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Netanyahu and the IDF Provided All the Evidence the ICJ Needed



Photograph by Nathaniel St. Clair

The International Court of Justice in The Hague ruled last week that Israel must prevent genocide in Gaza and provide greater assistance to the Palestinians. Sadly, the ICJ did not call for a cease-fire, which is desperately needed, but it demonstrated genuine understanding of the Israeli war crimes that point to genocidal intentions as stipulated by the Geneva International Genocide Convention in 1948.

The Court not only ruled that South Africa can continue its case against Israel over charges of genocide, but it acknowledge the risk of genocide against the Palestinian population. As a result, the Court issued a preliminary order barring Israel from killing members of the Palestinian population; causing serious bodily or mental harm; and creating conditions to create the “physical destruction in whole or in part” to the Palestinian population. The Court even implied that Israel was “imposing measures intended to prevent births within the group.”

Israel was given one week to report to the Court on its compliance with the Geneva Convention. Thus far, Israeli spokesmen have given no indication that they will comply with the Court’s ruling, and several Israeli spokesmen have already displayed clear defiance of the ruling. Prime Minister Benjamin Netanyahu, who appears to require this war in order to save his political and personal career, predictably expressed outrage at the ruling.

Meanwhile, Netanyahu’s actions and statements as well as the actions of the Israeli Defense Forces (IDF) point to more Israeli war crimes that thus far have taken the lives of more than 26,000 Palestinians, mostly women and children. The South African charge that Israel has meant to “create conditions of death” in Gaza is easily documented.

The 1948 genocide convention defines genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.” An excellent example of Israel’s willingness to destroy a civilian community took place in October, when the IDF conducted a massacre, using 2,000 pound bombs to destroy buildings in northern Gaza that killed and wounded nearly 400 civilians. The singular target, according to the IDF, was a senior Hamas commander, who may or may not have been killed. An Israeli spokesman acknowledged that no warning was given to the Palestinian civilians because “that would have allowed” the commander to escape.

Over the past several months, the Israelis have pursued a policy to ensure that Gaza would never be habitable again. The Israeli ambassador to the UK stated that Israeli had to lay waste to Gaza because “every school, every mosque, every second house” was connected to a tunnel for Hamas, which reflects Israel’s argument for destroying the whole of Gaza and every single building in it. The Israelis have destroyed shelters, even those they have directed Palestinians to occupy, and they have destroyed more than a dozen Gaza cemeteries reportedly to exhume bodies in a search for Hamas victims. As an IDF officer remarked, “Whoever returns here, if they return here after, will find scorched earth. No houses, no agriculture, no nothing. They have no future.” This points to genocide.

The facts on the ground support these hideous comments. According to an analysis in the *Wall Street Journal*, “nearly 70 percent of Gaza’s 439,000 homes and about half of its buildings have been damaged or destroyed. Much of the water, electrical, communications and healthcare infrastructure that made Gaza function is beyond repair.” Of Gaza’s 38 hospitals, only a handful can accept patients. Two-thirds of Gaza’s school buildings have been damaged or destroyed, as have several churches and more than 100 mosques. Israel has killed more civilians in Gaza in several months than the United States and its allies did in a three-year campaign against the Islamic State. There is no greater example of collective punishment since the end of WWII.

A Polish Jewish lawyer, Rafal Lemkin, developed the term “genocide” and campaigned to establish the Geneva Convention because of Germany’s extermination policies against Jews and Poles in WWII. The term of “genocide” may have been new, but the concept and practice are old. The genocide convention was based primarily on Lemkin’s work. The fact that it is Israelis who are committing these crimes is particularly tragic and ironic in view of their history. If ever there was a “chain of hate” it is the example of the Israelis doing to the Palestinians what the Germans did to European Jewry.

Meanwhile, the United States has done virtually nothing to stop the Israelis from their genocidal operations. The fact that the United States provides the 2,000-pound bombs that are cratering huge sections of Gaza and destroying civilian infrastructure makes the Biden administration complicit. President Biden’s dismissal of South African charges as “meritless” was cold and unworthy. Secretary of State Blinken’s constant references to a “two-state solution” demonstrate ignorance of the current situation and Israeli designs. The U.S. veto of a Security Council cease-fire resolution in December, which had broad support, can only be viewed with shame and regret.

*Melvin A. Goodman is a senior fellow at the Center for International Policy and a professor of government at Johns Hopkins University. A former CIA analyst, Goodman is the author of [Failure of Intelligence: The Decline and Fall of the CIA](#) and [National Insecurity: The Cost of American Militarism](#), and [A Whistleblower at the CIA](#). His most recent books are “*American Carnage: The Wars of Donald Trump*” (Opus Publishing, 2019) and “*Containing the National Security State*” (Opus Publishing, 2021). Goodman is the national security columnist for counterpunch.org.*

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