable to attend the U.N. General Assembly or any other meetings at the headquarters in New York. She and Cali could lose an apartment in D.C., the only property they've ever bought. Albanese may also lose access to services provided by American corporations. That could include social media, email, Zoom and other video conferencing technology, and even the operating system on her computer. If that happens, she told me she'd get the message out through friendly contacts who can post on social media. People used to fight oppression without technology, she reminds herself. "The Italian partisans went to help their fellow Spaniards to fight against Franco — and they were communicating. They found a way," she said.

It is arguably part of Albanese's job never to give up, to act always like justice is possible. But those Italian partisans and their fellow Spaniards — they were defeated. And you can't fight a genocide through friends on social media. In fact, it's not clear that you can fight a genocide at all.

International law makes two key distinctions between genocide and the broader category of crimes against humanity. One difference involves intent: Crimes against humanity are crimes of disregard for human life, while genocide is a crime of hatred against a specific group. The other difference involves the way the world is obligated to respond: Under existing law, other countries need not prevent crimes against humanity from occurring, but the Genocide Convention does require other countries to prevent genocide. The convention recognizes that genocide is a process. It doesn't happen the moment a group of people has been exterminated; it unfolds over time, and international law demands that it be stopped.

Image





South African and Israeli delegations stand in front of judges at the International Court of Justice. Credit...Yves Herman/Reuters

But how do you stop a genocide? Last year, a group that included Palestinians and Palestinian-Americans [argued](#) in a Federal District Court in California that the Genocide Convention compels the United States to halt aid to Israel. In his decision, Judge Jeffrey S. White implored the U.S. authorities “to examine the results of their unflagging support of the military siege against the Palestinians in Gaza,” but he found that he couldn’t order the government to do anything. Also early last year, the International Court of Justice began hearings in a case brought by South Africa, which argued that Israel was committing genocide in Gaza. It will be years before there is a final ruling, but last January the I.C.J. [ordered](#) Israel to take measures to minimize civilian casualties in Gaza. The available evidence suggests that Israel has done the opposite.

And yet, the I.C.J.’s eventual verdict is far from a foregone conclusion. “It is so hard to prove genocide,” Douglas said. “You need to have something like the Wannsee Protocol,” the document in which Nazi leaders laid out their plan to murder 11 million European Jews. Douglas added, “In my mind, crimes against humanity are pretty bad.” In fact, Douglas believes that a finding of crimes against humanity would be more appropriate than genocide in the case of Israel’s actions in Gaza. But if that is the court’s conclusion, he said, “the headline will be, ‘Israel acquitted of genocide.’”

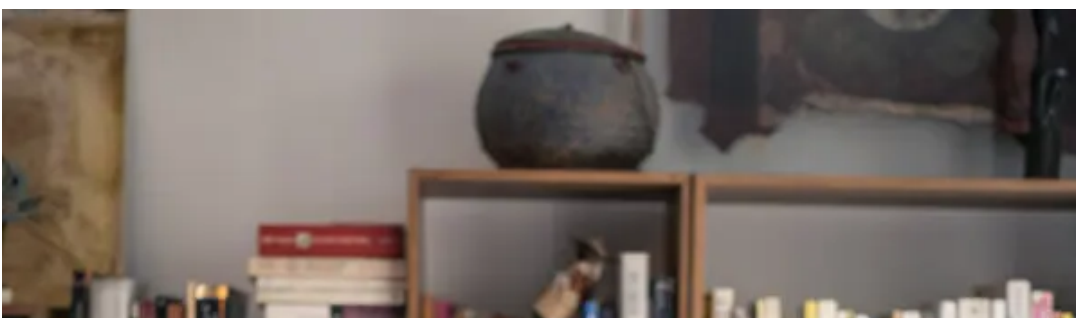
Will the promise of international justice devolve into legal hairsplitting while the United States sabotages even that effort? Only if we let it, Albanese said. “We really need to find a way to isolate this administration, to stop entrusting it with the power to dictate the rules of engagement at the international level.” One step, she says, could be moving the United Nations out of New York.

Albanese’s understanding of legal systems is shaped in part by having grown up in Italy at the height of Mafia power and violence. When Albanese was 14, the mob, in two separate incidents, killed two judges, Giovanni Falcone and Paolo Borsellino. These judges had exposed the mechanics of the Mafia, and the extent to which those mechanics were “internalized into the vein of the state,” as Albanese put it. Before that, “people were even denying that the Mafia existed,” she said. But after their killings, Italians united to demand change.

The collision between Albanese and the Trump White House isn’t simply the conflict between a critic of Israel and a U.S. administration that unconditionally supports Israel: It’s a conflict between someone who deeply understands the workings of a Mafia state and a U.S. administration that is [building a Mafia state](#). It stands to reason that this administration is punishing Albanese for her focus on the intersection of genocide and profit.

Still, Albanese thinks she sees the rise of a new solidarity and a new awareness, in the streets and in the courts. In January, representatives of eight countries gathered in The Hague, where both the I.C.C. and the I.C.J. are located, to declare their intention to hold Israel accountable. In July, Colombia hosted the first meeting. They call themselves The Hague Group. Just as important, in Albanese’s view, are young people who have been protesting all over the world. “People are connecting the dots between what multinationals do in Congo and in Palestine.”

Image





Credit...Skander Khlif for The New York Times

“People should stop asking, Do you have faith in international law?” Albanese said. She proposes a more pragmatic view. “International law is not God. International law is an instrument, it’s a tool.” A shifting global consensus can put these tools to use, she believes, as they have never been used before — in courts large and small.

Many Israelis travel widely and a significant number of Israelis hold second passports. Albanese envisions dual nationals suspected of war crimes being charged in their second countries, for example. In July, two Israelis who were attending a music festival in Belgium were briefly detained and questioned regarding their possible connection to war crimes while serving in Gaza. They were released and the case was referred to the I.C.C.

It’s been 80 years since the Nuremberg Trials began. The I.C.J. also turned 80 this year. Scores of court rulings, more than a dozen international tribunals, and several treaties have ensued. Still, the ultimate promise of international justice — that it can not only punish the criminals, but also avert the crimes — has remained an aspiration. Albanese thinks that is about to change: “When the standards are there and they are not enforced, then it’s time to bring that to court.”

And still, it will come too late for many Palestinians in Gaza. It took the destruction of European Jewry for the world to recognize the crime of genocide and to promise never to let it happen again. The genocide in Gaza may have ended. Will the death and destruction it brought make the world deliver on its promise?

M. Gessen is an Opinion columnist for The Times. They won a George Polk Award for opinion writing in 2024. They are the author of 11 books, including “The Future Is History: How Totalitarianism Reclaimed Russia,” which won the National Book Award in 2017.