**Guilty as charged**

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When the International Court of Justice (ICJ) ordered Isr@el to prevent genocide and ensure humanitarian aid to civilians, it was the demonstration of genuine understanding of the nature of crimes and intention of Isr@el.

However, the decision so far has not stopped Isr@el and its military force to perpetrate horrific crimes. People in Falasteen continue to die and starve amidst a catastrophic disaster and the looming threat of famine. Without a complete ceasefire, an important measure missed out by the ICJ, there can be no end to this destruction.

South Africa filed a complaint on December 29, 2023 at the ICJ Hague and alleged that Isr@el in contravention to Article I of the Genocide Convention was perpetrating acts of genocide under Article II and III against Falasteeni with an intention to destroy them. The sceptical section of media opined in ‘The Economist’s’ January 2024 edition that South Africa’s case was “flimsy” and “making a mockery of the court” by bringing the charges of genocide against Isr@el who is responding in “self-defense” targeting “a terrorist group”.

The analysis fell to the ground as the case marked a legal victory for South Africa; the court entertained the country’s stance in opposition to the question of jurisdiction raised by Isr@eli lawyers.

The court observed the grim figures of death and disaster in the light of reports of various credible UN agencies like the OCHA, WHO, UNRWA, indicating 25,700 Palestinians have been killed, over 63,000 injured, over 360,000 housing units have been destroyed and approximately 1.7 million persons have been internally displaced. Almost 93 per cent of the population in Gaza face extreme hunger.

South Africa successfully convinced the court that there was intention to destroy Palestinians that constitute a “distinct national, ethnical, racial or religious group and hence a protected group within the meaning of Article II of the Genocide Convention” in the light of genocidal and dehumanizing rhetoric from the senior Israeli government officials on record.

Considering the circumstances and evidence, the court considered that the “catastrophic humanitarian situation in the Gaza strip is at serious risk of further deterioration” and as a means to address the urgency of the situation ordered six provisional measures on January 26, 2024, with a majority vote of 15-2, directing Isr@el and its military to take all measures to prevent the killing of people in the besieged strip, causing them bodily or mental harm, inflicting on them destruction, imposing measures intended to prevent births, and prevent and punish the direct and public incitement to commit genocide, ensure immediate and effective measures to enable the humanitarian assistance, ensure the preservation of evidence related to allegations of acts, and submit a compliance report to the court on all measures taken within one month.

Even though this is a provisional ruling, it is significant as it may be widely seen as a finding that Israel’s acts amount to genocide, until the final order, and emphasizing the need for immediate measures that shall be taken by the perpetrator to address the adverse conditions of life of Palestinian people.

Isr@el failed to convince the court that it was not violating the Genocide Convention, and merely acted in self-defence to combat the October 7 attack by Hamas. It even failed to convince that there was no intent to destroy Palestine and it was assisting humanitarian aid when there was evidence to the contrary.

It is shocking that Israel makes no distinction between civilians and combatants and is oblivious to use of force proportionately. Dropping 970 kg bomb in densely populated places is not striking military target or responding in self-defence. It is evidence of genocide.

The court’s orders are binding and create legal obligation for Isr@el to comply and report the progress in a month. The rising death toll and the lurking danger of Israel’s another plan of attack on G@z@’s densely populated Rafah city raises grave doubts about the intention of Israel to kill and displace thousands. The targeting of medical and hospital facilities and blocking basic health services for Palestinian refugees by UNRWA raises serious concerns whether Israel is meeting its obligations under the court’s order.

South Africa is the only country to feel an obligation to prevent genocide from being committed under Article 1 of the Genocide Convention, although it is an obligation on all member states under the Convention to protect and prevent commission of the genocide by stopping arms trade or military aid to Israel and prohibiting politics of war.

There is an increased moral and political pressure on the US, the champion of international global order and human rights to play its role in stopping the war. If the member states do not help stop this destruction, they will be considered complicit in the crime of genocide under the convention.

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