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www.afgazad.com

afgazad@gmail.com

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By Monica Moorehead

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Int'l Court puts Israel on notice for war crimes

The International Court of Justice (ICJ), the highest court within the United Nations, issued a preliminary decision Jan. 26, on the complaint submitted by the South African government on Dec. 29, 2023, that documented all aspects of Israeli genocide against the Palestinian people in Gaza.



Scroll listing of some of the 27,000 people massacred by Israel in Gaza, laid out during faculty protest at UPenn, Philadelphia, Jan. 29, 2024. (WW Photo: Joe Piette)

In response to the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) with a 15–2 ruling, the judges concluded that at least some of the rights claimed by South Africa and for which it is seeking protection for Gazans are “plausible.”

In summary, the ICJ states that Israel must carry out certain operative measures to be followed by a report to the top court on Feb. 26. These measures include that Israel must do everything to prevent a genocide, punish those who incite genocide, allow humanitarian assistance be provided to Gaza and prevent the destruction of evidence. The complete ICJ ruling can be read at tinyurl.com/3ymn3uf3.

Glaringly missing from the ICJ decision was a call for an immediate ceasefire to halt the indiscriminate bombing of Gaza. Since October 7, over 27,000 civilians have been slaughtered, including over 12,000 children and over 65,000 were wounded, according to a Jan. 28 report by the Palestinian Ministry of Health in Gaza. These shocking numbers don't include untold thousands more buried under rubble due to Israeli airstrikes, paid for by billions of U.S. taxpayer dollars. Over 6,300 Palestinians, including children, have been kidnapped and detained without charges since October. 7.

In an unfathomable response to the ICJ decision, a White House spokesperson, John Kirby, stated at a Jan. 26 press conference: “The case brought by South Africa against Israel is meaningless, because there is no intentional genocide, the true number of civilian deaths is zero.” (@EyeonPalestine on X)

On the one hand, it is understandable that this ruling is viewed by millions of people around the world as a moral victory that will lead to the further isolation of the heinous apartheid Israeli regime, whose criminal leaders have publicly called for the extermination and displacement of the Palestinian population in Gaza to make way for more illegal Zionist settlements. Also this ruling implicitly implicates the criminal role of the Biden administration along with Britain in aiding and abetting this genocide.

But on the other hand, it is also understandable that millions of others, including some Palestinian resistance groups, say that the ICJ ruling did not go far enough in failing to demand a ceasefire; and that Israel will be given carte blanche to continue its harrowing ethnic cleansing, not only with bombs dropped from the air but with more mass starvation for hundreds of thousands on the ground. Israelis continue to block entry of many tons of humanitarian aid — especially food, medical supplies and clean water into Gaza. And what aid does trickle in is met by Israelis killing and wounding any Gazans attempting to obtain the food aid.

Limitations of ICJ and ongoing Israeli aggression

It is important to know that the ICJ does not have the authority to concretely enforce or police any of its rulings. The ICJ can only make recommendations based on any facts it rules as viable, like the 84-page document presented in the South Africa complaint.

Also, some legal experts remarked that because Israel is viewed as a country (albeit an illegal country since 1948) and Gaza is an occupied territory, that it was not within the legal jurisdiction of the ICJ to call for a ceasefire. This limitation, however, should not have prevented the ICJ from politically expressing the necessity and urgency for a ceasefire.

The fact that Israel was given a month to carry out measures to stop its genocide suggested by the ICJ has and will result in more massacres and more starvation for Gazan civilians. Also, Israel, along with the U.S. and its imperialist partners, has denounced the findings of the ICJ.

Just 48 hours after the ICJ decision was issued, the Euro-Mediterranean Human Rights Monitor reported: “We documented the martyrdom of more than 373 Palestinians and the injury of more than 643 after the International Court of Justice’s decision. Residents were forced to bury dozens of martyrs in the courtyard of Nasser Hospital and establish four mass graves in areas in Khan Younis to bury bodies amid the ‘Israeli’ siege and targeting. “Only 87 aid trucks entered the Strip on Friday and Saturday, less than half of what Israel allowed to enter before the court’s decision in the same period. The occupation army continues to kill Palestinians as they gather on Salah Al-Din Street southeast of Gaza City waiting for aid trucks.

“We observed the establishment of a security checkpoint by the occupation army on Al-Rasheed Street [along the sea coast] west of Khan Younis refugee camp, after closing all the side streets used by residents for displacement.”

Attacks on U.N. relief agency

In a blatant rebuttal to the ICJ decision, at least 10 governments — the United States, Canada, Australia, Germany, Italy, Britain, Finland, Netherlands, France and Scotland — are withdrawing millions of dollars from the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Less than a day after the ICJ decision, Israel alleged – for the first time and with no proof – that at least 12 of the 30,000 UNRWA workers are tied to the historic military operation carried out by Hamas on October 7.

The UNRWA, founded in 1950, was established to provide hundreds of thousands of Palestinian refugees in Gaza, the West Bank, Lebanon, Syria and Jordan with health care, education, social services and jobs. Since October 7, Israelis have killed over 150 UNRWA workers.

Hamas denounced this claim stating, “We call on the United Nations and international institutions not to yield to the threats and blackmails of this rogue entity, which seeks to

cut off all lifelines for our people. We stress the importance of the role of these agencies in providing relief to our people and documenting the crimes of occupation, which exceed the most horrific crimes known to humanity in our modern era.” (Resistance News Network, Jan. 27)

The Democratic Front for the Liberation of Palestine Foreign Affairs Department issued a public statement on Jan. 27 on the defunding of UNRWA which reads in part: “We call on the parties of the world, especially in the countries concerned that support the Israeli aggression, to raise their voices in rejection of these measures that directly respond to the positions adopted by the Israeli government, which has been inciting for years against the UNRWA and its services, and we affirm that new attempts to target UNRWA on the financial level will be doomed to failure, because the reasons relied upon are false and misleading and lack accuracy and objectivity in all their details.”

Getting ready for the next battles

The global movement must not allow any legal rulings to lull them into a false sense of security that Israel will feel any pressure to adhere to any of the measures demanded of it. On the contrary, the desperate Nazi-like regime that has lost hundreds of military troops and faces growing internal dissension on their homefront since October 7, due to the resistance, has now vowed to instigate a war against Hezbollah in Lebanon.

In light of the deaths of three U.S. soldiers in Jordan on the Syrian border, it now appears that the U.S. is moving closer to opening military strikes on Iran. The Iraqi resistance officially took responsibility for this attack.

The U.S. and Britain have also attacked Yemen for preventing ships bound to Israel from navigating in the Red Sea. Whether these ominous developments will lead to a more regional war, or even a world war, remains to be seen.

Just as the Palestinian resistance on all fronts will stay strong and united, so must the masses in the Global South and Global North stay strong by continuing to mobilize working-class, anti-imperialist solidarity with the resilient and valiant Palestinian people until they will one day inevitably win back their rightful land with Al-Quds as their capital.

From the river to the sea, Palestine will be free!

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