

International Court of Justice Rules That Israel Must Stop Killing Palestinians

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The International Court of Justice has ruled that Israel must cease its warmaking in Gaza — cease committing and inciting genocidal acts — and that the case charging Israel with genocide must proceed.

Details of the Ruling:

1. By 15-2: Israel shall take all measures within its power to prevent all acts within the scope of Genocide Convention article 2
2. 15-2: Israel must immediately ensure that its military does not commit acts within the scope of GC.2
3. 16-1: Direct and punish all members of the public who engage in the incitement of genocide against Palestinians
4. 16-1: Ensure provision of urgently needed basic services, humanitarian aid
5. 15-2: Prevent the destruction of and ensure the preservation of evidence to allegation of acts of GC.2
6. 15-2: Israel will submit report as to how they're adhering to these orders to the ICJ within 1 month

This is Article 2 of the Genocide Convention:

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.

Therefore, Israel must cease killing Palestinians.

This was a make or break moment for international law, or rather a break or make-a-first-step moment. There is hope for the idea and reality of international law, but this is only a beginning.

The president of the International Court of Justice, who read the ruling, is Judge Joan Donoghue, former top legal advisor under Hillary Clinton at the U.S. State Department during the Obama Administration. She previously was the lawyer for the United States in its unsuccessful defense before the ICJ against charges by Nicaragua of mining its harbor.

The court voted for portions of this decision by 15-2 and 16-1. The “No” votes came from Judge Julia Sebutinde of Uganda and Ad Hoc Judge Aharon Barak of Israel.

The case presented by South Africa was overwhelming ([read it](#) or [watch a key part of it](#)), and Israel’s defense paper-thin. And the case just grew more overwhelming during the bizarre delay (yes, courts are slow, but this genocide is swift).

People all over the world built the pressure to move South Africa to act and other nations to add their support. Over 1,500 organizations signed a [statement](#). Individuals signed a [petition](#) by CODEPINK, and sent almost 500,000 emails to key governments’ United Nations consulates through [World BEYOND War](#) and [RootsAction.org](#). Click those links because more emails are needed now. While several nations have made public statements in support of South Africa’s case, we need them to file papers officially with the International Court of Justice. To reach out to additional national governments, [go here](#).

Governments that have made statement in support of the case against genocide include [Malaysia](#), [Turkey](#), [Jordan](#), [Bolivia](#), [the 57 nations of the Organization of Islamic Countries](#), [Nicaragua](#), [Venezuela](#), [Maldives](#), [Namibia](#), and [Pakistan](#), [Colombia](#), [Brazil](#), and [Cuba](#).

Germany [has backed](#) Israel’s defense against the charge of genocide, which has been denounced by Namibia, victimn of a German genocide. Prominent Jews [have denounced](#) Germany’s shameful action.

Mass demonstrations in the streets of the world have continued in support of peace and justice, and to [a far greater extent](#) than major media outlets have reported.

Here’s a discussion of this campaign for justice with [Sam Hussein on Talk World Radio](#).

Prior to today’s ruling from the International Court of Justice, the U.S. government pointedly [refused to say](#) whether it would comply with ruling, despite insisting that other nations comply with rulings by the ICJ.

Hamas [said that](#) it would cease fire if Israel does, and release all prisoners if Israel does

Germany, to its credit, reportedly [said that](#) it would comply.

Arming a genocide is complicity in genocide. While Israel gets most of its weapons from the United States, other weaponry [comes from](#) Germany, Italy, the UK, and Canada — at least some of which nations also provide parts to U.S. weaponsmakers that provide weapons to Israel. Italian opposition [demanded](#) an end to it. And then the Foreign Minister [claimed](#) Italy had stopped shipments on Oct 7. Meanwhile, Canada is coming [under pressure](#) to cease shipments and prevarications. In Canada, Members of Parliament are among over 250 people [hunger striking](#) for an arms embargo on Israel.

People in the United States can tell Congress to stop arming Israel [here](#) or [here](#).

President Joe Biden already faces a lawsuit for aiding and abetting genocide in Gaza. In November 2023, Palestinian human rights organizations, along with Gaza- and U.S.-based Palestinians, [filed suit](#) in a U.S. federal court seeking declaratory and injunctive relief against the Biden Administration for failing to prevent genocide, and for aiding and abetting genocide. The [plaintiffs seek](#) an order to end U.S. military and diplomatic support to Israel. A hearing to address the government's motion to dismiss will be held at 9 a.m. PT / 12 noon ET today, Friday. [The hearing will be webstreamed to the public.](#) You are encouraged to tune in and witness the U.S. government's attempts at avoiding accountability and justify its support for the genocide that is happening in Gaza.

Update: [Link to written decision by ICJ.](#)

Key excerpts:

THE COURT, Indicates the following provisional measures:

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:

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

That means no killing of Palestinians.

UPDATE: The Media Spin

The *Washington Post*:

U.N. court orders Israel to do more to prevent killing, harm in Gaza

The court did not order Israel to do more of anything. It ordered Israel to cease all of some important things, including killing people. Of course it will claim to be killing people without the improper intent in its collective mind, but is already on record with the court on its genocidal intent.

The *Washington Post* quickly changed its headline

U.N. court orders Israel to halt killings in Gaza, but did not call for cease-fire

The *New York Times*:

U.N. Court Demands Israel Prevent Genocide but Doesn't Call for Cease-Fire

This is the most common headline out there (even [Consortium News is declaring defeat](#)), and not technically false. But how do you cease killing without ceasing firing?

South African foreign minister Naledi Pandor at the Hague says she would have wanted the #ICJ to explicitly call for a ceasefire, but says the only way Israel can meet the order of the court is for there to be a ceasefire.

South African foreign minister Naledi Pandor at the Hague says she would have wanted the [#ICJ](#) to explicitly call for a ceasefire, but says the only way Israel can meet the order of the court is for their to be a ceasefire. pic.twitter.com/Z0PyLTusAX

— Saul Staniforth (@SaulStaniforth) [January 26, 2024](#)

This is true. ICJ says: "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... <https://t.co/ZLF0HubDGT>

— Sam Hussein (@samhusseini) [January 26, 2024](#)

A "ceasefire" is what you demand in an armed conflict. In a genocide you demand an immediate end to all genocidal acts and that is exactly what the ICJ ordered with immediate effect. Please stop helping "Israel" spin its historic defeat as a win.

— Ali Abunimah (@AliAbunimah) [January 26, 2024](#)

ICJ Rules Against Israel in Gaza Genocide Case

The South African representative said the ruling amounted to a de facto ceasefire.

by Kyle Anzalone [@KyleAnzalone](#) [#Gaza](#) [#Israel](#) [#ceasefire](#) [#ICJGazaGenocide](#)
<https://t.co/ZqL0QGYiZB> [pic.twitter.com/qI2VWadZAC](https://t.co/qI2VWadZAC)

— Antiwar.com (@Antiwarcom) [January 26, 2024](#)

South Africa's President Ramaphosa and his party [#ANC](#) erupt in cheers following the [#ICJ](#) ruling [pic.twitter.com/X7IY2LaT06](https://t.co/X7IY2LaT06)

— In Context (@incontextmedia) [January 26, 2024](#)

Adding this from the Institute for Public Accuracy:

CRAIG MOKHIBER is an International human rights lawyer and former Director of the New York Office of the UN's High Commissioner for Human Rights, who stepped down from his post in 2023 and penned a now-viral [letter](#) on unfolding genocide and the UN's failures.

He said today: The ICJ has ruled on provisional measures in the Genocide case against Israel, which must immediately stop killing and harming people in Gaza and inflicting destructive conditions on them, punish incitement, allow all humanitarian aid, save evidence and report next month.

"Not a ceasefire exactly, but they are ordered to stop the acts that were complained about in the application — killing, harming, destruction, etc.

"This may be less than ideal because Israel will likely continue while claiming military necessity and lawful intent. The mandated report next month and the court's response will therefore be crucial.

"But this is already an important victory. The court ruled that South Africa's genocide claim

is 'plausible' at this stage and ordered Israel to stop all related acts and allow relief to the people of Gaza.

"Senior officials in the U.S. and the West who argued — outrageously — that the case was completely baseless and without merit must now contend with a ruling by the World Court that the case is indeed plausible and requires immediate provisional measures. [See Thursday State Department briefing highlights from [Decensored News](#).]

"Israel, accustomed to impunity, is unlikely to comply. Whether or not they report back to the court next month on measures, the Court will have to act again. And the Security Council can be called to act on non-compliance at any time. The complicit US will then likely veto action.

"The General Assembly would then be convened to act. A strong resolution there could call for specific legal, economic, political, diplomatic, consular, organizational and other measures. And individual states and regional orgs should act as well, as a matter of legal duty under the convention and under the Charter.

"In sum, while imperfect without a call for an unconditional ceasefire, the court's order is a historic and powerful tool in the struggle against Israeli impunity, further empowering states, organizations and activists to step up pressure on the apartheid regime.

"Time now for all to act to turn the order into the change necessary to bring accountability for the perpetrators, redress for victims, and protection for the vulnerable."

Update: No Order to Halt

And still numerous intelligent people say this is a near-complete defeat, and that the court has not ordered Israel to stop what it's doing. (Regardless of the fact that it has ordered it to stop committing genocide.)

There are many exceptions, but the general consensus is that Israel is ordered to cease killing but has not been ordered to cease making war, so the court has told Israel to keep the war going. How you do that without killing is a little mysterious but has to be concocted out of imagined "intent" and the killing of non-civilians not being killing and "militarily necessary" killing not being killing and so forth.

Here's one of the exceptions, [Ken Roth](#):

"Some were [disappointed](#) that the ICJ did not order a ceasefire, a step that was unlikely because the court addresses only disputes between states, so Hamas was not a party. A ceasefire imposed on only one side to an ongoing armed conflict is not plausible.

"The court did [order](#) Israel to "take all measures within its power" to halt acts that contribute to genocide, to allow sufficient humanitarian aid into Gaza to end the suffering among Palestinian civilians, and to prevent and punish the public statements of incitement made by senior Israeli officials. Israel must report back to the court in a month on the steps it has taken."

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