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European Languages

زبانهای اروپایی

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12.01.2024

BRICS member South Africa takes Zionism to court

Pretoria's genocide case against Israel is crucial, not just to stop Tel Aviv's carnage in Gaza, but to plant the first flag of multipolarism in the globe's courtrooms: this is the first case of many that will seek to halt western impunity and restore international law as envisioned in the UN Charter.



Photo Credit: The Cradle

Nothing less than the full concept of international law will be on trial this week in The Hague. The whole world is watching.

It took an African nation, not an Arab or Muslim nation, but significantly a BRICS member, to try to break the iron chains deployed by Zionism via fear, financial might, and non-stop threats, enslaving not only Palestine but substantial swathes of the planet.

By a twist of historical poetic justice, South Africa, a nation that knows one or two things about apartheid, had to take the moral high ground and be the first to file a suit against apartheid Israel at the International Court of Justice (ICJ).

The 84-page lawsuit, exhaustively argued, fully documented, and filed on 29 December 2023, details all the ongoing horrors perpetrated in the occupied Gaza Strip and followed by everyone with a smartphone around the planet.

South Africa asks the ICJ – a UN mechanism – something quite straightforward: Declare that the state of Israel has breached all its responsibilities under international law since 7 October.

And that, crucially, includes a violation of the 1948 Genocide Convention, according to which genocide consists of “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.”

South Africa is supported by Jordan, Bolivia, Turkiye, Malaysia, and significantly the Organization of Islamic Cooperation (OIC), which combines the lands of Islam, and constitutes 57 member states, 48 of these harboring a Muslim majority. It’s as if these nations were representing the overwhelming majority of the Global South.

Whatever happens at The Hague could go way beyond a possible condemnation of Israeli for genocide. Both Pretoria and Tel Aviv are members of the ICJ – so the rulings are binding. The ICJ, in theory, carries more weight than the UN Security Council, where the US vetoes any hard facts that tarnish Israel’s carefully constructed self-image.

The only problem is that the ICJ does not have enforcement power.

What South Africa, in practical terms, is aiming to achieve is to have the ICJ impose on Israel an order to stop the invasion – and the genocide – right away. That should be the first priority.

A specific intent to destroy

Reading the full South African application is a horrifying exercise. This is literally history in the making, right in front of us living in the young, tech-addicted, 21st century, and not a science fiction account of a genocide taking place in some distant universe.

Pretoria's application carries the merit of drawing The Big Picture, “in the broader context of Israel’s conduct towards Palestinians during its 75-year-long apartheid, its 56-year-long belligerent occupation of Palestinian territory, and its 16-year-long blockade of Gaza.”

Cause, effect, and intent are clearly delineated, transcending the horrors that have been perpetrated since the Palestinian resistance's Operation Al-Aqsa Flood on 7 October, 2023.

Then there are “acts and omissions by Israel which are capable of amounting to other violations of international law.” South Africa lists them as “genocidal in character, as they are committed with the requisite specific intent (*dolus specialis*) to destroy Palestinians in Gaza as a part of the broader Palestinian national, racial and ethnic group.”

'The Facts,' introduced from page 9 of the application, are brutal – ranging from the indiscriminate massacre of civilians to mass expulsion: “It is estimated that over 1.9 million

Palestinians out of Gaza's population of 2.3 million people – approximately 85 percent of the population – have been forced from their homes. There is nowhere safe for them to flee to, those who cannot leave or refuse to be displaced have been killed or are at extreme risk of being killed in their homes.”

And there will be no turning back: “As noted by the Special Rapporteur on the human rights of internally displaced persons, Gaza's housing and civilian infrastructure have been razed to the ground, frustrating any realistic prospects for displaced Gazans to return home, repeating a long history of mass forced displacement of Palestinians by Israel.”

The complicit Hegemon

Item 142 of the application may encapsulate the whole drama: “The entire population is facing starvation: 93 percent of the population in Gaza is facing crisis levels of hunger, with more than one in four facing catastrophic condition” – with death imminent.

Against this backdrop, on 25 December – Christmas day – Israeli Prime Minister Benjamin Netanyahu doubled down on his genocidal rhetoric, promising: ‘We are not stopping, we are continuing to fight and we are deepening the fighting in the coming days, and this will be a long battle and it is not close to being over.’”

So, “as a matter of extreme urgency,” and “pending the Court's determination of this case on the merits,” South Africa is asking for provisional measures, the first of which will be for “the state of Israel to immediately suspend its military operations in and against Gaza.”

This amounts to a permanent ceasefire. Every grain of sand from the Negev to Arabia knows that the neocon psychos in charge of US foreign policy, including their pet, remote-controlled, senile occupant of the White House are not only complicit in the Israeli genocide but oppose any possibility of a ceasefire.

Incidentally, such complicity is also punishable by law, according to the Genocide Convention.

Hence, it is a given that Washington and Tel Aviv will go no-holds-barred to block a fair trial by the ICJ, using every means of pressure and threat available. That dovetails with the extremely limited power exercised by any international court to impose the rule of international law on the exceptionalist Washington–Tel Aviv combo.

While an alarmed Global South is moved to action against Israel's unprecedented military assault on Gaza, where over 1 percent of the population has been murdered in less than three months, the Israeli Foreign Ministry has regimented its embassies to arm-twist host country diplomats and politicians to swiftly issue an "immediate and unequivocal statement along the following lines: To publicly and clearly state that your country rejects the outrageous, absurd, and baseless allegations made against Israel."

It will be quite enlightening to see which nations will abide by the order.

Whether Pretoria's current efforts succeed or not, this case is likely to be only the first of its kind filed in courts around the world in the months and even years ahead. The BRICS – of which South Africa is a crucial member state – are part of the new swell of international organizations challenging western hegemony and its 'rules-based order.' These rules mean nothing; nobody has even seen them.

In part, multipolarism has emerged to redress the decades-long shift away from the UN Charter and rush toward the lawlessness embodied in these illusory 'rules.' The nation-state system that underpins the global order cannot function without the international law that secures it. Without the law, we face war, war, and more war; the Hegemon's ideal universe of endless war, in fact.

South Africa's genocide case against Israel is blatantly necessary to reverse these flagrant violations of the international system, and will almost certainly be the first of many such litigations against both Israel and its allies to shift the world back to stability, security, and common sense.