


# The International Court of Justice Passes Orders to Contain Genocide by Israel

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**The International Court of Justice (ICJ) has ordered Israel to immediately halt its military offence in the Rafah region of southern Gaza. The ICJ order is a consequence of South Africa's case that**

**accused Israel of violating the 1948 Genocide Convention, writes Anuradha Chenoy, Adjunct Professor, Jindal Global University and Associate Fellow, Transnational Institute (The Netherlands)**

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Displaced Palestinians inspect their tents destroyed by Israel's bombardment, adjunct to an UNRWA facility west of Rafah city, Gaza Strip, Tuesday, May 28 (AP Photo)

The International Court of Justice (ICJ) has ordered Israel to immediately halt its military offensive in Rafah a region of southern Gaza (May 24). The Israeli Defence Forces have laid siege here against the Palestinian population since early May, repeating actions they carried out in the northern parts of Gaza over the past six months.

This ICJ order is a consequence of South Africa's case that accuses Israel of violating the 1948 Genocide Convention, to which all member states of the United Nations (UN) are party. The ICJ's orders are legally binding, but to enforce implementation the Security Council must pass a resolution.



# The ICJ Passes Orders to Contain Genocide by Israel

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- **This ICJ order is a consequence of South Africa's case that accuses Israel of violating the 1948 Genocide Convention**
- **The ICJ's orders are legally binding, but to enforce implementation the Security Council must pass a resolution**
- **The ICJ has observed that Israel has violated this Court's earlier order that humanitarian aid to Gaza be let in**
- **ICJ orders Israel to allow any commission of inquiry, or fact-finding mission of the United Nations "to investigate allegations of genocide."**
- **ICJ thus reaffirmed the original provisional measures ordered on January 26**
- **On March 26, the ICJ called upon Israel to implement the Court's provisional measures**



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Info Graphic for International Court of Justice article (ETV Bharat)

Committing genocide is the most serious crime that a country can commit in international law. Of course, it will take this Court years before it comes to its final conclusions as it examines all the available evidences and testimonies. But in the meantime, it has been passing stringent provisional measures to curb Israel's murderous onslaught on the Palestinians.

In this latest provisional measure, the ICJ has ruled that Israel's offensive which "may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part" must be halted. In non-legal terms this highest Court in the

international system is saying once again, that Israel is in the process of committing "plausible genocide" and this has to stop.

The ICJ further observed that Israel has violated this Court's earlier order that humanitarian aid to Gaza be let in and Israel provide the Court information if they are providing safety, sufficient food, medicine and shelter for the 800,000 Palestinians evacuated from the region. Further, the ICJ orders Israel to allow any commission of inquiry, fact finding mission of the United Nations "to investigate allegations of genocide." The Court reiterated its concerns for the hostages taken by Hamas and called for their immediate and unconditional release.

The ICJ thus reaffirmed the original provisional measures ordered on January 26 after hearing the arguments of both the South African and Israeli sides. Again on March 26, the ICJ called upon Israel to implement the Court's provisional measures because since their ruling in January: "the catastrophic living conditions of the Palestinians in the Gaza Strip have deteriorated further" and "that famine is setting in".

Israel is open and clear that it will continue to violate the orders of ICJ and it disrespects the UN. Israel already rejected the other (different) international court – the International Criminal Court (ICC), that has the authority to indict individuals guilty of war crimes and violators of humanitarian law.

This ICC held Prime Minister Benjamin Netanyahu guilty of perpetuating crimes against humanity after examining detailed evidence provided by UN personnel and rights bodies. It has applied for arrest warrants against Netanyahu, defence minister Yoav Gallant and the top Hamas leaders. Israel and the US have ridiculed these charges.

Israel is determined to continue its Zionist agenda of completely ridding this land of its original inhabitants - Palestinians. Capturing the entire land is the agenda. Since its very foundation, it has refused to grant the Palestinians equal rights and enforces systemic discrimination or Apartheid. Zionism is contrary to what many Jews and the world community want - which is a state based on co-existence and equal rights regardless of religion.

Israel is willing and determined to flout all international and humanitarian laws because of the unconditional support it receives from the United States and much of the West that provide it with billions of dollars' worth of arms and aid, regardless of its behaviour. The Global South including India have supported dozens of UN resolutions condemning Israel's behaviour and recognise the right of Palestinian statehood.

In this disproportionate attack on the Palestinians after the October 7, 2023 attack by the Hamas, more than 35,000 Palestinians have been killed by Israel including 14,000 children. Schools, residences, hospitals et al have been bombed as the Gaza Strip is reduced to rubble. Palestinians forced to leave their homes to go to safe zones like Rafah - are shelled, and repeatedly displaced.

The UN Rapporteur Francesca Albanese in a report to the UN Human Rights Council confirmed three acts by Israel that constitute genocide: Causing seriously bodily or mental harm to members of the group; deliberately inflicting conditions to bring about physical destruction of the group and imposing measures to prevent birth within the group.

The actions of Israel watched in real time by the world has lead to condemnation, concern and solidarity action by many. We have witnessed the largest and most sustained street protests in most Western and world wide major cities. The US is seeing an upsurge of campus protests never seen since the Vietnam war protests. There have been waves of protests on the Arab streets earlier and on the streets of the Global South.

This public outpouring of support for the Palestinian cause, supported by multiple bodies of the UN and their reports and especially the pronouncements of the ICJ and ICC are effectively challenging the narrative that the mainstream media and narrative managers of Israel and US are desperately trying to control. Leaders who are being shown to be complicit by supporting Israel are in fear of loosing their legitimacy and narrative.

Now, besides the 146 states (out of 193 member states of the UN) Ireland, Norway and Spain have formally recognised the state of Palestine. Such support shows that Israel and the US are getting increasingly isolated on this vexed question.

So what can the United Nations and the global majority do to circumvent the genocide, ensure a ceasefire, ensure a free Palestine, when Israel violates internal laws and UN decisions and the US vetoes any action and gives them impunity? It is time that the global majority in favour of Palestine must register that moral shame and delegitimation is no longer working. Israel was recognised by a UN resolution in 1949. The UN should have the courage to revoke the recognition of a state that is playing rogue. They have have the power to do so. Now they must find the will.

(The opinion of the author is personal)

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