

What Can the Courts Offer Gaza?

By Lindsay Potter

As billions of people witness the horrors unfolding in Gaza, the recent interim ruling by the International Court of Justice (ICJ), in the genocide case against Israel brought by South Africa, feels inadequate. If the International Court is capable of naming genocide but incapable of stopping it, what is the usefulness of the court ruling and how can it offer justice or consolation to any population under daily attack? The answer is that it cannot. The world seems suspended in speculative debate, unable to reign in the beast of Israeli aggression and the shameful support of its U.S. handlers.

The ICJ's determination invokes all 153 states parties to the Genocide Convention's obligation to prevent the genocide in Gaza and criminalizes complicity. The Biden administration is also in violation of the Genocide Convention Implementation Act under U.S. law. Yet, the UN Security Council and international courts are largely instruments of Western and nuclear-armed nations who hold overwhelming sway through vetoes and military blackmail. Codepink's Marcy Winograd recently compiled a thorough list of avenues to effectively sanction Israel. Winograd writes: "If the nations of the world wanted to stop Israel's slaughter, torture, and ethnic cleansing in Gaza, they could do so tomorrow with suspension of oil, arms, and technology imports and exports to Israel."

Puppet Courts Fail Global Community

Ilan Pappé, Israeli historian and professor at the University of Exeter, wrote "Palestinians, and whoever supports any struggle against crimes committed by countries of the global north, ceased a long time ago to be impressed by symbolic actions ... Ever since its final institutionalization after the Second World War, international law failed to deal properly with colonialism as a crime and was never able to challenge settler colonial projects like Israel. It also became clear that imperialist policies pursued by the U.S. and Britain, in clear violation of international law, are totally exempt from international law's jurisdiction. It did not stop the killing of one single Palestinian ... nor did it prevent the ethnic cleansing of Palestine. Indeed, the list of its failures is too long to be detailed here."

Francis Boyle, professor of international law at the University of Illinois College of Law, confirms the racism and cronyism of the international justice system is also embodied in the International Criminal Court, which tries individuals on criminal charges of human rights violations and distinct from the ICJ: "I regret to report that the ICC has not done one darn thing to help the Palestinians ... [it] has all the blood of the Palestinian people on its hands. The ICC basically operates at the behest of its funders and founders and masters: the U.S., NATO states, European states. Until their expedited indictment of Putin as U.S.-NATO lawfare against Russia, the ICC had not indicted one American, one European, one Brit, one NATO citizen, one Israeli, one white person."

The court's ineptitude is not news to countries like Nicaragua, who took the U.S. to the ICJ in 1984. The U.S. was found in violation of international law and ordered to cease its actions and pay reparations to Nicaragua, to no avail. The ICJ called outright for a ceasefire in Ukraine and yet the war rages on.

Justice Must Lie in the Court of Global Action

Israel has shown that it intends to expand rather than end its killing and destruction in Gaza. Since January 26, thousands more Palestinians have been killed and Israel is threatening a ground invasion of Rafah, once deemed a safe zone and now hosting over a million displaced Gazans. Hospitals, refugee camps, and food convoys continue to be targeted. Aid is still denied and Israel's Western allies pulled funding for UNRWA, the primary UN aid agency in Palestine. The World Food Programme has stopped

issuing food to the starving population of northern Gaza and the Israeli government continues to refuse any deal for a Palestinian state.

The UN Security Council can vote on pushing for Israeli compliance through sanctions, arms embargoes, travel bans, and ultimately it has the power to intervene with force. However, the U.S. has consistently vetoed Security Council action on Israel's behalf. Israel shows as much recognition to the ICJ as the U.S. has before it. The U.S. seems to have trained the Israeli state in everything from intelligence-gathering, to weapons of war, to disdain for human rights and accountability to the international community.

Some Nations Will Not Stand By Idly

The case before the ICJ offers another venue for speaking truth. While the consequences of such a hearing may feel ineffective, it is a necessary tool for naming crimes against humanity and those who perpetrate them. It is crucial to establish these facts to set the record, in hope that doing so can begin to reorder the global power structure.

Haidar Eid, associate professor at Al-Aqsa University in Gaza, wrote in *Al-Jazeera*: "With this case, South Africa has put not only Israel, but the entirety of the global justice system on trial. This case is a major turning point for humanity, because it marks the first time in history when a Global South country bravely crossed a red line drawn by the colonial West and demanded its favourite settler colony, Israel, be held to account for the crimes it has long been committing against an Indigenous people. Today, thanks to South Africa, the entire colonial West, and its centuries-long history of theft, dispossession, and injustice is on trial at the World Court. Yes, a new world order is in the making."

As voices in the streets grow louder, holes are appearing in the U.S. and Europe's steadfast denial. Belgium denounced U.S. arms sales to Israel, a court in the Netherlands ordered to block the export of F-35 fighter jet parts to Israel, the French foreign minister called for an immediate ceasefire, and Ireland's senate unanimously approved sanctioning Israel, calling for an international arms embargo against Israel, and barring U.S. weapons shipments to Israel through Irish airspace. France, Jordan, and Canada are now air-dropping humanitarian aid off Gaza's coast, with the U.S. now hypocritically joining this token offering to slow the cascading death toll.

The U.S. vetoed a third ceasefire resolution at the UN Security Council. But Biden's administration is batting an eye as he enters this election year haunted by criticism of his handling of the war. President Biden signed an executive order in February sanctioning Israeli settlers; the U.S. promised its own weak, six-week ceasefire resolution; Secretary of State Blinken condemned Israeli plans for thousands of new settlements in the occupied West Bank as "counter-productive to a lasting peace and inconsistent with international law" (a humanitarian standard he selectively acknowledges). It is paltry and insulting, but it is a glimmer of possibility that U.S. blank-check justifications for the Israeli government's actions are wavering, if only to save political face.

Chile, Slovenia, Mexico, Bangladesh, Bolivia, the Comoros, and Djibouti have all backed cases against Israel at the ICJ or ICC. The U.S. and Fiji are alone in support of Israel in a separate six-day hearing before the ICJ on Israel's decades-long occupation of Palestinian territories. More than 50 countries are arguing on behalf of Palestine — the largest-ever

participation in the court's history. It will take time to balance the scales against undemocratic U.S. and nuclear-armed veto power and to build coalitions that demand a new world order, but these countries demonstrate they will speak out, they are ready to stand up amidst the rubble of the crumbling U.S. empire and to topple the pillars of Israeli impunity.



Painting: Fathi Ghaben (1947-2024), internationally recognized Gazan painter and educator who died from lack of medical care under Israel's war.

Sane Solution

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In the 1990s, there was some real progress toward disarmament and even now, the nations of the world are uniting in support of a total prohibition of nuclear weapons. Over the past three administrations, however, the United States has led the other nuclear powers in a new arms race. For elected officials and policy makers, talk of arms reduction has been replaced by "stockpile stewardship," ensuring the nuclear threat for future generations. While quality of life declines globally and the world faces imminent climate collapse, the U.S. Department of Energy commits trillions of dollars for "life extension" of the B61-12 and other nuclear weapons systems.

Last August, United Nations Secretary-General António Guterres warned, "This year, we face an alarming rise in global mistrust and division. At a time in which nearly 13,000 nuclear weapons are stockpiled around the world — and countries are working to improve their accuracy, reach, and destructive power — this is a recipe for annihilation." This will be the second such retreat and action by Catholic Workers at the Kansas City National Security Campus. The first one in 2011 drew some 150 participants and culminated in fifty-three arrests on May 2 for blocking the construction of what was to become the nation's first nuclear weapons production factory built in 33 years. Since then, Catholic Workers have regularly organized protests and resistance there, as they have at the weapons plant that preceded it, sponsored by PeaceWorks Kansas City.

Last August, Catholic Workers and others from around Europe and the U.S. joined protests hosted by the Jeanette Noel Catholic Worker in Amsterdam at Volkel air base in the Netherlands. The group participated in a series of other protests sponsored by the German coalition "Büchel is Everywhere!" at Germany's Büchel air base. Both bases host U.S. air force squadrons that maintain their B61 bombs, ready to be loaded onto Dutch and German fighter jets at a moment's notice.

"Fill the Jails!" was Dorothy Day's urgent advice to Catholic Workers during the war on Vietnam. The Earth has not seen such perilous times as the "rapidly evolving security environment" that we are living through today. This spring's retreat in Kansas City is a weekend of education, prayer, reflection, community-building, and training, followed on Monday, April 15, with nonviolent direct action to disrupt the deadly business as usual at the KCNS nuclear weapons factory. For more information contact Ann Suellentrop, 913-271-7925, annsuellen@gmail.com.

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