

International Court of Justice Says Israeli Genocide Against Palestine Is “Plausible” ... But Limits Itself to an Empty Warning

revcom.us | January 29, 2024

Imagine that a well-known and consistent batterer openly threatens his partner with murder and then buys a gun. His partner finds out, goes to court to say that she fears for her life and the lives of her children, and seeks a restraining order. The judge says that her fears are “plausible” and sternly rules that the batterer must take steps not to murder her and report to him in a month—without that restraining order or any other enforcement.

This is essentially what happened when the International Court of Justice (ICJ)¹ ruled in the case that South Africa brought that charged Israel with committing genocide against the Palestinian people in Gaza.

Mountains of Evidence That Say “This is a genocide now.”

Court Says, “Check back in a month.”

First of all, “genocide” is not a curse word. It is not a charge to lightly fling around. It is a legal term that means the deliberate killing of a people, in whole or in part.

There are mountains of evidence that convincingly make the case for the genocidal character of Israel’s war against Palestine. As we write, the death toll in Gaza approaches at least 30,000 human beings, overwhelmingly non-combatants. Almost half of the dead are children. South Africa in its case presented statements to the ICJ by top Israeli leaders *openly declaring that the target of the slaughter is not Hamas² but the entire population of Gaza.*³ They introduced a statement from the Secretary-General of the United Nations that “*Nowhere is safe in Gaza*” (emphasis added).

Because of all this and more, South Africa called for the ICJ to order that “The State of Israel shall immediately suspend its military operations in and against Gaza.”⁴ While the Court ruled that the charge of genocide is “plausible,” they did not do what South Africa asked. They did not call for a complete halt to Israeli military and police operations in Gaza. So the ICJ said that the charge of genocide is “plausible,” but then left open the ability for Israel to keep lying that the genocidal effect of their actions is not intentional and is really the fault of Hamas.

Outrageous. What *should* happen if a charge of genocide is found to be plausible? Exactly what South Africa said: **a complete halt to military and police operations**



Palestinians at a hospital in Deir al Balah, Gaza Strip, mourn relatives killed in the Israeli air and ground offensive, January 26, 2024. Photo: AP

against the possible victims until the charge can be definitively decided. It should NOT mean that those who have vowed to punish an entire people and carry out measures of intentional mass starvation, who order the systematic use of extremely powerful bombs that do wipe out large numbers of civilians, and who have destroyed the majority of hospitals in Gaza are only told to make sure that “their soldiers” are obeying the law.

Does such a ruling seem “unrealistic”? In fact, two years ago Ukraine brought a charge of genocide against Russia for its February 2022 invasion. The ICJ in that case ordered Russia to immediately cease military operations. The bitter and brutal irony is that Israel has killed far more civilians in less than four months than Russia has in the past two years!

Israel, Backed by the U.S., Sees Ruling as a License to Continue Genocide

According to accounts in Israeli newspapers, Israel’s rabidly racist, straight-up genocidal⁵ Prime Minister Netanyahu welcomed the ICJ ruling (while publicly whining that it was “obscene” to even *consider* genocide charges against Israel). He said the ruling upheld “Israel[’s] right to basic self-defense.”

The U.S. State Department greeted the ruling saying, accurately, that “the court did not make a finding about genocide or call for a cease-fire in its ruling.”

Meanwhile, on the ground, and reflecting reality in Gaza, a Palestinian man, Nidal Kamal, told NBC News, “We were expecting the international court to commit Israel

to complete a cease-fire. We want a cease-fire so that we can return to our homes and see our families. We are demanding that the world enforce a complete cease-fire.” Kamal told NBC he believed the ICJ’s ruling would “result in nothing.”

And so, the children keep dying. The people keep starving, freezing, deprived by Israel of the most essential needs of human survival. Israel continues to systematically destroy homes, schools, hospitals, places of worship. Israel continues to drop U.S.-supplied bombs on refugee camps into which it has ordered people to flee. And the U.S. continues to arm, defend, and fund all this.

Calling Bullshit Sugar Doesn’t Make It Sweet: Face—and Transform—Reality

The failure of the ICJ to order an immediate cease-fire in Gaza poses big questions for oppressed people, and for people who believe in justice. It is profoundly harmful to misinterpret the Court’s decision as mainly some kind of important concession to the Palestinian people, whether one is doing this willfully or not.

Yet this is precisely what has been done by too many “progressive” political forces. To take just one example, *The Intercept* headlined their main article “A Historic Victory For the Palestinians.”⁶

People cannot get free unless they understand the reality they are actually dealing with. The reality in this case is that the genocide is continuing. The reality is that Netan-NAZI has vowed total victory over Gaza, with all that implies. The idea and appeal behind the misreading or misinterpretation of reality like what *The Intercept* did is the notion that we have to twist reality in order to “keep our hopes up” or “keep going.”

But if a cancer treatment doesn’t work, the patient’s doctor should NOT tell the patient that it did! The doctor should level with the patient and redouble the effort to scientifically understand the source of the cancer and search for something that WILL cure it.

A REAL Sense of What We Are Up Against, a REAL Sense of What It Will Take, and a Determination on THAT Basis

The struggle to force Israel, and the U.S. behind it, to stop this aggression has to proceed with a full sense of what we are up against and what Israel and the U.S. will do to

continue this. And it has to increasingly proceed with an understanding of the *system* that drives this war—and wars like it. Bob Avakian has recently put it this way, in his new social media account, @BobAvakianOfficial:

Why is Biden, and basically the entire government and ruling class of the U.S., supporting Israel in carrying out genocide against the Palestinian people, before the whole world? Here is the answer to that crucial question:

This is *not* because of “the power of the Jewish lobby”—or because of some ignorant, ridiculous and outrageous notion that “Jews are controlling everything.” It is because *Israel plays a “special role” as a heavily armed bastion of support for U.S. imperialism in a strategically important part of the world (the “Middle East”). And Israel has been a key force in the commission of atrocities which have helped to maintain the oppressive rule of U.S. imperialism in many other parts of the world...*

It’s the **system!** The system of *capitalism-imperialism* that Biden serves. The system he *has* to serve—the system that *anybody and everybody* has to serve if they want to hold office, and especially “high office,” like president, within this system. *That* is why Biden is doing what he’s doing—what all these politicians are doing—above and beyond their more narrow personal interests.

It’s the system! This system of capitalism-imperialism that embodies and enforces white supremacy, patriarchal male supremacy and other brutal oppression— this system resting on ruthless life stealing exploitation of masses of people in this country and literally billions of people worldwide, including more than 150 million *children*—all enforced with massive violence and destruction, of people and the environment, posing a very real threat to the future and the existence of humanity.

This system that needs to be overthrown at the soonest possible time, through an actual revolution.

For the answer to the crucial question of HOW that could be done and what role you could play, follow Bob Avakian on social media, @BobAvakianOfficial.

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