

International Court of Justice rules against Israel but declines to order end to genocide in Gaza

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On Friday, the International Court of Justice issued an 86-paragraph written decision on the request for “provisional measures” in the pending case by the government of South Africa accusing Israel of committing genocide in Gaza in violation of the 1948 Genocide Convention.

Employing restrained but nevertheless damning language, the judges wrote, “At least some of the acts and omissions alleged by South Africa to have been committed by Israel in Gaza appear to be capable of falling within the provisions of the Convention.”

At the same time, the ICJ declined to call for a halt to Israel’s months-long assault against the civilian population of Gaza, merely ordering as “provisional measures” that Israel comply with its existing obligations under international law and submit a report within a month. This blatant failure to demand an end to the slaughter--a demand that follows logically from the court’s findings--will be seen for what it is: a capitulation to political pressures exerted by the imperialist powers.

The ICJ stops well short of the resolution passed by the UN General Assembly itself in December, in which 153 member states out of the 193 voted for a “ceasefire,” with 10 voting against (including the US and Israel) and 23 abstaining (including the UK and Germany).

Instead, the ICJ merely ordered that Israel file a “report” in 30 days regarding its implementation of the order.

At this early stage of the proceedings, which were initiated on December 29, the judges are only tasked with determining whether the allegations are “plausible” before issuing interim orders. The case itself is likely to drag on for years before reaching any definitive conclusion.

The ICJ’s ruling will rightly be seen as a damning indictment, not only for the Israeli government, but for US-NATO imperialism, which has supplied, financed, justified and defended the ongoing genocide in Gaza.

On January 3, for example, US National Security Council

spokesman John Kirby denounced the case as “meritless, counterproductive and completely without any basis in fact whatsoever.” On Friday, the ICJ decided the precise opposite.

The ICJ decision is also a stinging rebuke to figures such as US State Department spokesman Matt Miller, who dismissed the allegation of “genocide” with a wave of the hand earlier this month, telling reporters that the US government is “not seeing any acts that constitute genocide.”

The German government, which sought to intervene in the case on behalf of Israel, likewise stands exposed. So does *New York Times* columnist Bret Stephens, who authored a prominent column on January 16 calling the genocide charge against Israel a “moral obscenity.”

For tens of millions of students, workers, and young people who continue to attend protests and demonstrations around the world in defiance of all the repression, violent provocations and witch-hunting accusations of “antisemitism,” the ICJ decision will justifiably be seen as a vindication.

The ICJ decision presents the following figures: “25,700 Palestinians have been killed, over 63,000 injuries have been reported, over 360,000 housing units have been destroyed or partially damaged and approximately 1.7 million persons have been internally displaced.”

The decision quotes UN Under-Secretary General for Humanitarian Affairs Martin Griffiths contradicting Israeli government assertions that it does not target civilians or hospitals: “Areas where civilians were told to relocate for their safety have come under bombardment. Medical facilities are under relentless attack.”

The decision also quotes Commissioner-General of the UN Relief and Works Agency Philippe Lazzarini:

In the past 100 days, sustained bombardment

across the Gaza Strip caused the mass displacement of a population ... constantly uprooted and forced to leave overnight, only to move to places which are just as unsafe. This has been the largest displacement of the Palestinian people since 1948.

The ICJ's decision juxtaposes this human suffering inflicted on a mass scale with genocidal rhetoric issuing from the highest levels of the Israeli state, including Defense Minister Yoav Gallant's assertion that Gaza is populated by "human animals" and his declaration that "We will eliminate everything."

The ICJ also quoted Israel Katz, then-minister of energy and infrastructure of Israel, who wrote on October 13, "All the civilian population in [G]aza is ordered to leave immediately. ... They will not receive a drop of water or a single battery until they leave the world."

The ICJ concluded that these facts "are sufficient to conclude that at least some of the rights claimed by South Africa and for which it is seeking protection are plausible," including "the right of the Palestinians in Gaza to be protected from acts of genocide."

While the proceedings at the ICJ have been underway, Israel has continued carrying out war crimes and massacres at a relentless pace. In the hours leading up to the ICJ's decision Friday, Israeli forces fired on a crowd of thousands waiting for humanitarian aid in Gaza City, killing 20 and injuring 150. In a 24-hour period from Wednesday to Thursday, Israeli forces killed over 200 Palestinian civilians.

Referencing Israel's ongoing blockade of food, energy, medical supplies and fuel to Gaza, the ICJ decision states that "the catastrophic humanitarian situation in the Gaza Strip is at serious risk of deteriorating further before the court renders its final judgment," which in turn justifies adopting "provisional measures."

The hollow character of the ICJ's "provisional measures" is underscored by the fact that Israel's own appointee to the court, Aharon Barak, joined in many of them, including the admonition that Israeli officials refrain from further genocidal incitement and enable humanitarian assistance to reach Gaza.

For all of its significance as a rebuke to the accomplices in the genocide, as *Foreign Affairs* magazine noted yesterday, the ICJ's decision was a political one: an attempt to find a "middle ground," acknowledging on the one hand the "overwhelming world concern for extraordinary loss of life in Gaza" (mass popular protests around the world that continue in the face of all efforts to discourage and repress them), but without actually ordering "an end to Israel's military operation," which "Israel and the United States

would have almost certainly dismissed."

Responding to the decision yesterday, Israeli Prime Minister Benjamin Netanyahu hailed the court's failure to call for a ceasefire as a recognition of Israel's "right to defend itself." At the same time, he denounced the court's citation of genocidal actions and statements by Israel as "outrageous." Israel's fascistic minister of national security, Itamar Ben-Gvir, who is named in the case, denounced it as "hypocrisy." Netanyahu had previously stated that Israel's operations in Gaza would continue no matter what orders the ICJ gave, saying, "No one will stop us—not The Hague, not the axis of evil, and not anyone else."

The refusal of the ICJ to even call for a ceasefire in the face of overwhelming evidence of the genocide unfolding in Gaza underscores its character as an imperialist institution. In March 2022, within weeks of the start of the war in Ukraine, by contrast, the ICJ had no such qualms about ordering that Russia "shall immediately suspend the military operations that it commenced on 24 February."

Friday's ruling confirms the warning made by the *World Socialist Web Site* at the conclusion of the South Africa's devastating presentation to the ICJ earlier this month: "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."

Stopping the genocide, disarming the perpetrators, and bringing the war criminals to justice will require the mobilization of the international working class on the basis of its own independent policies and class interests, in opposition to all of the bourgeois parties, politicians, and imperialist states, which will be tainted forever by their complicity and participation in Israel's genocide against the Palestinian people.



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