# “Fake Justice” at The Hague: The ICJ “Genocidal Acts”

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# The Criminalization of International Law

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# “Fake Justice” at The Hague

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# The ICJ “Appoints” Netanyahu to “Prevent” and “Punish”

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# Those Responsible for “Genocidal Acts”

## by

# Michel Chossudovsky

## Introduction

*While the ICJ has rejected Israel's attempt to dismiss South Africa's assertions, the Judgment –which is full of contradictions– is ultimately supportive of the Likud government.*

***Moreover, no ceasefire was declared by the ICJ with a view to saving lives**. Since October 7, amply documented, the atrocities committed against the People of Palestine are beyond description. At least 10,000 children have been killed: "That is one Palestinian child killed every 15 minutes… Thousands more are missing under the rubble, most of them are presumed dead."*



*Of significance: The Judgment intimates that the Israeli military rather than th*



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violation of Article 2 of the Genocide Convention. What this “statement” sugges

*ts is that* ***“Netanyahu’s hands are clean”.*** ***Nonsense!***

*There is ample evidence that the genocide was carefully planned well in advance of October 7, 2023 by Netanyahu’s Cabinet.*

*There is a command structure within the Israeli military. Israeli soldiers and pilots obey the “illegal orders” emanating from the Netanyahu government.*

## America Endorses The Genocide

In many regards, The World Court’s Judgment contradicts its own mandate: Presided by a former legal advisor to **Hillary**

**Clinton**, this should come as no surprise.

The ICJ is under Washington's Spotlight.Let us be under no illusions, the U.S has firmly endorsed Israel's criminal undertaking:

"The US said the ICJ ruling was **consistent** with Washington's view that **Israel has the right to take action, in accordance with international law, to ensure the October 7 attack cannot be repeated.**

"We continue to believe that allegations of genocide are **unfounded and note the court did not make a finding about genocide or call for a ceasefire in its ruling** and that it called for the unconditional, immediate release of all hostages being held by Hamas," a State Department spokesperson said. **Al Jazeera**, January 26, 2024, emphasis added)



The President of the ICJ **Joan E. Donoghue** w

as a legal advisor to Secretary of State **Hillary Clinton** under the Obama admi

nistration. Joan Donoghue takes her instructions from Washington.

Moreover, the conduct of the genocide is a joint Israel-US endeavor with US forces involved in Israel’s combat units.

Nobody in the media nor in the peace movement has underscored

the fact that **the President of the ICJ is de facto in "conflict of interest".**

"The anger of the World has been pacified for a while with the **false celebration of a fake "victory" at The Hague**. The US chief judge at ICJ must be laughing.

Israel's genocide will continue while the US and its chief justice at the **ICJ keep the world at bay for very long with new false words and delaying actions."** (Karsten Riise, Global Research emphasis added)

# Video: Palestine. "Fake Justice" and Genocide

**Michel Chossudovsky with Caroline Mailloux, Lux Media**

Click here to access Rumble video

# The Crimes Committed by Israel are "Genocidal In Character"

According to The Republic of



South Africa—referring to Article II of the Genocide Convention—, the crimes co

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“The acts in question include **killing Palestinians in Gaza,** causing them serious bodily and mental harm, and i**nflicting on them conditions of life calculated to bring about their physical destruction.**

… That intent is also properly to be inferred from the nature and conduct of Israel’s military operation in Gaza, having regard inter alia to **Israel’s failure to provide or ensure essential food, water, medicine, fuel, shelter and other humanitarian assistance for the besieged and blockaded Palestinian people, which has pushed them to the brink of famine.**

**The acts are all attributable to [The state of] Israel**, which has failed to prevent genocide and is **committing genocide in manifest violation of the Genocide Convention. … “** (emphasis added)

(See The Republic of South Africa’s 84 page document submitted

to the ICJ)



The Republic of South Africa's Legal Team, ICJ, The Hague

**Convention on the Prevention and Punishment of the Crime of Genocide**

**Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948**
**Entry into force: 12 January 1951, in accordance with article XIII**

click the above to access the full test of the Genocide Convention

# "Fake Justice". *C'est le monde à l'envers*

**Article IV of the Genocide Convention** reads as follows:

Persons committing genocide or any of the other acts enumerated in article III **shall be punished**, whether they are **constitutionally responsible rulers, public officials or private individuals**

The main actors behind the genocide against Palestine are the **"Constitutionally Responsible Rulers"**

In the Judgment –referring to Article IV– (see below) the ICJ calls upon the Netanyahu government acting on behalf of the

State of Israel, to **prevent** and **punish** those **individuals** who allegedly committed crimes of genocide:

"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.** (ICJ, emphasis added)

> 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;
>
> IN FAVOUR: *President* Donoghue; *Vice-President* Gevorgian; *Judges* Tomka, Abraham, Bennouna, Yusuf, Xue, Bhandari, Robinson, Salam, Iwasawa, Nolte, Charlesworth, Brant; *Judges* ad hoc Barak, Moseneke;
>
> AGAINST: *Judge* Sebutinde;
>
> (4) By sixteen votes to one,

What the ICJ judgment intimates is that the **"Constitutionally Responsible Rulers (CRRs)" (i**dentified in Article IV), namely Netanyahu's Cabinet are Innocent.

**And that is where "Fake Justice" comes in.**

"Constitutionally Responsible Rulers (CRRs)" **Netanyahu, Galant, Ben-Gvir, Katz, Smotrich, et al** are the architects of the Genocide. **Yet they have been assigned by the ICJ with a mandate "To Prevent and Punish".**

**The CRRs** within Netanyahu's Cabinet **acting on behalf of the State of Israel-**– who carefully planned prior to October 7, 2023 a genocidal attack against the People of Palestine have been "appointed" by the ICJ to **"take all measures within its power"** to **"prevent"** and **"punish" "public officials", "private individuals",** members of the Military who are carrying out acts of **"direct and public incitement to commit genocide".**

**Prevention and Punishment** is not contemplated **against**

Israel's Netanyahu Clique of CRRs "who have blood on their hands."

What does this imply?

De facto the main architects of the genocide are the **"Constitutionally Responsible Rulers (CRRs)" –**referred to in Article IV of the Genocide Convention.– , namely the **Netanyahu, Galant, Ben-Gvir, et al clique.** (It's as if the Category "Constitutionally Responsible Rulers" had been removed from Article IV of the Genocide Convention).

Under present circumstances, this "**take all measures within its power**" concept is tantamount to **the criminalization of International Law: The CRRs "Criminals in High Office"** (Netanayahu et al) are invited to **take law enforcement in their own hands.**

The option to entrust Netanyahu's Cabinet with the "Prevent and Punish" assignment was a decision of the World Court. The 17 Judges could have and should have recommended that it be assigned to a United Nations body, including the UN Security Council.

The Netanyahu government has ordered the most hideous crimes against the People of Palestine.



And now the World Court has instructed **a criminal government led by Netanyahu**

(who has a criminal record) to “take all measures within its power” to “prevent”

**and “punish”** “public officials, “private individuals” (Article IV) as well as co

mbatants within the Israeli military.

Visibly, the prevent and punish requirement is not meant to apply to the so-called **“Constitutionally Responsible Rulers (CRRs)” (i.e. “the good guys”) namely the “REAL CRIMINALS”** in blatant contradiction of Article IV.

It’s an absurd proposition. It unfortunately disallows **Netanyahu to “prevent and punish himself”.**

And this is really what is required under international law.

## Ceasefire Denied

While the Court acknowledges that criminal acts may have been committed by the State of Israel, it categorically refuses South Africa’s provisional demands including a “**Ceasefire”**, which would have served to interrupt at least temporarily the ongoing atrocities against the People of Palestine.

Does this not constitute a **“criminal act” by the ICJ**, which

indelibly will result in countless deaths of Palestinian civilians?

What this signifies is that **Netanyahu's Genocide** (from a strategic angle) is virtually unscathed, while sustaining rhetorical and meaningless condemnations against the State of Israel.

Throughout history, wars and war crimes have invariably been instigated by "civilian politicians".

The Israeli military has been "**Obeying Illegal orders"** emanating from a government which is firmly committed to the conduct of genocide against the People of Palestine.

And now the IJC Judgment enables Israel's **"Constitutionally Responsible Rulers",** namely civilian politicians to place the blame on the Israeli Military.

In a bitter irony, the ICJ's "**prevent and punish mandate"** will allow the Netanyahu clique to reinforce their stranglehold on the Israeli protest movement as well as target Israelis who have taken a firm stance against the genocide.


UN top court orders Israel to prevent genocide in Gaza - but stops short of demanding ceasefire

South Africa had called on court to order Israel to 'immediately cease its military operations in Gaza'

# The Road Ahead: Resistance within the Armed Forces. "Disobey Illegal Orders. Abandon the Battlefield"

There is resistance within the Armed Forces. Voices within Israel's military have spoken out against the Netanyahu

government. There is a Protest Movement in Israel.

In response to the ICJ slanted decision, what is required is to initiate a Worldwide campaign entitled:

**Abandon the Battlefield and Disobey Illegal Orders** under Principle IV of the Nuremberg Charter

The objective is to undermine the conduct of the genocide as well **reverse the course of history.**

It is a proposal which sofar has not been the object of debate by anti-war activists in solidarity with Palestine.

Principle IV of the Nuremberg Charter defines the responsibility of combatants "**to refuse the orders of Government or a superior …** "provided **a moral choice [is] possible**".

Based on the Nuremberg Charter, what is required is a campaign encouraging:

**Israeli, American and NATO Combatants to "Disobey Unlawful Orders" and "Abandon the Battlefield".**

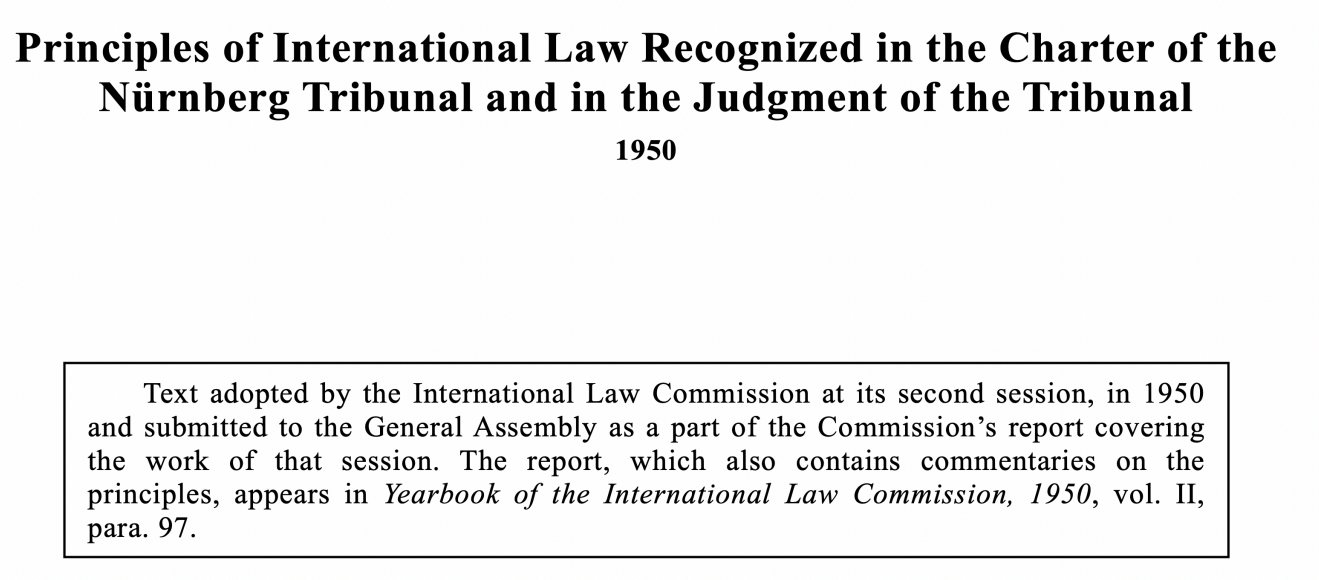
**The Campaign would focus on making that "moral choice"** possible, namely **to enable enlisted Israeli, American, and NATO service men and women to "Abandon the Battlefield".**

The **Abandon the Battlefield campaign** will in large part be waged in Israel. In regards to Israel, already there are unfolding divisions in the IDF command structures, political divisions, coupled with a mass protest movement against Netanyahu. The use of a False Flag justification to wage the Genocide is amply documented.

IDF soldiers and commanders must be informed and briefed on the significance of **Nuremberg Principle IV.**

Inasmuch as the U.S. and its allies are waging a hegemonic war

in major regions of the World, **Abandon the Battlefield** should be a call for action by the anti-war movement Worldwide.



**Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal**

**1950**

Text adopted by the International Law Commission at its second session, in 1950 and submitted to the General Assembly as a part of the Commission's report covering the work of that session. The report, which also contains commentaries on the principles, appears in *Yearbook of the International Law Commission, 1950*, vol. II, para. 97.

Click  title page to access full document (pdf)

Now let me turn my attention to Nuremberg Principle VI, which defines the crimes punishable under The  Nuremberg Charter.

# Nuremberg Charter. Principle VI

Both **Prime Minister Bibi Netanyahu** as well as **President Joe Biden** are responsible for "war crimes", "crimes against peace" and "crimes against humanity" as defined under Principle VI of the Nuremberg Charter:

The crimes hereinafter set out are **punishable as crimes under international law:**

**(a) Crimes against peace:**

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;
(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

**(b)  War crimes:**

Violations of the laws or customs of war which include, but are not limited to, murder, ill- treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

**(c) Crimes against humanity:**

**Murder, extermination, enslavement, deportation** and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds.

# Disobey Unlawful Orders, Abandon the Battlefield

According to Principle IV of the Nuremberg Charter:

"The fact that a person [e.g. Israeli, U.S.soldiers, pilots] acted pursuant to order of his [her] Government or of a superior does not relieve him [her] from responsibility under international law, provided a moral choice was in fact possible to him [her]."

Let us make that **"moral choice" possible**, to enlisted Israeli, American, and NATO service men and women.

**Let us call upon Israeli and American soldiers and pilots "to abandon the battlefield", as an act of refusal to participate in a criminal undertaking against the People of Gaza.**

**"Disobey Unlawful Orders, Abandon the Battlefield". A campaign under Nuremberg Charter Principle IV.**

While it is predicated on international law, its conduct does not require the **political rubber stamp** of the ICJ. It is part

of a grassroots campaign in Israel and the Middle East as well as Worldwide.

## Solidarity With Palestine

**Let us have tears to our eyes in solidarity with the People of Palestine**, in building a mass movement Worldwide, which confronts the ongoing slaughter before our very eyes.

Let us recall **The Christmas Truce of 1914,** more than 109 years ago:

"Something happened in the early months of the **"War to End All Wars"** that put a tiny little blip of hope in the historical timeline of the organized mass slaughter that is war. The event was regarded by the professional military officer class to be so profound and so important (and so disturbing) that strategies were immediately put in place that would ensure **that such an event could never happen again."** (Dr. Gary G. Kohls)

The men learned in many ways that the official enemy was in fact not the real enemy, that the soldiers on the other side were human beings just like themselves." (Dr. Jacques Pauwels)

## Let It Happen Again

Today, we are **"fraternizing" and acting in solidarity Worldwide with the People of Palestine** against the hegemonic agenda of the U.S. and it allies which are **waging an all-out war against humanity.**

Principle IV of the Nuremberg Charter defines the rights of soldiers and pilots who have the responsibility to **Disobey Illegal Orders and Abandon the Battlefield**

**Nuremberg Principle IV is not only a "Legal Text", It is A**

**Guiding Light in a Worldwide campaign against Acts of Genocide.**

(Principle IV was not available in 1914)

**Part II. Forthcoming**