

International Court of Justice complaint demonstrates that Israel is carrying out genocide

Tom Carter**10 January 2024**

On Thursday and Friday of this week, arguments will be heard in the International Court of Justice in extraordinary proceedings that have been initiated against the state of Israel under the 1948 Genocide Convention.

These proceedings were initiated by South Africa in a formal complaint filed on December 29, which described the ongoing onslaught by Israeli armed forces against the civilian population of Gaza as “genocidal in character” because it is being carried out with the “specific intent,” in violation of the Genocide Convention, “to destroy, in whole or in part, a national, ethnical, racial, or religious group.”

This ICJ complaint is 84 pages of densely-spaced text, with 574 footnotes, nearly each citing to a longer and more detailed report or document. It presents a devastating, overwhelming case.

As of December 29, South Africa’s complaint documented the deaths of “in excess of 21,110 named Palestinians, including over 7,729 children—with over 7,780 others missing, presumed dead under the rubble.” On top of these deaths, “over 55,243 other Palestinians” have been injured, with many of these injuries involving amputations or permanent disfigurement.

The complaint continues, “Israel has also laid waste to vast areas of Gaza, including entire neighborhoods, and has damaged or destroyed in excess of 355,000 Palestinian homes.” This bombing campaign has forced “the evacuation of 1.9 million people or 85 percent of the population of Gaza from their homes.” The Israeli military is pushing these displaced people “into ever smaller areas, without adequate shelter, in which they continue to be attacked, killed and harmed.”

The bombing campaign is not just “indiscriminate.” In a section titled, “Destruction of Palestinian life in Gaza,” the complaint documents Israel’s targeted and systematic destruction of courts, libraries, universities, museums, historic structures, religious sites, schools, buildings housing records and historical artifacts, and even graveyards.

The complaint also documents Israel’s obstruction of “essential food, water, medicine, fuel, shelter and other humanitarian assistance for the besieged and blockaded Palestinian people,” citing warnings by experts that “silent, slow deaths caused by hunger and thirst risk surpassing those violent deaths already caused by Israeli bombs and missiles.”

“Most of the Palestinian people in Gaza are now *starving*,” the

complaint states, “with levels of starvation rising daily.” The complaint cites evidence gathered by the World Health Organization that an “unprecedented 93 percent of the population in Gaza is facing crisis levels of hunger, with insufficient food and high levels of malnutrition.”

Approximately 70 percent of the victims of Israel’s operation have been women and children: “Two mothers are estimated to be killed every hour in Gaza.” The complaint also accuses Israel of deliberately imposing “measures intended to prevent Palestinian births” through a blockade on medical supplies.

The complaint juxtaposes this detailed factual account of Israel’s rampage against Gaza with the expressions of genocidal intent coming directly out of the mouths of Israeli leaders, including Prime Minister Benjamin Netanyahu, who stated on October 28, “You must remember what Amalek has done to you,” referring to a biblical passage that states, “go, attack Amalek ... Spare no one, but kill alike men and women, infants and sucklings.”

On October 7, Nissim Vaturi, deputy speaker of the Knesset and member of the Foreign Affairs and Security Committee, wrote, “Now we all have one common goal—erasing the Gaza Strip from the face of the earth. Those who are unable will be replaced.”

On October 9, Defense Minister Yoav Gallant stated that Israel was “imposing a complete siege on Gaza. No electricity, no food, no water, no fuel.” On November 11, Israel’s minister of agriculture declared, “We are now actually rolling out the Gaza Nakba,” referring to the Nakba of 1948, in which over 80 percent of the Palestinian population were forced from their homes.

On November 6, Giora Eiland, an Israeli Army Reservist major general, wrote that Israel “needs to create a humanitarian crisis in Gaza . . . Gaza will become a place where no human being can exist.” He went on to declare that “severe epidemics in the south of the Gaza Strip will bring victory closer.”

Members of the Israeli Knesset have repeatedly called for Gaza to be “wiped out,” “flatten[ed],” “eras[ed],” and “[c]rush[ed] . . . on all its inhabitants.” Meanwhile, “genocidal messages” are “routinely broadcast — without censure or sanction — in Israeli media.” These include, “Gaza should be razed,” and “there are 2.5 million terrorists,” referring to the entire Palestinian population.

Anticipating that Israeli officials will invoke the events of October 7 to justify their conduct, the complaint points out that in the years of the twenty-first century preceding October 7, 2023,

“approximately 7,569 Palestinians, including 1,699 children,” were killed in “four asymmetrical wars.”

Since it was filed, South Africa’s complaint has been endorsed by at least 60 countries, including the entire Organization of Islamic Countries, which includes Saudi Arabia, Pakistan and Iran, together with Malaysia, Turkey, Jordan and Bolivia.

The complaint, however, will have no effect on Israel’s conduct of the genocide, or on the support of the imperialist powers. The Netanyahu regime denounced the complaint as “ridiculous” and an “absurd blood libel.”

Biden administration national security spokesperson John Kirby responded to South Africa’s complaint by calling it “meritless, counterproductive and completely without any basis in fact whatsoever.” Matt Miller, a State Department spokesperson, claimed that the American government is “not seeing any acts that constitute genocide.”

These dishonest evasions are assisted by the major American newspapers and television news programs, which have generally refused to report the factual contents of the complaint.

The ICJ, sometimes called the World Court, is the highest judicial body of the United Nations. The complaint brought by South Africa may take years to make its way through ICJ procedures, which will feature the formal presentation of evidence and argument. The hearings this week will focus on the request for “preliminary measures” in the complaint, including South Africa’s request that Israel be ordered to immediately “cease killing and causing serious mental and bodily harm to Palestinian people in Gaza.”

There is certainly enough factual evidence described in the complaint to warrant not only an immediate halt to Israel’s operations in Gaza, but the immediate arrest of the entire Israeli government, together with their accomplices and co-conspirators in Washington and the other imperialist capitals. Each day that passes while these war criminals remain at large is a scandal and an indictment of the entire capitalist social order and all of its institutions worldwide.

The ICJ complaint also serves as a devastating refutation of the efforts underway in many countries to delegitimize and criminalize all criticism of the Israeli government as “antisemitism.”

The overwhelming factual evidence that Israel is engaged in genocide also implicates the domestic laws of many countries, including those of the US, which nominally prohibit financial and other support for the perpetrators of genocide. To that end, a detailed complaint accusing Israel of violating the Genocide Convention has already been filed by the Center for Constitutional Rights in a US federal court in November.

The ICJ complaint also serves to further underscore the duty of Israeli soldiers under international law—and for that matter, American military personnel—to refuse to obey orders that would make them accomplices in war crimes. As was established in the trials of Nazi officials at Nuremberg, “following orders” is no defense when it comes to the crime of genocide.

However, nobody familiar with the history of the UN, itself implicated in countless bloody wars of imperialist aggression over the last three quarters of a century, will place any confidence in its procedures to bring about an end to Israel’s genocidal campaign in

Gaza, let alone to prosecute the war criminals in Washington and Tel Aviv. Lenin’s description of the UN’s predecessor, the League of Nations, as a “thieves’ kitchen” is no less true of the UN today.

Between 2015 and 2022, the UN General Assembly adopted no less than 140 resolutions condemning Israel, as compared with a total of 68 resolutions condemning all other countries combined, but the UN failed to take any significant steps to enforce them, and Israel has simply ignored them. In December, a total of 153 out of 193 UN member countries voted for a resolution calling for a “ceasefire” in Gaza, with only 10 countries opposed. But that resolution served to slow neither Israel’s genocidal operations nor the flow of massively destructive weapons to Israel from the United States.

For its part, the ICJ, which consists of 15 judges elected by the General Assembly, does not have any mechanism for enforcing its decisions directly.

Regardless of the ultimate outcome of these proceedings—and regardless of the motives of the South African government and the other capitalist governments endorsing the complaint, which are doing so for their own cynical and contingent political reasons—the significance of the complaint to the ICJ lies in its thorough and objective presentation, in one place, for all the world to read, of a devastating exposure of what is, factually and legally and in every sense of the word, a genocide, in which the Israeli government is fully implicated, together with its imperialist backers, chiefly the United States.

With Washington having appointed itself the “world’s policeman” in the aftermath of the liquidation of the Soviet Union—meddling, invading, sanctioning and bombing its way around the world in the name of “human rights” and a “responsibility to protect”—the world is confronted with the spectacle of an American government that is now defending the perpetrators of genocide in broad daylight as it continues to supply the weapons that are being used to carry it out.

The exposure of the fraud of “human rights imperialism,” as reflected in the Gaza genocide and in the case being presented in the ICJ, is itself a reflection of the crisis of world capitalism. Unable to overcome its internal contradictions within a capitalist framework, that system is staggering back upon the most horrific forms of barbarism of the last century. In this context, the Gaza genocide, for all its criminality, is only a foretaste of the horrors to come if these contradictions are not addressed and resolved.

For this reason, the overwhelming evidence that genocide is *in fact* being perpetrated in Gaza should lend urgency to the work of raising to a higher level the independent movement of the international working class, in opposition to all the capitalist governments, parties, and institutions, and to uniting it on a historically conscious and socialist program.



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