

# Commentary: Israel suffers a defeat at ICJ - time to push harder!

written by John Parker

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Pro-Palestinian protesters outside the International Court of Justice in The Hague, Netherlands, on Jan. 26.

Before 2015, Palestinians' evidence of genocide by the Israeli state and militarized settlers was ignored by the ICC and the International Court of Justice (ICJ). In 2015, Palestine was accepted as a member state of the International Criminal Court (ICC).

An investigation by the ICC covering 2014 to 2021 concluded there was a "[reasonable basis](#)" for the allegation of war crimes ongoing in Palestinian territories. However, Karim Khan, the new chief prosecutor, showed bias for Israel by stalling the continued investigation of the crimes.

But then, amidst the ongoing Israeli genocide in Gaza, South Africa stepped in - a former victim of apartheid with international support and the means to take on the ICJ on behalf of Palestine - and that could not be ignored.

African solidarity with Palestine, like the solidarity of Black people in the U.S., has a long tradition. That solidarity inspires the support of all sectors of the working class. The courage and skills of South Africa's representatives greatly moved our class.

The war wasn't won with the Jan. 26 [ruling by the International Court of Justice](#) calling on Israel to "prevent death, destruction and any acts of genocide in Gaza." But a battle was won by exposing and weakening Israel, forcing the ICJ to recognize almost every point in South Africa's charges and to take up the issue of genocide.

South Africa was clear about the necessity of calling for an immediate ceasefire. Many were hoping for this as well. But the ICJ failed humanity on that point and fell into its historic Western imperialist biases by demanding Hamas release Israelis captured during the conflict while ignoring the much greater number of Palestinians kidnapped by the Israeli "Defense" Forces (IDF).

The ICJ also seemingly forgot that the ongoing occupation of Palestine establishes

the right to fight that occupation. It ignored the right of self-defense of Palestinians in Gaza and the West Bank.

## **Genocide? Court couldn't decide**

The ICJ ruling was indeed a gain. But it falls far short of the necessity of stopping the Israeli massacres that now have reached unprecedented levels of daily killings, threatening the entire 2.3 million population in Gaza, with Palestinian deaths since Oct. 7, 2023, nearing 30,000.

Add to those the deaths from famine and lack of health care as a result of the Israeli war, and many thousands could be added to that number in the near future.

Emergency medical care for the people of Gaza will continue to be denied as long as the Israeli massacres continue. After months of bombing, just 20% of hospital capacity remains. The crisis of health care and hunger is driven by showers of bullets and 155mm artillery shells provided by the United States, aimed at people attempting to distribute humanitarian aid - like the flour provided by the United Nations.

For attempting to feed children, parents and aid workers are being sentenced to death by the Israeli military. Do the people in the ivory towers of the ICC and ICJ really need a year to figure out whether these atrocities against humanity should be considered genocide? A clear and formal call for a ceasefire, requested by South Africa, should have been made, given that about 30,000 Palestinians have been killed, with nearly 50% being children.

The week before the ICJ ruling, the Israeli bombings and massacres of Palestinians continued at the pace set after the Oct. 7 Israeli raids inside Gaza. Just one day before the ruling, 150 people were injured receiving food, and Israeli terrorists attacked civilians next to a shelter and hospital.

[Al Jazeera reported](#): “On Jan. 25, the Gaza Health Ministry said the Israeli attacks killed 200 Palestinians in the last 24 hours and injured 370, as Israeli forces surrounded Nasser and Al-Amal hospitals in Khan Younis.

“At least 20 killed and 150 wounded as Israeli tanks fire shells and live rounds at people in northern Gaza City who lined up to receive much-needed humanitarian supplies, health officials say.

“The Israeli military demolished hundreds of buildings near its fence with Gaza as it seeks to create a ‘buffer zone’ in clear defiance of U.S. demands.

“Death toll from yesterday’s Israeli attack on UNRWA facility in Khan Younis rises to 13, as U.N. says Israel’s assurances of protecting civilians not being followed.”

And the day after ... the ICJ couldn’t decide whether the incidents should be considered genocide or if calling for a ceasefire was really necessary.

Every hour in Gaza:

- 15 people are killed (six are children)
- 35 people are injured
- 42 bombs are dropped
- 12 buildings are destroyed

This is based on Israeli military figures for the first six days of the genocide, and it has not de-escalated since then. In fact, the Israeli military needed to re-order more artillery shells with special overnight delivery from Antony Blinken and Joe Biden, sidestepping Congress.

Congress probably didn’t mind, though, in light of the almost unanimous Democratic and Republican vote for a bill supporting Zionism – in its most reactionary, fascist form, represented by Benjamin Netanyahu.

So every day of killing means 15 x 24 Palestinians, with 6 x 24 being children.

Killed by the U.S.-funded, U.S.-armed Israeli military. Every day.

### **U.S. cuts relief funds**

On the same day the ICJ made its ruling, Washington decided that cutting off funds to the United Nations Relief and Works Agency (UNRWA) was a good idea. Even though the UNRWA facility in Gaza that provides vital, life-saving medical care to the injured was the site of a massacre the day before. Even though civilians there were bombed by shells from tanks launched by the Israeli military, it seems this was a good idea.

The decision to freeze UNRWA funds was based on an allegation made solely by Israel, claiming that 12 members of UNRWA were part of the Oct. 7 military operation by the Palestinian resistance. (Israel's government has been caught in numerous lies before and since Oct. 7.)

According to Reuters: "Since Israel launched its war following the Oct. 7 attacks, around a million Gazans, or nearly 45% of the enclave's population, have been sheltering in UNRWA schools, clinics, and other public buildings.

"Nearly the entire Gazan population now relies on UNRWA for basic necessities, including food, water and hygiene supplies.

"More than 150 UNRWA staff have been killed since the start of the conflict, making it the deadliest conflict ever for U.N. employees."

Philippe Lazzarini, commissioner general of the agency, said it was "shocking" that the U.S. and others cut off UNRWA's funds.

"I urge countries who have suspended their funding to reconsider their decisions

before UNRWA is forced to suspend its humanitarian response," Lazzarini said in his statement. "The lives of people in Gaza depend on this support, and so does regional stability."

## **Victory forced out of ICJ**

The ICJ ruling is certainly a historic development and a victory for South Africa and the world's people in attempting to weaken and isolate Israel's policies of genocide and apartheid.

It also clearly implicates not only Israel for its crime of genocide but also the givers of funds and weapons who make that genocide possible. So far, this has not deterred the direction of Israel or the U.S., Britain, Australia, and Canada, which follow the lead of the Biden administration and the Republican Party.

The ICJ said the continuation of famine and targeting of civilians and children are genocidal attacks and must end. Although giving Israel a month to check on the progress shows a lack of urgency in the ICJ, the ruling does allow the U.S. to be implicated in the crime of genocide - but the U.S. chose the day of the ICJ ruling to announce it was freezing funds for the U.N. agency standing in the way of famine and providing shelter and a modicum of safety, especially for Palestinian children.

The U.S. doubled down on genocide by defunding UNRWA. The next day, Britain, Germany, Italy, Switzerland, Finland, and the Netherlands also suspended funds.

The ICJ gave the world a victory that it did not want to give. It had no choice - not if it wants to keep some legitimacy in the eyes of the international working class. It was in spite of the historic role the ICJ and ICC have played in denying the suffering, the occupation, the right of self-defense of Palestinians, and the internationally legal right to fight an occupation, politically and militarily. That is exposed by the court's refusal to call for a ceasefire and its lack of courage to label Israeli genocide now -

not in months or years.

In spite of this, the international community and Palestinian leadership take the victory and demand they give us more, and we and they don't have to ask for it in a nice way. However, we also have to make room for the visibility of people in Gaza who shed tears after finding out the ceasefire was not demanded clearly and that there was no clear condemnation of genocide.

Bisan Owda, a Palestinian filmmaker, activist, and journalist, has documented the crisis in Gaza since the latest Israeli terror campaign started. Owda has worked with the United Nations and shared footage with Western corporate media. After the IDF told Gaza residents to evacuate, Owda and her parents relocated from Beit Hanoun to Al-Shifa Hospital. Her family's home and her office in Rimal were both bombed, destroying all of Owda's film equipment.

Using only her phone for documentation, she shared a video of Gaza after the ICJ ruling. You could hear the sirens and the commotion in the background - the sounds of a war Zone:

"There is no justice in the International Court of Justice. The ICJ is dealing with a case of genocide that Israel is committing against Palestinians in Gaza Strip, forgets to tell Israel in her decision today to cease fire against Palestinians in Gaza.

"We are under fire and under killing. We are under genocide for day 112 and the ICJ says the only solution for us and the final hope for us is forgetting to tell Israel to cease fire against us. Forgets to tell Israel that Israel must allow people who are displaced from the north of Gaza strip to return to their homes again. There is no justice in this world. ICJ is a lie, that's it. Thanks world.

"We are continuing this alone as we started this alone, with our own mobiles, to tell you the truth and to seek for justice. Now there's no truth or justice. I'm just stuck

out of my home and can't get back and no one can get me back to my home or to stop killing us day after day for 112 days. There is no justice in this world."

As Owda shed a tear, so did I.

### **All forms of struggle must continue**

The struggle in all forms must continue. As Hamas Chair Ismail Haniyeh said, the ruling "confirms the legitimacy of the Palestinian resistance and the criminality of the Israeli occupation."

Palestinian Authority President Mahmoud Abbas said the ruling "proves that the Palestinian people have the right to defend themselves and to seek justice and accountability for the crimes committed against them."

South African determination and ability to build international support for the effort forced the ICJ to take their case and moved the struggle forward. South Africa's Foreign Ministry said it was a "landmark ruling... [which] determined that Israel's actions in Gaza are plausibly genocidal" and can only be interpreted as ordering an end to Israeli attacks.

"South Africa sincerely hopes that Israel will not act to frustrate the application of this order, as it has publicly threatened to do," said the Foreign Ministry statement.

South Africa was disappointed that the ruling did not order Israel to halt its military offensive in Gaza, as it had requested. But the people will take this limited victory and demand they give us more, and we don't have to ask in a nice way.

The Ansarallah movement in Yemen certainly isn't - and we also support that.

*John Parker is running for Congress in California (CA-37), representing the Socialist Unity Party on the Peace and Freedom ticket. [Learn more about his campaign here.](#)*



<https://www.struggle-la-lucha.org/2024/02/01/commentary-israel-suffers-a-defeat-at-icj-time-to-push-harder/>