



International Court of Justice launches nuclear strike against Israel

Israel commits genocide in Gaza - and incites it. The decision of the International Court of Justice could not be more devastating for Israel - an analysis.

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Sun 04 Feb 2024

Introduction

On January 26, 2024, the International Court of Justice in The Hague issued a ruling which, on the one hand, reveals the genocide carried out by Israel and, on the other, demonstrates that the leadership in Israel is calling for genocide.

After months of historical research into the conflicts around and in Israel and [summarizing](#) our findings in [Part 5](#), we published a detailed report on the events surrounding October 7 last week in our article "[October 7, 2023 - a country sinks into the abyss of its history](#)".

We proved that the narrative about the events of October 7 that was passed around in the West does not stand up to scrutiny: In our opinion, there can be no question of a large-scale terrorist attack by Hamas on the Israeli population as has been circulated by Israel and the Western media. Our readers can make up their own minds; we have based our findings primarily on Israeli sources.

In this article, we discuss the proceedings before the [International Court of Justice](#) in The Hague, which were initiated by South Africa on December 29, 2023 and led to a decision within a very short time: Within one month. That is the equivalent of the blink of an eye in such proceedings.

The proceedings before the International Court of Justice were characterized by legal peculiarities, some of which are difficult to convey to a layperson. It was also characterized by a wealth of facts and arguments. In this article, we endeavor to convey an overall picture that realistically reflects the tenor of the decision and Israel's arguments. However, in order to prevent this article from becoming unreadable and too long, we have not been able to go into every detail.

For those readers who wish to consult all the documents, we refer them to the [website](#) of the International Court of Justice.

What did the Court decide?

The entire oral decision with the court's reasoning can be found here:



Israel was ordered by the International Court of Justice to do the following:

The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention, in particular:

Order number 1

Not to kill, physically or psychologically harm the Palestinians, not to destroy their livelihood, not to hinder the reproduction of the Palestinians.

Order number 2

The State of Israel shall ensure with immediate effect that its military does not commit any acts described in point 1 above;

Order number 3

The State of Israel shall take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip;

Order number 4

The State of Israel shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip;

Order number 5

The State of Israel shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II and Article III of the Convention on the Prevention and Punishment of the Crime of Genocide against members of the Palestinian group in the Gaza Strip;

Order number 6

The State of Israel shall submit a report to the Court on all measures taken to give effect to this Order within one month as from the date of this Order.

Court has followed South Africa's requests almost in their entirety

These six points correspond to South Africa's request with one exception. In addition to these points, South Africa requested that Israel be forced to agree to a ceasefire. The Court did not comply with this request. Although the court did not order Israel to silence its weapons, Israel was effectively forced to cease its military action, otherwise it would not be able to fulfill the six points mentioned above.

The decision is not a judgment, but so-called provisional measures have been issued. This is done by courts all over the world, including civil courts in Switzerland, Germany and the USA. The International Court of Justice can issue such precautionary measures (Art. 41 of the Statutes) if rights that are the subject of legal proceedings could be irreparably impaired or if the alleged violation of such rights could have irreparable consequences.

The hurdle for issuing such precautionary measures is high in the practice of all courts, as this partly anticipates the judgment.

The court thus comes to the conclusion that the way Israel is conducting this "military action" is leading to genocide, otherwise the court would not have taken these precautionary measures. It is also clear from the decision (point 3) that the court is of the clear opinion that Israeli politicians have called for genocide. This means that under no circumstances can the Israeli leadership save itself with the argument that it did not know about it, since it called for the very crimes of which it is accused.

The following statements are all based on the considerations made by the court in its [decision of January 26, 2024](#) - we refer in each case to the relevant paragraphs of the decision.

Considerations from the judgment on the dead, injured, displaced persons and damage to homes

In its reasoning (para. 46), the court used figures from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) dated January 24, 2024, which show that 25,700 Palestinians were killed, over 63,000 injuries were reported, over 360,000 housing units were destroyed or partially damaged, and approximately 1.7 million people were displaced within the country.

Considerations from the judgment on humanitarian conditions in Gaza

In its considerations, the Court mentions statements by various persons from UN organizations describing the conditions in Gaza:

United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Martin Griffiths, on January 5, 2024:

"Gaza has become a place of death and despair."

DECISION, P. 13, POINT 47

World Health Organization (WHO), December 21, 2023:

"An unprecedented 93% of the population in Gaza is facing crisis levels of hunger, with insufficient food and high levels of malnutrition. At least 1 in 4 households are facing 'catastrophic conditions': experiencing an extreme lack of food and starvation and having resorted to selling off their possessions and other extreme measures to afford a simple meal. Starvation, destitution and death are evident."

DECISION, P. 13, POINT 48

Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Mr. Philippe Lazzarini, on January 13, 2024:

"It's been 100 days since the devastating war started, killing and displacing people in Gaza, following the horrific attacks that Hamas and other groups carried out against people in Israel. It's been 100 days of ordeal and anxiety for hostages and their families.

In the past 100 days, sustained bombardment across the Gaza Strip caused the mass displacement of a population that is in a state of flux □ constantly uprooted and forced to leave overnight, only to move to places which are just as unsafe. This has been the largest displacement of the Palestinian people since 1948.

This war affected more than 2 million people □ the entire population of Gaza. Many will carry lifelong scars, both physical and psychological. The vast majority, including children, are deeply traumatized.

Overcrowded and unsanitary UNRWA shelters have now become 'home' to more than 1.4 million people. They lack everything, from food to hygiene to privacy. People live in inhumane conditions, where diseases are spreading, including among children. They live through the unlivable, with the clock ticking fast towards famine.

The plight of children in Gaza is especially heartbreaking. An entire generation of children is traumatized and will take years to heal.

Thousands have been killed, maimed, and orphaned. Hundreds of thousands are deprived of education. Their future is in jeopardy, with far-reaching and long-lasting consequences."

DECISION, P. 16/17 POINT 49

Considerations from the judgment on the incitements to genocide by Israeli politicians

Introduction

The most serious accusation that the Court makes against Israel relates to the public call for genocide by Israeli politicians (point 3 of the decision above).

The fact that Palestinian civilians are being systematically slaughtered is devastating - but the public call for genocide takes the evil to another level, which could actually have been ruled out after the Holocaust 80 years ago. The fact that this call comes from a former victim makes the matter even more unbearable.

Here are some statements by Israeli politicians quoted in the Court's deliberations:

On 9 October 2023, Mr Yoav Gallant, Defence Minister of Israel, announced that he had ordered a "complete siege" of Gaza City and that there would be "no electricity, no food, no fuel" and that "everything [was] closed". On the following day, Minister Gallant stated, speaking to Israeli troops on the Gaza border:

"I have released all restraints . . . You saw what we are fighting against. We are fighting human animals. This is the ISIS of Gaza. This is what we are fighting against . . . Gaza won't return to what it was before. There will be no Hamas. We will eliminate everything. If it doesn't take one day, it will take a week, it will take weeks or even months, we will reach all places."

SEITE 17, PUNKT 52 DES ENTSCHEIDS

On October 12, 2023, Isaac Herzog, President of Israel, declared with regard to the Gaza Strip:

"We are working, operating militarily according to rules of international law. Unequivocally. It is an entire nation out there that is responsible. It is not true this rhetoric about civilians not aware, not involved. It is absolutely not true. They could have risen up. They could have fought against that evil regime which took over Gaza in a coup d'état. But we are at war. We are at war. We are at war. We are defending our homes. We are protecting our homes. That's the truth. And when a nation protects its home, it fights. And we will fight until we'll break their backbone."

PAGE 17/18, POINT 52 OF THE DECISION

On October 13, 2023, Israel Katz, the then Minister of Energy and Infrastructure of Israel, declared on X (formerly Twitter):

"We will fight the terrorist organization Hamas and destroy it. All the civilian population in [G]aza is ordered to leave immediately. We will

win. They will not receive a drop of water or a single battery until they leave the world."

SEITE 18, PUNKT 52 DER ENTSCHEIDUNG

Finally, a press statement issued by 37 special rapporteurs, rapporteurs, independent experts and members of working groups of the Special Procedures of the United Nations Human Rights Council was included in the Court's deliberations.

In it, the rapporteurs expressed alarm at the

"[h]ighly concerned about the sharp increase in racist hate speech and dehumanization directed at Palestinians since 7 October".

PAGE 18, POINT 53 OF THE DECISION

The attempts of the Israeli lawyers

Lack of jurisdiction

The Israeli side first tried to persuade the court to decline jurisdiction on the grounds that there was no dispute between Israel and South Africa. It was argued that the exchange between the parties gave no indication of such a dispute and that this could have been discussed between the parties.

This strategy is, from a lawyer's point of view, an efficient strategy to dispose of the entire case - thus the discussion in court about the merits of the case - genocide and the call for it - would not have arisen and Israel could have avoided the embarrassment.

The court did not follow this formal argument and declared that it had jurisdiction.

No signs of genocide

Israel further argued that the acts complained of by South Africa did not fall under the provisions of the Genocide Convention because the necessary specific intent to destroy the Palestinian people as such, in whole or in part, had not been proven, even on a prima facie basis.

"Moreover, Israel argued that in situations of urban warfare, civilian casualties could be an unintended consequence of the lawful use of force against military objects and would not constitute genocidal acts."

The court did not follow this argument either. The court considered that the intention must be to destroy at least a substantial part of the respective group (here Palestinians).

In the considerations, there are also arguments from the Israeli lawyers which, in terms of cynicism, are reminiscent of Eichmann's statement during his interrogation at his trial. When asked why the people in the freight cars on the way to Auschwitz were crammed so tightly together, Eichmann replied laconically - "The luggage of these people was transported in separate wagons."

The Israeli lawyers' statement sounds similarly cynical,

"a dozen bakeries have recently reopened with the capacity to produce more than 2 million breads a day."

In view of the fact that there were also bakeries in Auschwitz, it is not clear how the cynicism of the Israeli lawyers differs from the arguments of Holocaust war criminals.

Lightning-fast decision - with geopolitical consequences

Just how important and urgent these proceedings were to the International Court of Justice is clear from the tight schedule that the court set for the parties. After South Africa's submission was received on December 29, 2023, the court scheduled the parties' oral arguments for January 11 and 12, 2024. This is an extremely short deadline and in many countries around the world, the courts are closed during this period due to holidays. Just two weeks thereafter, the court ruled on January 26, 2024.

The decision is also unique, especially in light of the countless toothless UN resolutions since 1948, which have not been able to influence Israel's policy towards the Palestinians in any way. Israel is now confronted with a decision which, if not complied with, will have criminal consequences for the Israeli political and military leadership.

Prima facie, the court is stopping a genocide with this decision. However, the consequences of this decision have the potential to have geopolitical consequences for the entire Middle East. If Israel follows the court's orders, the attacks will have to cease and thus Israel will not be able to solve the "problem", which we believe it has created itself.

How the judges voted

15 permanent members

The International Court of Justice has 15 permanent members on its bench. The judges come from the USA, Russia, Slovakia, France, Morocco, Somalia, China, Uganda, India, Jamaica, Lebanon, Japan, Germany, Australia and Brazil. The list of judges with biographies can be found [here](#).

Two ad-hoc members

For the current proceedings, the court appointed two additional members to the bench on an ad hoc basis. Israel appointed [Aharon Barak](#), the former President of the Supreme Court of Israel. South Africa appointed [Dikgang Ernest Moseneke](#).

Unambiguous result

Of the 17 judges, at least 15 voted in favor of all points.

Voting behavior of the Israeli judge surprised

Of course, the voting behavior of the Israeli judge was interesting. He voted with the majority of the court on two points:

Point 4: The State of Israel shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to improve the adverse living conditions of Palestinians in the Gaza Strip;

Point 3: The State of Israel shall take all measures within its power to prevent and punish direct and public incitement to genocide against members of the Palestinian community in the Gaza Strip.

That the Israeli judge endorsed point 3, condemning his own government's incitement to genocide, is a public condemnation of the Israeli government by the former president of Israel's Supreme Court.



Condemns Israel's leadership - Aharon Barak - Israeli ad-hoc judge at the International Court of Justice

Uganda's judge as an outlier - she is probably facing the end of her career

The permanent judge from Uganda, Judge Julia Sebutinde, voted against all points of the decision - unlike her Israeli colleague - and was the only one to do so.

Official Uganda reacted immediately and sharply.

Adonia Ayebare, Uganda's Permanent Representative to the UN, said on Saturday on X (formerly Twitter).



Judge Sebudinde - bought or threatened?

This scandalous voting behavior will probably have consequences for the judge.

Conclusion

The decision of the International Court of Justice could not have been clearer. In the eyes of the International Court of Justice, Israel is not only a genocide perpetrator, but its leadership is an inciter to genocide. Even the Israeli member on the bench shares this opinion.

"Israel has to report to the court at the end of February - until now the killings continue."

The arguments of the Israeli lawyers in this trial are shocking and as cynical as the attempts to defend war criminals such as Adolf Eichmann.

The Western media are on Israel's side - this will have consequences at some point.

Israel has to report to the court at the end of February - until then the killings continue.

"This is how hegemons behave."

South Africa's Foreign Minister Naledi Pandor confirmed this in no uncertain terms on February 2.

The genocide can only be stopped if the USA is willing. However, the USA is not concerned about the people in Gaza, but about its power in the Middle East. The genocide bothers Mr. Biden and Mr. Blinken, but they accept it in the pursuit of their goals. This is how hegemons behave.

ARTICLE TAGS:

Analysis Netanyahu, Benjamin Gaza Israel International Court of Justice (ICC) Biden, Joe
Blinken, Anthony Hamas UN
United Nations Office for the Coordination of Humanitarian Affairs (OCHA)