

I. International

South Africa Wins an Opening for Gaza Ceasefire Mobilization

by Paul Gallagher

Jan. 27—The International Court of Justice (ICJ) or World Court, on Jan. 26 found that South Africa, in a crucial proceeding for world peace, had presented a case of Israel’s violations, against Palestinians, of the 1948 Genocide Convention; violations that required the Court to issue six different orders to Israel to stop the potentially genocidal acts. On Jan. 27 Algeria, the current representative of the Arab League in the 15-nation United Nations Security Council (UNSC), directed its UN mission to ask for the Security Council to meet Jan. 31 on the Court’s decision, in order to “give an executable form” to those orders.

The ICJ made its decision only two weeks after hearing oral arguments, Jan. 11–12, by attorneys for South Africa and Israel on South Africa’s charge of acts capable of leading to genocide. The Court did not make a finding that Israel is committing genocide—it will take much longer to deliberate on that. Rather, it found that Israel’s actions in Gaza, and the many documented incitements by Israeli political and military officials to impose collective punishment, kill, drive out, and eliminate Gaza’s Palestinian population, include acts which are capable of causing genocide and therefore must be stopped before they do.

The Court also did not order an immediate ceasefire, which South Africa and many other nations are demanding. Some experts observe that the World Court may not have had authority to do that, because Hamas is not subject to it in the same way as are Israel and South Africa, which are nations and signatories of the 1948 Genocide Convention.

But the World Court opened wide the door of opportunity for the International Peace Coalition (IPC), other organizations, and developing nations to intensify their “ceasefire now” mobilization and push the United States—which alone has leverage on Israel’s war capabilities—to pressure Israel to stop before it is too late.

The Schiller Institute issued an [“urgent statement”](#)



The International Court of Justice has ordered Israel to stop potentially genocidal actions against the Palestinians of Gaza.

ICJ

Jan. 28, “Gaza Genocide Denounced at the World Court; Now We Must Stop It!” Schiller Institute founder Helga Zepp-LaRouche, speaking to a meeting of the IPC just hours after the Court’s decision, said:

This is an enormous step, because no matter what Israel is now intending to do, they have to take into account what was stated by the Court, because they have international friends who also have to live with the consequences of it. The big question obviously is what will be the effect on the United States and Germany, for example,

that had argued that the case had no merit. Mrs. Pandor [South Africa’s Minister of International Relations —ed.] also said that the Court must now discuss the substance of the case, of the charges *per se*. And if they find that it is genocide, [the United States and Germany] have to consider the provision of having been accomplices to genocide. That’s quite a tough statement, which I hope all the relevant officials in these countries are listening to....

I think the more pressure we can, as an International Peace Coalition, now apply, the better. We should absolutely escalate our mobilization, all the more importantly.

And the “consequences” for other major nations, to which Zepp-LaRouche referred, are already knocking: A [civil lawsuit](#) got under way this past week in a

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—Helga Zepp-LaRouche

San Francisco court, which names President Joe Biden, Secretary of State Antony Blinken, and Defense Secretary Lloyd Austin for “failure to prevent—and complicity in—the genocide”; this suit will gain new force due to the ICJ having found Israeli actions “capable of leading to genocide” with weapons systems and ammunition provided Israel by these American officials.

Francis Boyle, Professor of International Law at the University of Illinois, who succeeded in applying the Genocide Convention for Bosnia against Yugoslavia, before the ICJ in 1993, commented Jan. 26:

This is a massive, overwhelming legal victory for the Republic of South Africa against Israel on behalf of the Palestinians. The UN General Assembly now can suspend Israel from participation in its activities as it did for South Africa and Yugoslavia. It can admit Palestine as a full member.

South Africa Won These Court Orders

South Africa achieved this result for the “Global South,” and faced arrogant disapproval from some “Global NATO” nations, when many other nations that want a ceasefire in Gaza did not step forward. South



Dr. Naledi Pandor, South Africa’s Minister of International Relations: *The Court must now discuss the substance of the case, the charges of genocide per se.*

Africa is impassioned on this issue: Africa has suffered repeated attempted colonial genocides in the 20th Century, including against South Africa’s Boer and Black populations; and under Nelson Mandela’s leadership its African population broke free of the vicious colonial slavery of the *apartheid* system, with reconciliation and *without* revenge violence.

South Africa’s President, Cyril Ramaphosa, [welcomed](#) the ICJ ruling:

This Order is binding on Israel, and must be respected by all states that are party to the Convention on the Prevention and Punishment of the Crime of Genocide.

We expect Israel, as a self-proclaimed democracy and a state that respects the rule of law, to abide by the measures handed down by the International Court of Justice....

This marks an important first step in our quest to secure justice for the people of Gaza. Some have told us that we should mind our own business and not get involved in the affairs of other countries. Others have said it was not our place. And yet it is very much our place as the people who know too well the pain of dispossession, discrimination, state-sponsored violence. We are also a people who were the victims of the crime of apartheid....

Here, from the International Court of Justice [web-site](#), are the six orders it issued:

In its Order, which has binding effect, the Court indicates the following provisional measures:

“We expect Israel, as a self-proclaimed democracy and a state that respects the rule of law, to abide by the measures handed down by the International Court of Justice.”

—South African President Cyril Ramaphosa

(1) By fifteen votes to two, 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; ...

(2) By fifteen votes to two, The State of Israel shall ensure with immediate effect that its military does not commit any acts described in point 1 above; ...

(3) By sixteen votes to one, 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; ...

(4) By sixteen votes to one, 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; ...

(5) By fifteen votes to two, 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; ...

(6) By fifteen votes to two, 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.

Suit Against Biden Heard the Same Day

On Jan. 26, just hours after the World Court’s decision had become known, Federal Judge Jeffrey S. White held a four-hour hearing on the legal action against President Biden and Secretaries Blinken and Austin. Judge White affirmed that the 1948 Genocide Convention forbids complicity in a genocide, but had to consider claims that the lawsuit is on a “political question,” which U.S. courts may not decide and must dismiss.

Plaintiffs, the Center for Constitutional Rights



UN/Eskinder Debebe

U.S. President Joe Biden has been named in a civil lawsuit in California for “failure to prevent—and complicity in” the genocide being perpetrated against the Palestinians of Gaza.

(CCR), made a strong case that this was not a political question they were presenting to the court, but one under the Genocide Convention which binds the United States to a “duty to prevent genocide,” which duty is ignored when the President decides to send weapons and other assistance to Israel for acts which can result in genocide. CCR attorney Katherine Gallagher argued:

These are clear legal duties under U.S. and international law, and we call on the court to uphold its Constitutional role to hold President Biden [and his Cabinet officers] to legal obligations, and issue a preliminary injunction to stop the flow of weapons for Israel’s genocide.

Eight witnesses, speaking in the courtroom

or from Gaza or the West Bank, presented personal evidence of civilians killed and dying from lack of medical care, and hospitals, churches and universities demolished or blown up. A Holocaust scholar advised the judge, “Unlike past genocides, which were adjudicated long after they had concluded, we have an opportunity to halt this one.”

A U.S. State Department spokesperson said, on the ICJ decisions:

We continue to believe that allegations of genocide are unfounded and note the court did not make a finding about genocide.

But this was really an evasion, since the World Court was not attempting to make any “finding about genocide” until a later point in its deliberations, but rather to issue “protective orders” against actions it found to be occurring, in order to prevent a potential genocide from occurring. And the [statement](#) of German Foreign Minister Annalena Baerbock, in English on the Foreign Ministry website, was similarly weak:

The International Court of Justice has not ruled on the main substance of this matter but has ordered provisional measures in relation to the request for the indication of such measures. But these, too, are binding under international law. Israel must adhere to the Court’s order....

In Israel, Prime Minister Benjamin Netanyahu attacked the ICJ for acting at all, rather than countering its evidence and orders. He said in a Hebrew broadcast:

Like every country, Israel has the basic right to self-defense. The Hague Tribunal rightly rejected the outrageous demand to deprive us of this right. But the very claim that Israel is committing genocide against the Palestinians is not just false, it is outrageous, and the court’s willingness to discuss it at all, is a mark of disgrace that will not be erased for generations. We are fighting a just war, and we will continue it until complete victory.

Sare Takes Congress’ See-No-Evil to Task

When, before the World Court had ruled, a large number of Members of the U.S. Congress peremptorily dismissed and attacked South Africa’s affront to America’s fancied global rules, LaRouche Independent



UN

Israeli Prime Minister Benjamin Netanyahu has attacked the ICJ for interfering, rather than attempting to counter the Court’s evidence against Israel and its orders.

U.S. Senate Candidate from New York Diane Sare assigned them to a “Congressional Wall of Shame” and called for their electoral defeat. In a [statement](#) Jan. 25, Sare reminded the 212 signers of a letter to Blinken that called South Africa’s documented case “grossly unfounded,” that regarding war crimes, the principle of “knew or should have known” applies even to know-nothings. “They are either lying, or have not bothered to read South Africa’s 84-page [report](#).” Sare said:

What South Africa has done, by filing its report with the International Court of Justice, is to remove any pretext of innocence from any person alive on Earth today with access to electricity and communication....

The documentation provided by South Africa, when combined with the knowledge of the Nuremberg Tribunals, makes these 200 American Congressmen and -women worse than the “good Germans” who failed to prevent Adolf Hitler from committing genocide against Jews and others 80 years ago.

If the letter of the 212 Members of Congress was arrogantly intended as part of a pressure campaign to push the World Court justices into backing off, that campaign has not worked so far. And as Helga Zepp-LaRouche emphasized, the Court’s decision has brought the best possible moment for an intensified mobilization of forces demanding “ceasefire now” and an end to the colonial wars of “Global NATO.”

David Shavin and Mary Jane Freeman contributed to this article.