

International Court of Justice hears devastating presentation of Israeli genocide in Gaza

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On Thursday, lawyers representing the government of South Africa gave extraordinary arguments before the International Court of Justice in The Hague, arguing that Israel is guilty of perpetrating genocide in violation of the 1948 Genocide Convention.

The factual material that was contained in the presentations, followed throughout the world, has a significance that goes beyond the character and motives of the governments and institutions involved in the proceedings. It gathered into one place a catalogue of systematic atrocities and war crimes perpetrated by Israel since October 7, which the whole world has followed to varying degrees on social media.

As Irish lawyer Blinne Ní Ghrálaigh stated in her presentation, Gaza represents “the first genocide in history where its victims are broadcasting their own destruction in real time in the desperate—so far vain—hope that the world might do something.”

This objective catalogue of atrocities and war crimes was tied together with the genocidal rhetoric coming directly out of the mouths of Israeli state officials, military leaders, and other leading personalities.

The presentations described callous and systematic brutality reminiscent of the Nazis, on the one hand, and bloodthirsty racist incitement reminiscent of the Nazis, on the other hand. On this basis, the attorneys invoked the 1948 Genocide Convention, which was introduced and ratified in the aftermath of the Second World War and the Holocaust.

Adila Hassim, a South African High Court advocate, made the first of the substantive presentations on Thursday. “For the past 96 days,” she said, “Israel has subjected Gaza to what has been described as one of the heaviest conventional bombing campaigns in the history of modern warfare.”

“Palestinians in Gaza are subjected to relentless bombing wherever they go,” she argued, pointing to evidence that they are “killed in their homes, in places where they seek shelter, in hospitals, in schools, in mosques, in churches and as they try to find food and water for their families. They have been killed if they failed to evacuate, in the places to which they have fled and even while they attempted to flee along Israeli declared safe routes.”

“The level of killing is so extensive that those whose bodies are found are buried in mass graves, often unidentified,” she continued. “More than 1,800 Palestinian families in Gaza have lost multiple family members and hundreds of multigenerational families have been wiped out, with no remaining survivors — mothers, fathers, children, siblings, grandparents, aunts, cousins — often all killed together. This

killing is nothing short of destruction of Palestinian life. It is inflicted deliberately. No one is spared, not even newborn babies.”

Alongside the tens of thousands killed, she pointed to tens of thousands more maimed, disfigured and traumatized. Meanwhile, large numbers of Palestinian civilians, including children, are being “arrested, blindfolded, forced to undress and loaded onto trucks, taken to unknown locations.”

Referring to Israel’s “evacuation” order from northern Gaza in the opening stages of the military onslaught, Hassim argued, “The order itself was genocidal. It required immediate movement, taking only what could be carried, while no humanitarian assistance was permitted, and fuel, water and food and other necessities of life had deliberately been cut off. It was clearly calculated to bring about the destruction of the population.”

A key feature of Israel’s genocidal operation was, Hassim argued, its deliberate “assault on Gaza’s healthcare system.”

As a deliberate consequence of the Israeli blockade, out of all the people currently suffering from acute hunger *in the world*, 80 percent are in Gaza. Hundreds of thousands of people are now more at risk of death from hunger, thirst and disease than from bombs.

The arguments by the assembled team of lawyers and jurists were delivered with factual and legal precision. Refuting the efforts of the Biden and Netanyahu regimes to cast doubt on Palestinian casualty figures as having come from “ Hamas sources,” Hassim pointed out that all of the statistics in her presentation were from the UN itself, and were “up to date as of 9 January 2024.”

While the charge of genocide was formally presented against Israel, it is well understood that the US government also stands accused, as Israel’s chief imperialist patron and supplier of war materials. When Hassim made a subtle reference to Israel’s armed forces as “one of the world’s most resourced armies,” everybody in the courtroom understood that she meant the United States.

Referring to the long list of genocidal statements by Israeli officials that were included in South Africa’s December 27 complaint, South African High Court advocate Tembeka Ngcukaitobi argued that “Israel’s political leaders, military commanders and persons holding official positions have systematically and in explicit terms declared their genocidal intent; and these statements are then repeated by soldiers on the ground in Gaza as they engage in the destruction of Palestinians and the physical infrastructure of Gaza.”

This includes repeated references to Palestinians as “human animals” who represent “Amalek.” These references are characteristic of a specifically fascistic ideology and theology. In the biblical story

of Amalek, God commands Saul to destroy an entire group of people known as the Amalekites, declaring: “Put to death men and women, children and infants, cattle and sheep, camels and donkeys.”

“These statements,” Ngcukaitobi continued, “are not open to neutral interpretations, or after-the-fact rationalizations and reinterpretations by Israel. The statements were made by persons in command of the state. They communicated state policy. It is simple. If the statements were not intended, they would not have been made.”

Ngcukaitobi, in his presentation, connected these incitements to genocide with the genocidal actions of Israeli soldiers, who have been filmed chanting that they will “wipe off the seed of Amalek” in Gaza. “There is now a trend among the soldiers to film themselves committing atrocities against civilians in Gaza, in a form of ‘snuff’ video,” Ngcukaitobi said. “One recorded himself detonating over 50 houses in Shujaiya.”

“Soldiers obviously believe that this language and their actions are acceptable because the destruction of Palestinian life in Gaza is articulated state policy,” Ngcukaitobi said.

One particular episode described by Ngcukaitobi bears recounting in full: “Senior political and military officials encouraged without censure the 95-year-old Israeli army reservist Ezra Yachin — a veteran of the Deir Yassin massacre against the Palestinians in 1948 — to speak to the soldiers ahead of the ground invasion in Gaza,” Ngcukaitobi said. In this tour, Yachin was “driven around in an official Israeli army vehicle, dressed in Israeli army fatigues.”

“Be triumphant and finish them off,” Yachin said in his speech, “and don’t leave anyone behind. Erase the memory of them. Erase them, their families, mothers and children. These animals can no longer live . . . If you have an Arab neighbor, don’t wait, go to his home and shoot him . . . We want to invade, not like before, we want to enter and destroy what’s in front of us, and destroy houses, then destroy the one after it. With all of our forces, complete destruction, enter and destroy. As you can see, we will witness things we’ve never dreamed of. Let them drop bombs on them and erase them.”

South African law professor and attorney Max du Plessis, in his presentation, argued that what is happening “in Gaza now is not correctly framed as a simple conflict between two parties.” It entails, he said, “destructive acts perpetrated by an occupying power” against a subjugated and “oppressed” population. For years, he said, Israel “has regarded itself as beyond and above the law.”

Du Plessis presented reports of “field executions,” “torture,” and “images of decomposing bodies of Palestinian men, women and children, left unburied where they were killed — some being picked upon by animals.” “It is becoming ever clearer,” he continued, “that huge swathes of Gaza — entire towns, villages, refugee camps — are being wiped from the map.”

The factual material that has been presented is more than sufficient to warrant the immediate arrest, indictment and prosecution of the entire Israeli government.

But it is also, and even more importantly, an indictment of the United States government and US-NATO imperialism. Among those who must be prosecuted for the horrific crimes carried out by the Netanyahu government are the leaders of the imperialist powers who have supported, financed, justified and directed the genocide: Sunak in the UK, Scholz in Germany, Macron in France, Meloni in Italy, and, above all, “Genocide Joe” Biden in the US.

In the minds of hundreds of millions of people, the ongoing genocide in Gaza will more and more come to be seen as an indictment of imperialism and the global capitalist system, together

with all of its politicians, parties and institutions.

The ICJ proceedings themselves will likely drag on for years. The proceedings this week relate to South Africa’s request for “preliminary measures,” or an unenforceable “order” for Israel to cease hostilities. The Israeli government, for its part, has been ignoring UN resolutions by the dozens for years, and is expected to give a full-throated defense of its operations in its own presentation today.

It is necessary to draw the opposite conclusion from Thursday’s proceedings than those who are now encouraging illusions that they herald some rebirth of democratic, humane and rational sentiments in the halls of the United Nations, or that well-prepared lawsuits can in themselves serve as a reliable vehicle for halting the genocide.

To express any such illusions in the institutions of the United Nations would only be, at best, wishful thinking.

“Millions of people around the world support South Africa’s efforts to hold Israel to account,” Jeremy Corbyn wrote on Monday, referring to the ICJ proceedings, asking, “Why can’t our government?” The fact that Mr. Corbyn even asks this absurdly naive question demonstrates that he has learned nothing from history, let alone his own dismal experience as a member of Parliament for over 40 years and his expulsion from the Labour Party.

But to answer Mr. Corbyn’s question: The UK government represents the oldest imperialist ruling class in the world; and, in relation to the present legal process, its leading personnel know full well that they themselves could be arraigned as accomplices in Israeli war crimes.

Even as the proceedings at the ICJ were being held, the US and UK launched a major escalation in the Middle East with the bombing of Yemen. The support of the imperialist powers for the genocide in Gaza is bound up with an expanding global war, including the US-NATO war against Russia and the preparations for war against China.

The Gaza genocide has been a significant factor in an ongoing, massive radicalization of the world’s population, together with the ongoing coronavirus pandemic, escalating global war, widening social inequality, runaway climate change, the abrogation of democratic rights, and rise of far-right and fascist movements and governments.

The material presented at the ICJ deserves to be studied and shared widely. It is proof that the most horrific forms of imperialist barbarism of the last century are being normalized again. And it is a warning: behind their phrases about “human rights” and “democracy,” this is what the imperialist governments are capable of doing, both in Gaza and within their own borders.

The Gaza genocide can be halted, future genocides can be prevented, imperialist war can be opposed, and all of the butchers and war criminals can be held to account only by mobilizing the independent power of the international working class—the only class which has common interests objectively opposed to imperialist war and capitalist oppression, which is coming into sharper and sharper conflict with the capitalist system in struggles breaking out around the world, and which must urgently be armed with a historically conscious and socialist strategy.



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