

Israel, the World Court, and the Conscience of Humanity Are All on Trial at The Hague

One Week Has Passed and the International Court of Justice Still Has Not Intervened to Order an Immediate Stop to the Genocidal Slaughter in Gaza. What Does the Judges' Inaction Tell Us?

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I don't think its an overstatement to observe that the future of the world is hanging in the balance as 15 World Court judges at the Hague deliberate over the contending legal submissions made by the governments of Israel and South Africa. At this preliminary stage the core contention comes down to the question of whether or not it is "plausible" that the Genocide Convention is being violated in the course of the Gaza Massacre.

A rhetorical question could be asked in response to this legal question. If the lethal, horrific and many-faceted atrocities being committed in Gaza do not embody genocide, then what does?

What are the implications if the Israeli government succeeds in persuading the judges that its ruthless, high-tech obliteration of people and their life support systems in the Gaza prison camp, is something other than genocide?

The result of such a ruling would have the effect of normalizing what is going on in Gaza.

The industrial-scale killing happening there, is a classic example of several synergistic forms of genocide being imposed simultaneously. This combination of techniques to achieve the indiscriminate mass murder of a mostly unarmed civilian population, almost half of whom are children, surely qualifies as the outer extremes of genocidal assault.

Any ruling that stops short of ordering a stop to the military machinery of genocide would further discredit the already-tenuous credibility of the International Court of Justice. (ICJ)

Since its inception in 1945 the ICJ “has yet to judge any country in the world to be responsible for genocide.” See [this](#).

The government of Israel suddenly finds itself viewed in the world as the primary perpetrator of genocide rather than its primary victim. See [this](#).

On a deeper level, however, it is the International Court of Justice (ICJ) and the whole apparatus of international law that is facing the jaded judgment from the most attentive and conscientious branches of the global community.

Craig Murray is a former British diplomat who played a behind-the-scenes role in the process that led the government of South Africa to take on the monumental responsibility of bringing this case forward. As Murray explains, the outcome of the *Israeli Genocide Case* will decide the guilt or innocence of more than a country. The whole system of international criminal law is also on trial.

How did the assumptions develop on the part of the predators that they would not face legal recriminations for pressing ahead with a multitude of lethal tactics aimed at exterminating an occupied people locked in captivity. How did the predators come to understand that they could be both the occupier and the wronged party when faced with legitimate armed resistance to their illegal occupation?

What is the role of the international judges, including at the ICJ, in creating the conditions for the development of such imperious assumptions on the part of the protagonists of genocide. The outrageous circumstances, recorded with fidelity in the “airtight” legal case put forward to the ICJ by the South African government, has created a major indictment of a country so far granted repeated impunity from legal consequences for its crimes against the native Palestinians.

As Prof. Takahashi points out, the Israeli genocide in Gaza represents an extension of an old and well-established processes in the West’s imperial appropriation of lands and natural resources on its colonial frontiers. He writes,

“From the get-go, international legal norms were intended to apply only to so-called “civilised” – read white – peoples. Savages did not count, and the powerful Western states could – and did – do to them what they pleased. Natives certainly did not “own” land or natural resources, and colonial powers were free to steal and exploit those as they wished. Zionism was also founded on such racist attitudes – attitudes that remain at the core of Israeli policies to this day.” See [this](#).

The South African intervention clearly states the obvious but in great detail with eloquence and overwhelming proof for the compelling legal arguments. The Israeli defence at The Hague, one characterized by outbursts of self-righteous indignation, could be interpreted as a diversionary tactic.

This diversion is being carried out by agents of a polity whose top officers have been caught literally red handed, in the midst of a monumental implementation of genocide. Any fair and objective assessment of the evidence could not help but lead to the conclusion that Israel does not have even a single solid legal leg to stand on. But let’s not be naive.

What the Israelis do have going for them is the backing of a formidable worldwide network of Zionist authority. This Zionist network has access to unimaginable wealth with tentacles in strategic nerve centres of high-level corporate governance intertwined with organized crime. Hence the choice put before the 15 judges in this case is a stark one. They can embrace the rule of law or they can protect their own personal self-interest as well as the interest of the lobbies, countries and individuals to whom they are beholden.

A verdict that allows the government of Israel to get off the hook for its genocidal actions would, some say, expose the total bankruptcy of an international system that often puts small, hugely entitled constituencies above the law. Such a verdict would help bring to light the elaborate matrix of depravity and degradation from which the genocidal crimes of Israel have emerged.

Officials in the Israeli state as well as some in the Israeli business community, the military and in many branches of civil society have long derived the correct message that they represent an order of humanity that is above the law. They are basically left free to dispossess, oppress and kill certain groups and individuals without being held answerable to any form of legal authority.

The provision of licenses to kill and steal is, of course, not unique to Israel. But the governments of Israel and its US partner make especially ample use of this feature of the international system that creates a category of people basically exempted from accountability for even serial violations of very serious laws.

Now South Africa's legal argument is shining a spotlight on this whole phenomenon by calling the question on the blatant transgressions of the highest order of legal prohibition by the officials of Israeli state.

A telling snapshot of the broader problem to be faced, is epitomized by the road to judicial power of Joan E. Donoghue. She is the heavily politicized President of the ICJ who is chairing the current hearings. Judge Donoghue came to the ICJ as the choice of the former US Secretary of State, Hillary Clinton. In congratulating Donoghue in 2010 for her judicial appointment to the ICJ at the Hague, Clinton indicated,

"Joan Donoghue has won the confidence of senior officials in both Democratic and Republican Administrations. And as the State Department's Acting Legal Adviser in 2009 and now as the Principal Deputy Legal Adviser, Joan has provided me with the very best legal advice on the complex and challenging issues we confront on a daily basis." See [this](#).

Judge Donoghue, a former US State Department official and legal adviser to Hillary Clinton when she led that department, is in a very clear conflict of interest. It is possible or maybe even likely that she regularly reports back to the US State Department whose present Secretary is Antony Blinken.

As the source of weaponry, financing, and "diplomatic cover," the US government is quite clearly the senior partner with the Israeli government in this campaign to violently de-Palestinianize Gaza and the West Bank. Any finding that Israel is guilty of genocide or, at this stage, plausible genocide, would make the US government complicit in the same crime.

As [Michel Chossudovsky sees it](#),

“South Africa’s initiative —which has a direct bearing on the planning of US-NATO military operations in the Middle East- will no doubt be the object of carefully designed (behind the scenes) acts of sabotage.”

He predicts, therefore, that it is very unlikely the judges will make a decent ruling on the basis of an objective assessment of the evidence. Rather the politicized judges will probably respond based on a calculated consideration of their self-interest as well as of the agencies and individuals they may seek to serve and reward.

This pessimistic view is shared by many, including Paul Larudee. [He writes](#),

“it’s quite possible that the game is rigged, the deck stacked, and that the ruling will go against South Africa.”

[Jerome Irwin](#) widens the focus on what he thinks of as a thoroughly rigged process involving elected officials as well as rich and powerful lobbies. He believes “the likes of all the Trudeaus, Bidens, Blinkens and rest of the AIPAC’s puppets will do exactly as they’re told.”

Consider that this trial, beginning on 11 January, 2024, is the first time the government of Israel has deigned to be actually present in court room proceedings dealing with its alleged and proven criminality in its interactions with Palestinians. Like the US government, the Israeli government has come to understand it will not be compelled to follow international law or obey judicial rulings that lack enforcement mechanisms. Now an apparent break in this pattern has occurred. For the first time in the concurrent history of the UN and Israel, on Jan. 11 and 12 an Israeli delegation sat in “the dock” for the criminally accused.

The founders of Israel looked to the UN to legitimize its initial existence with the passage in the General Assembly of Resolution 181. After that Resolution, one based on a unrealized partition plan to create new Jewish and Arab states, Israelis turned on the UN. For instance in 1948 a Jewish militia, sometimes defined as a terrorist group, [assassinated a UN-appointed peace mediator, Count Folke Bernadotte](#).

This same contemptuous attitude toward the UN was reflected in 2023 when [136 UN workers, more than any other previous conflict](#), were killed in the course of the IDF’s assault on Gaza.

Now the government of Israel is at least paying attention to the accusations they face. According to the [Jewish Telegraphic Agency](#),

“Israeli officials say the charge of genocide is too much for a state born in the ashes of the Holocaust to ignore.” The JTA added, “The State of Israel will appear before the International Court of Justice at The Hague to dispel South Africa’s absurd blood libel.”

Israel as a Polity Born in the Ashes of the Holocaust

The core of the Genocide Convention offers very precise definitions of the content of the crime as well as of the human activities related to the crime that are “punishable.” The five definitions of genocide are short, precise statements that are easy to understand.

It is obvious that four of these definitions are met by many aspects of what is clearly observable even in the daily mass media coverage of the Israeli invasion of Gaza. What is

obvious in the media becomes crystal clear in South Africa's submission. A big part of the South African intervention involves proving the depth and breadth of the Israeli *intent* "to destroy, in whole or in part" the Palestinians.

Article II In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (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;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article III The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide

Raphael Lemkin was the principle technocratic at the new United Nations who worked with national delegations to come up with the initial draft of the Genocide Convention. Prior to his work at the UN, Lemkin also invented the term "genocide" and introduced it in a book he completed in 1944. Lemkin came up with the term in the process of studying the social engineering of the of the National Socialist government of Germany after it came to power in 1933.

Raphael Lemkin was a multi-faceted scholar. He was Pole, a Jew, an international lawyer, and an expert in the Ottoman assault on the Armenians. In studying the assault on Armenians, Lemkin observed that the world's legal systems could readily handle the crime of murder but did not have even a name to describe actions that weaken, diminish or end the viability of national groups.

THE MAKING HISTORY SERIES

Totally Unofficial:

RAPHAEL LEMKIN

AND THE GENOCIDE CONVENTION



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Lemkin developed the concept of genocide in the course of his observation of some of the legal and administrative changes as Germany grew in power and influence. This expanded influence was felt throughout Europe and especially in Eastern Europe. In the text Lemkin pays close attention to interventions that undermined the vitality and cultural viability of certain nations deemed less deserving of support than other nations.

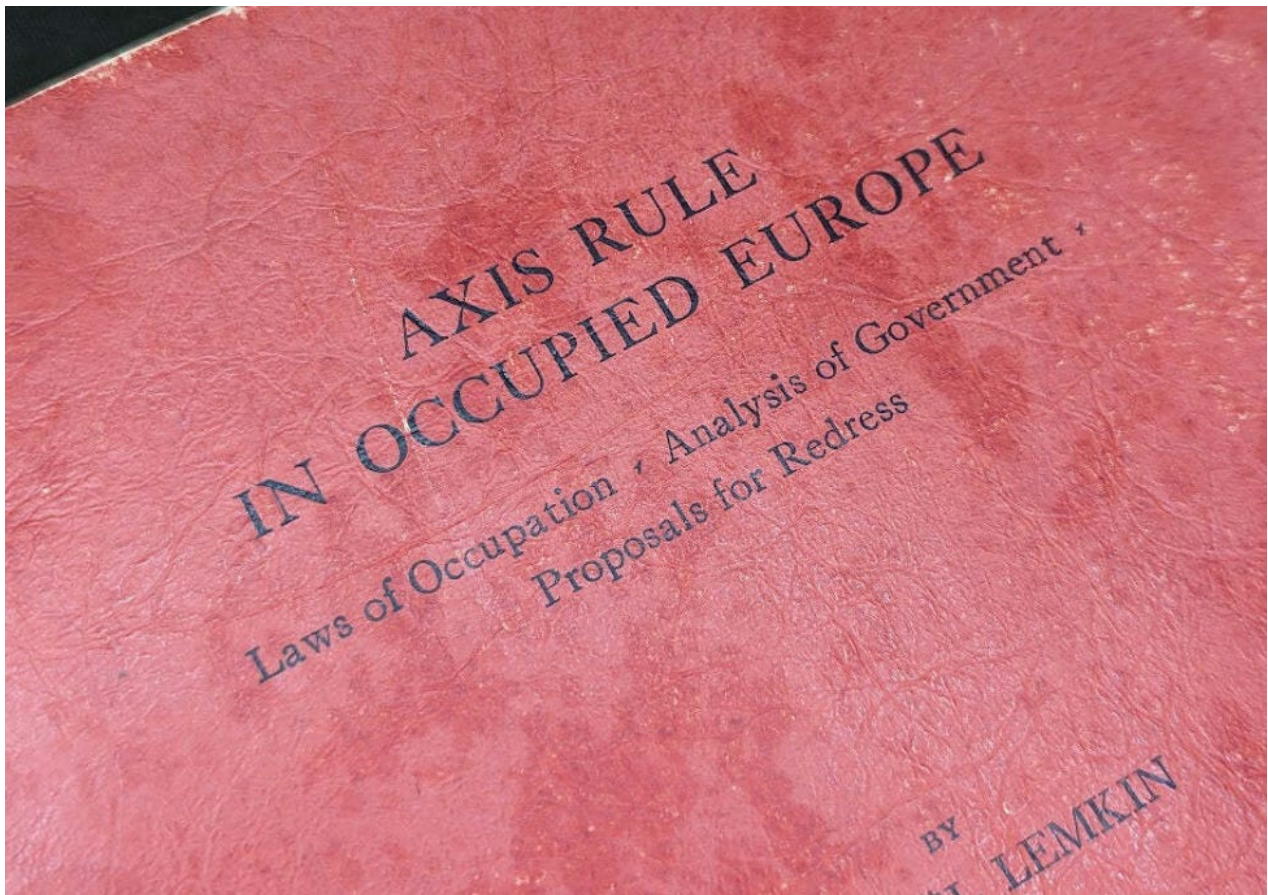
Although he mentions from time to time the problematic treatment of Jews, the bulk of his attention as a Polish jurist was drawn to the dilemmas being faced especially by many Slavic nations in Eastern Europe. He devoted much attention to the implications of limiting or ending agencies like national museums, national archives, national theatres, schools and language institutes.

Lemkin heaped scorn on actions that result in the “vandalization” of art forms as expressed in media like traditional music, paintings, sculpture and literature. See [this](#).

These media of artistic expression Lemkin considered essential in the process of renewing and revitalizing heritage and culture. Lemkin was especially attentive to the role of religion and churches in the spiritual and community life of healthy nations.

It was in the process of looking at this this kind of “vandalism” and “barbarism” that Lemkin

came up with his concept of genocide which he discusses in his volume, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.



Lemkin left Europe in 1941 and headed eastward. He crossed the Pacific Ocean towards New York City. In his work at the United Nations his ideas involving genocide were seized upon and attached to the top priorities of the winning side in World War II. Lemkin's emphasis on what in today's term would be called cultural genocide, was pushed to the side. In its place definitions were developed in the process of drafting the Genocide Convention to make it harmonious with the narrative of Israel as a state "born in the ashes of the Holocaust."

Certainly this narrative of Israel as a polity born in the ashes of the Holocaust was integral to Tal Becker's introduction of the case for Israel's defence put on Jan. 12, 2024, before the judges of the World Court. Becker seemed to assert some kind of proprietary claim to the Genocide Convention based on an inheritance from the event that has come to be known as The Holocaust. In my view Becker's brief reference to the role of Raphael Lemkin did not fairly represent the Polish jurist's role in originating, modifying and adapting the idea of genocide that formed the basis of the UN's Genocide Convention.

Becker's Israeliocentric interpretation of the forces that led to his appearance before the ICJ showed no empathy at all for the forces that brought the Palestinians, the South African government and the multicultural South African legal team within the framework of the adversarial litigation currently underway.

According to Becker, the Israeli government and its Jewish citizens are once again blameless victims transgressed upon with this unjustified criminal charge brought forward by ill-willed anti-Semites in league with crazed Islamic terrorists.

“Gaza Will Become a Place Where No Human Being Can Exist.” General Giora Eiland, Former Head of the Israeli National Security Council

One of the most intense and detailed facets of South Africa’s legal submission was the section explaining how, all up and down the Israeli government, the Israeli Armed Forces, and Israeli civil society, there exists a broadly shared intention to exterminate as many Palestinians as possible. The aim goes far beyond the 24/7 bombarding of the entire population of Gaza from air, sea and land.

The aim is to destroy all housing, all infrastructure, all access to food, water, education, electricity, fuel, medical care, employment, mosques, churches and more, in order to eliminate all systems for supporting human life. The aim is to depopulate Gaza as much as possible and then force the survivors to run for their lives in a grotesque saga of forced deportation.

There is in the South African submission much testimony supporting the assertion that the primary agenda right now of the Israeli state and people is to push forward an agenda of genocide on steroids. Awareness of this agenda flows from the Israeli leadership into the rank and file of the Armed forces, into the media, into the education system and into the society at large. General Giora Eiland is a representative example of a high-ranking and influential military figure in Israel seeking to deploy all means possible to bring about the mass extermination and deportation of Palestinians.

Eiland’s titles include Israeli Army Reservist Major General, former Head of the Israeli National Security Council, and adviser to the Defence Minister. He is well known in Israel for his advocacy of plans to induce lethal plagues among the Palestinians to weed out their numbers. [In Haaretz](#), Gideon Levy explains that Eiland thinks “epidemics in Gaza are good for Israel.” He cites Eiland as follows: “After all, severe epidemics in the southern Strip will bring victory closer and reduce fatalities among IDF soldiers.”

The authors of the South African submission have assembled numerous public citations from the vocal and prolific military officer, political adviser, and national security official. These citations appear between pages 62 to 64 of South Africa’s submission to the ICJ. From this text I draw the following excerpt:

Giora Eiland has repeatedly been given a media platform to call for Gaza to be made uninhabitable, declaring “the State of Israel has no choice but to make Gaza a place that is temporarily, or permanently, impossible to live in.”⁴⁷³ In an interview on 6 November 2023, he suggested that, “if there is an intention for a military action at Shifa [Hospital], which I think is inescapable, I hope that the head of the CIA got an explanation of why this is necessary, and why the US must ultimately back even an operation like this, even if there are thousands of bodies of civilians in the streets afterward.”⁴⁷⁴ Further he proposed that “Israel needs to create a humanitarian crisis in Gaza, compelling tens of thousands or even hundreds of thousands to seek refuge in Egypt or the Gulf . . . Gaza will become a place where no human being can exist.”⁴⁷⁵

Echoing the words of President Herzog, he has repeatedly underscored that there should be no distinction between Hamas combatants and Palestinian civilians, saying: “Who are the ‘poor’ women of Gaza? They are all the mothers, sisters or wives of Hamas murderers. On the one hand, they are part of the infrastructure that supports the organization, and on the other hand, if they experience a humanitarian disaster,

then it can be assumed that some of the Hamas fighters and the more junior commanders will begin to understand that the war is futile . . . The international community warns us of a humanitarian disaster in Gaza and of severe epidemics. We must not shy away from this, as difficult as that may be. After all, severe epidemics in the south of the Gaza Strip will bring victory closer . . . It is precisely its civil collapse that will bring the end of the war closer. When senior Israeli figures say in the media 'It's either us or them' we should clarify the question of who is 'them'. 'They' are not only Hamas fighters with weapons, but also all the 'civilian' officials, including hospital administrators and school administrators, and also the entire Gaza population who enthusiastically supported Hamas and cheered on its atrocities on October 7th."476

The evidence is shocking in South Africa's submission and in the evidence in the mass media of the lethal intentions of almost the entire Israeli population towards the Palestinian population. Witnessing even at a distance the startling animosity of a large part of the entire Jewish Israeli population, helps give me an idea of what it must have been like in the Deep South of the United States in the heyday of segregation or in South Africa in the heyday of apartheid.

As witnessed by Miko Peled, the son of a famous Israeli General, the deep and pervasive animosity towards Palestinians is cultivated in the Israeli system of public education, in the Armed Forces, and throughout the media.

The presentation to the ICJ by Irish lawyer, Blinne Ní Ghrálaigh, emphasized the severity, shameful, and urgency of the many-faceted humanitarian crisis in Gaza. Ní Ghrálaigh explained in no uncertain terms the widespread guilt and responsibility of those in authority who could have done something to preempt this genocidal nightmare.

The Gaza debacle ultimately should shame all of humanity.

Ní Ghrálaigh's intention was to emphasize for the court the imperative of taking quick action by issuing an immediate order. The essence of such an order would state that the government of Israel must cease and desist pushing forward its many-faceted genocidal incursions.

Of course getting Israel to respect such an order forms a obstacle yet to be bridged. The difficulty in enforcing a court order, however, should not be allowed to provide the judges with an excuse not to do their part to meet this humanitarian and existential crisis that has gone way too far already.

The ruthlessness of this genocide is much more than plausible for those who choose to consider the available evidence and those equipped with hearts that can feel the necessity of stopping the perverse kill fest presently taking place, hour by hour, right before our eyes. See [this](#).

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