

# International Court of Justice Rules South African Claims of Genocide Against Palestinians by Israel Are Plausible

Orders issued by the 15-2 majority calls for an end to violations of the rights of the occupied population in Gaza

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*In a landmark ruling handed down by the United Nations High Court on January 26 rejected the State of Israel's attempt to dismiss the case brought by the Republic of South Africa demanding an end to genocide against the Palestinians.*

The International Court of Justice (ICJ) issued a series of orders in a 29-page ruling directed at Tel Aviv mandating that it halts indiscriminate persecution, killing and displacement of the 2.3 million people in the Gaza Strip. (See [this](#))

Both parties to the case, Pretoria and Tel Aviv, must reappear before the ICJ within one month to present oral arguments on the lawsuit which accuses the settler-colonial state of being in breach of the Genocide Convention. South Africa and other states around the world viewed the decision as a preliminary victory which allows the case to go forward.

Since October 7 the Israeli Defense Forces (IDF) has engaged in targeted assassinations against Palestinian resistance forces, their leadership, along with the systematic attacks upon neighborhoods, healthcare services, schools, religious institutions and infrastructure. Despite the denials of genocide by Tel Aviv and its backers in the United States, Britain and other imperialist states, the ICJ took note within its decision that more than 26,000 people have been killed since the latest military assault by the occupying forces.

The war waged by the Zionist regime, which is facilitated through arms shipments from its allies, the deployment of imperialist military forces in the region, financial resources and

diplomatic cover from the U.S. and other NATO countries, has undoubtedly done irreparable harm to the Palestinians through mass injuries, deaths, the destruction of civil society and the denial of food, water, freedom of worship, education and household security. Repeated statements backed up by violent actions from Israeli officials provide ample evidence of intent to eliminate the Palestinian people in whole or in part.

## Contents of the ICJ Decision



In a summary of the ICJ preliminary ruling on the issues brought before it by the South African government, Lawfare, a legal journal, says

“The ICJ found that it had prima facie jurisdiction under Article IX of the Genocide Convention to entertain the case and agreed that South Africa has standing to bring the case under the common interests of upholding the Convention—a matter that Israel did not challenge.” (See [this](#))

This same article goes on to point out:

“On Jan. 26, the International Court of Justice (ICJ) issued provisional measures in a case brought by South Africa against Israel for its alleged breaches of the Genocide Convention in its actions in Gaza. The ICJ found that it had prima facie jurisdiction under Article IX of the Genocide Convention to entertain the case and agreed that South Africa has standing to bring the case under the common interests of upholding the Convention—a matter that Israel did not challenge.

The ICJ ordered the following provisional measures under Article 41:

Israel must take all measures possible to prevent the commission of all acts under Article II of the Genocide Convention in relation to Palestinians in Gaza. This includes ‘(a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and (d) imposing measures intended to prevent births within the group.’ The ICJ specified that Israel must

ensure 'with immediate effect' that its military does not commit any of the aforementioned acts.

Israel must prevent and punish 'the direct and public incitement to commit genocide' against Palestinians in Gaza.

Israel must allow humanitarian assistance into the Gaza Strip.

Israel must ensure the preservation of, and prevent the destruction of, evidence related to acts under the scope of Article II and Article III of the Genocide Convention against Palestinians in Gaza.

Israel must submit a report to the ICJ on all measures taken to uphold the provisional measures ordered by the ICJ within one month.

The ICJ did not call on Israel to suspend its military operations in Gaza, which was one of the provisional measures South Africa had called for."

Even though the ICJ did not issue a provisional order to Tel Aviv for a ceasefire which has become the rallying cry for billions of people around the world, South African Minister of International Relations and Cooperation, Dr. Naledi Pandor, suggested that if the orders are to be carried out by Israel it would require a cessation of hostilities by the IDF. The South African government hailed the decision along with many other entities internationally.

## Responses to the ICJ Decision

President Cyril Ramaphosa of the Republic of South Africa [in a televised address said](#) of the ICJ ruling that:

"We welcome the measures that the court ordered by majority decision, ruling that Israel military should not commit acts of genocide against Palestinians. Israel should take all measures to prevent and punish incitement to genocide. Furthermore, take immediate and effective measures to allow basic services and humanitarian assistance to Gaza and it should preserve evidence of what is happening in Gaza, including submitting a report within a month on all measures taken to give effect to the ICJ order within one month. This Order is binding on Israel and must be respected by all states that are party to the Convention on the Prevention and Punishment of the Crime of Genocide."

In the Islamic Republic of Iran, a close ally of the South African government and staunch supporter of the Palestinian struggle for national liberation and sovereignty, the president of the country [was reported](#) as recognizing that:

"Iranian President Ebrahim Raeisi says South Africa's genocide case against Israel at the International Court of Justice (ICJ) has drawn the admiration of all freedom seekers worldwide, hours before the court announces its interim ruling. During a telephone conversation with his South African counterpart Cyril Ramaphosa on Thursday night, Raeisi lauded the 'courageous' initiative, stressing that the move was taken by a country that has experienced the menace of racism and genocide for years. 'The measure is praised not only by the Muslim world but also by all freedom seekers across the globe,' the Iranian president said, according to his press service."

Within the Israeli regime itself, Prime Minister Benjamin Netanyahu was reported to have ordered his “unified war cabinet” members to refrain from commenting on the ICJ decision at this point. Nonetheless, some of the more right-wing cabinet members condemned the UN Court ruling labeling it as a continuation of the persecution of Jewish people. See [this](#).

The U.S.-based Jewish newspaper, Forward, wrote an editorial where it attempted to take solace that the ICJ did not order what they described as a “one-side” ceasefire. This same publication also noted that the Court did not order the IDF to withdraw from the Gaza Strip. (See [this](#))

In an editorial written by Anthony Dworkin on the European Council on Foreign Relations (ECFR) website, the author recognizes differing positions held by members of the European Union (EU) on the Israel-Gaza war. However, Dworkin calls upon member-states to abide by the decision while requiring compliance from the State of Israel as a condition of its relations with the settler-colonial state. This position is that of the writer and is by no means a reflection of the views of Europeans.

## Biden Administration Facing Federal Lawsuit for Complicity in Genocide Against Palestinians

Meanwhile the federal lawsuit filed by the Center for Constitutional Rights (CCR) against President Joe Biden and other leading appointees within his administration is moving forward as well. Just hours after the ICJ issued its ruling on the case filed by South Africa, a hearing was held in Oakland, California where the several Palestinian human rights groups and individuals are claiming that the actions of the U.S. are facilitating genocide in Palestine. (See [this](#))

The investigative news website, The Intercept, wrote on the hearing saying:

“Lawyers involved with the lawsuit playing out in federal court said that the ICJ ruling bolsters their case. Their lawsuit argues that Biden, Blinken, and Austin are liable under U.S. law for failing to uphold their obligation to prevent genocide in Gaza. In Oakland, dozens of people lined up outside the courthouse hours before the hearing on Friday, according to organizers on the ground, while the Zoom stream reached its capacity of 1,000 people tuning in.” (See [this](#))

This case filed in the U.S. federal court and the ICJ lawsuit at The Hague are representative of the burgeoning Palestinian solidarity movement which is rapidly spreading throughout the world. These legal challenges to Israeli and U.S. impunity are contributing to the struggle to end the siege on Gaza and all occupied territories as well as winning the total freedom and emancipation of the oppressed people of Palestine.

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