

# Australian Labor government lines up behind US/Israeli attacks on ICC

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The Australian Labor government's response to the International Criminal Court (ICC) action against Israel over its genocide of the Palestinians in Gaza has been another display of cynical duplicity.

Labor has again sought to present itself as a disinterested party with no involvement, despite having backed the Israeli onslaught for the past seven months. At the same time, its leaders have repeated talking points of the Zionist regime and its principal sponsor, the US government, attacking and undermining the international court.

On Monday, the ICC's chief prosecutor Karim Khan applied for arrest warrants for Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant, alleging that they had orchestrated the murder and extermination of the Palestinians. Khan also sought warrants for two senior Hamas leaders.

Since then, the Netanyahu government and the Biden administration have launched a frenzied campaign, denouncing the ICC and Khan in hysterical terms and calling into question the whole nominal framework of international law.

Labor has not gone as far, or been as explicit, but the implications of its position are clear. Responding to the announcement of the warrants, the Department of Foreign Affairs and Trade (DFAT) issued a statement "noting" Khan's warrant and alluding to the "independence" of the ICC.

The statement declared, however, that "there is no equivalence between Israel and Hamas." It demanded the release of Israeli hostages held in Gaza and proclaimed: "Any country under attack by Hamas would defend itself. And in defending itself, every country is bound by the same fundamental rules. Israel must comply with international humanitarian law."

The line about "no equivalence" has been repeated by

a slew of government representatives, including Foreign Minister Penny Wong.

Speaking yesterday, Prime Minister Anthony Albanese proclaimed: "There is no equivalence between a terrorist organisation like Hamas... They confirmed on October 7 with the violent murders and the capturing of hostages that occurred on October 7, that that was the right designation for them to have and... should not be compared with any nation state."

There is indeed no equivalence between Israel and Hamas, but in precisely the opposite sense to the lying statements of the government.

What occurred on October 7 had the character of an inevitable uprising of the long-oppressed. It came in the context of 75 years of dispossession and brutal oppression of the Palestinians, including a 16-year Israeli blockade of the Gaza Strip. Previous peaceful protests, including the 2018–2019 right-of-return marches to the Gaza border wall, were routinely fired upon by the Israel Defence Forces, claiming hundreds of lives.

The hysterical references to October 7 also ignore the role of the Israeli government on that day. It has since been established that the Zionist regime was pre-warned of the assault and stood its soldiers down to create a pretext so that the long-planned destruction of Gaza could be carried out.

Hamas is a bourgeois nationalist organisation that has at various points in its existence functioned as something of a client of the Israeli regime, keeping other armed organisations and the masses in check. Its weaponry is primitive, as opposed to Israel, which receives tens of billions in arms and funding from the US and the other major powers, to play its role as a beachhead of imperialism throughout the region.

Israel, building on the "war on terror" methods of the

US and its allies, including Australia, has perpetrated some of the worst war crimes of the past eighty years. Its actions have legitimately raised comparisons with the Nazi regime, in that Israel is an advanced industrial state seeking the extermination of an oppressed population.

Albanese's comments yesterday followed complaints from Zionist groups, the Murdoch media and the Liberal-National opposition that he had not joined Biden and Netanyahu in vitriolic denunciation of the ICC and defence of Israel. Albanese has now obliged.

His initial response was a pathetic attempt to deflect from Australia's complicity. Albanese absurdly claimed he did not "have a view" on the warrants and then stated, "I don't comment on court processes in Australia, let alone court processes globally which Australia is not a party."

The prime minister seemed to be invoking the separation of powers, which bars interference by the executive branch, the government, over the Australian judiciary. It has no bearing on Albanese's or any government minister's ability to comment on the actions of the ICC.

With his comments on Thursday, Albanese dispensed with this silly charade, making clear comments directed against the actions of the international court. That is, de facto, an attack on the framework of international law and an insistence that it does not apply to US and Australian allies.

So too was the assertion by DFAT and government ministers that Israel had a "right to defend itself" from Hamas's attack. As United Nations Special Rapporteur Francesca Albanese and other experts have noted time and again during the genocide, a nation state has no such right over the population of a territory that it is illegally occupying.

Labor's hostility to the ICC warrants and Albanese's initial fiction that he could not even comment are belied by the government's record. In March 2023, when the ICC issued a warrant for the arrest of Russian President Vladimir Putin on charges of war crimes in Ukraine, it was immediately "welcomed" by DFAT and Labor.

Whatever crimes Russia has committed in Ukraine pale in comparison to the systematic slaughter being perpetrated by Israel. The conflict in Eastern Europe, moreover, is not the result of unprovoked "Russian aggression" but is a US-NATO proxy war aimed at

inflicting a military defeat on Moscow effecting regime change and dismembering and occupying it. Australia has actively participated, funnelling more than a billion dollars of aid to Washington's fascistic client state in Kyiv, most of it in weaponry to be directed against Russia.

The Labor government has not only backed the ICC move against Putin, but has invoked it in formulating its policy. As recently as February, Foreign Minister Wong issued a statement unveiling new sanctions on Russian government representatives, declaring that these were in line with the ICC's warrants.

The differing responses are another graphic expression of imperialist hypocrisy. They underscore the extent to which Labor is marching in lockstep with the US, as it oversees the genocide in Gaza, the proxy war against Russia and preparations for a catastrophic conflict with China in the Indo-Pacific.

It should be recalled that in March, a group of lawyers referred Albanese and his government to the ICC for investigation on charges of complicity in the Gaza genocide. In a meticulous brief, they outlined Labor's repeated legitimisation of Israeli war crimes, as well as Australia's assistance, political, diplomatic and material. Albanese could not refute that brief, instead vaguely dismissing it as "disinformation."

That response and the current assault on the ICC demonstrate that the genocide will not be ended through the international courts or any other official mechanism. Instead, what is posed is the need for the independent intervention of the working class, against all of the governments responsible, the broader eruption of imperialist militarism and its root cause, the capitalist system.



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