

Gazans torn between pride, frustration after ICJ ruling

In the Palestinian territory's southern city of Rafah, more than a million displaced people are struggling to survive amid bombardment and severe shortages of basic supplies.

Some who had access to electricity gathered around a television Friday to watch the International Court of Justice make an initial ruling on the genocide case brought by South Africa against Israel.

"I feel proud of the court's decision, it's the first time that the world's telling Israel that it crosses all lines and international law," said Maha Yasin, who was forced to flee from the northern Gaza City to Rafah.

"At least I feel that the world has started to feel for us, and that our blood, our martyrs, our physical, and mental loss is not in vain," the 42-year-old asserted.

More than 26,000 people have been killed in Gaza, about 70 percent of them women and children, according to the health ministry in the Hamas-run territory.

The war erupted on October 7, 2023, with an unprecedented Hamas attack which resulted in about 1,140 deaths in Israel, mostly civilians, according to an AFP tally of official Israeli figures.

Fighters also seized about 250 captives and Israel says around 132 of them remain in Gaza, including the bodies of at least 28 dead captives.

The Israeli military has laid to waste swathes of Gaza in its blistering assault, with 1.7 million people forced to flee their homes according to the United Nations.

'Stop the war'

Abu Mohammed Zaquout, 55, reached Rafah with dozens of relatives who were crammed into a tent unfit for the harsh winter weather.

"I was pinning my hopes on the court ordering a stop to the war," he said.

"But I am happy that I lived to see the day when the world is saying to Israel that it is criminal and its war unethical," added Zaquout.

The ICJ's landmark decision also said Israel must facilitate "urgently needed" humanitarian aid to Gaza, where the limited number of trucks that enter are often swamped by people desperate for food.

Zaquout supported the court's ruling, but said it would not be enough to stop the suffering.

"We need to see an end to the war on the ground. No one can bear it anymore," he told AFP.

The court session was closely watched around the world and in the occupied West Bank, where residents gathered at a cinema in Ramallah.

"Thank you, South Africa" placards were on display, but attendees were disappointed the court stopped short of ordering an immediate halt to hostilities.

"It is unacceptable for the world to stand today — after more than a hundred days — and still watch, and not make an immediate decision to stop the fire, bring in food and medicine, and evacuate the wounded," said Hala Abu Gharbiyeh, with a South African flag in her hand.

A metres-high statue of South Africa's anti-apartheid hero Nelson Mandela stands in Ramallah, while earlier this month Palestinians raised the country's flag over the West Bank city of Bethlehem.

Back at the cinema, Palestinian Mais Shabana said she was disappointed with the court's response to the South Africa case.

"We were very optimistic, but now we are not happy. We feel that the court could have clearly decided that there would be a ceasefire," she said.

AFP



↑ Palestinians attend a live projection of the International Court of Justice (ICJ) hearing of the case brought by South Africa against Israel, at the Ramallah municipality in the occupied West Bank on January 26, 2024.
● AFP

ICJ verdict a game-changer for Palestinians

Israel accused of largest modern genocide



By Ebrahim Beheshti
Staff writer

INTERVIEW

On Friday, the International Court of Justice (ICJ) issued its initial verdict on South Africa's complaint against Israel, in which the former accused the latter of genocide against the people of Gaza. While the ruling does not explicitly order an immediate cease-fire, legal and political experts around the world view the ICJ's five provisional measures as a triumph for the Palestinians. To shed more light on the matter, Iran Daily has interviewed Mohsen Baharvand, Iran's former ambassador to Britain.

IRAN DAILY: Why did the ICJ refrain from ordering a cease-fire in Gaza in the case of South Africa's complaint?

BAHARVAND: South Africa has levied charges of genocide against Israel. Genocide carries its own definition, implying that the accused has deliberately massacred individuals of the same nationality, race, or religion with prior intention. Proving the intent behind genocide can be a lengthy process. As the ICJ has not yet had enough time to establish the occurrence of such atrocities, ordering a cease-fire would not have been feasible. In essence, the obstacle was a technical one, as the genocide allegation remains unproven.

So, what advantages does the ICJ's initial ruling offer the Palestinians, and what disadvantages does it impose on Israel?

Firstly, Israel's claim that the ICJ lacks jurisdiction to hear South Africa's case against it has been dismissed, affirming the ICJ's authority to review the case. Furthermore, while the court has not yet confirmed the occurrence of genocide, it has not rejected the accusation either, leaving Israel under the cloud of suspicion. As an impartial international institution, the ICJ acknowledges the possibility of genocide by Israel in Gaza and emphasizes the need for humanitarian aid to reach the region.

Additionally, its provisional measures work against Israel's interests and in favor of the people of Gaza and Palestine. Another significant aspect of these emergency orders is that Israel must identify and punish those who incite or endorse genocide. If Is-

rael fails to comply, other countries can file complaints against Israeli perpetrators in their own domestic courts or even in the International Criminal Court. All in all, these temporary orders have dealt blows to Israel, while favoring South Africa and the Palestinian people.

According to some experts in international relations, these provisional measures of the ICJ can also be placed on the agenda of the UN Security Council as a consultative document. Algeria has even requested an emergency meeting of the Security Council immediately after these orders were issued.

Yes, this is true. Algeria has called for a meeting of the Security Council to set up mechanisms for implementing these provisional measures of the court. In other words, it is asking the council to guarantee that these measures will be carried out. The technical barrier that prevented the ICJ

from issuing a cease-fire order doesn't exist in the Security Council. The court's provisional measures can be presented as a consultative document, on which ground an order for an immediate cease-fire in Gaza may be issued. However, the primary obstacle to calling for a cease-fire in the Security Council is the support of the United States for Israel and its veto power. Every time a request for a cease-fire has been put to a vote in the council, America has vetoed it.

Some believe that the ICJ's provisional measures and the fact that the court accepted the jurisdiction of the genocide charge were a fundamental blow to the international status of the Israeli regime, especially in the eyes of the world's public opinion. Do you agree?

Yes, Israel's position has surely been damaged. However, Israel had already lost its credibility due to its countless crimes in the past. In such cases, both the court's out-



↓ Pro-Palestinian protesters pose for a photo in front of the International Court of Justice (ICJ) as judges rule on emergency measures against Israel in The Hague, Netherlands, on January 26, 2024.
● REUTERS

