

## Interview with Ambassador Elhousseini on the Ruling of the ICJ



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### **Siren Haber asks:**

**What do you think about the International Court of Justice's decision against Israel? Can we see the impact of this decision?**

The court concurred with South Africa's assertion that Israel was inflicting irreversible damage, and verified that Israel persists in conducting airstrikes and engaging in indiscriminate attacks on civilians in Gaza. The International Court of Justice (ICJ) in The Hague conducted public hearings on Thursday, January 11, 2024, and Friday, January 12, 2024. These hearings were related to the case initiated by South Africa against Israel on December 29, 2023. This decision is very important to Palestine, particularly that it is the first time see Israel being held accountable. We are aware that ICJ rulings are enforceable and

binding, and states should take all measures to ensure the implementation of the order.

It can exert substantial influence on accountability in various ways, such as recording victims' experiences, calling out aggressors, or establishing an international precedent. Mainly, more international pressure on Israel to stop the genocidal war. As we see it, this decision has political repercussions that might lead to further legal implications related to the definition of occupied territories. The case is based on violations in contravention of the 1948 UN Genocide Convention (ratified by 153 countries) by Israeli aggression on Gaza. If condemned with a genocide, Israel would be caught- once again- breaking international law, an international scandal to Israel and its allies. It places Israel in the same group of dishonorable countries. This is a blow to Israel's reputation, and may affect its relationship with countries that take international law, especially genocide, seriously.

Furthermore, this case serves as a precedent as the first at the ICJ relating to the siege on the Gaza Strip. Yet, a full judgement from the court, determining whether Israel has committed genocide in Gaza, will likely take longer time to emerge. Nonetheless, this will also serve as a good basis for individual convictions at the ICC later on. Hundreds of international lawyers have entered the arena, this ended the fear of taking legal action against Israel.

Finally, we feel the international and institutional solidarity, on the 26 of January, 2024, a large majority of the 17-judge ICJ panel voted in favor of South African requests, but in every aspect of the provisional measure, the court asked to stop the genocidal acts, which is beyond ceasing the hostilities (cease-fire). The measures include crucial elements including allowing humanitarian assistance, preventing and punishing incitement, and taking effective measures to prevent the destruction and preservation of evidence. This has two indications; first it proves the existence of serious suspicions that Israel has –in fact- committed the crime of

genocide, noting that the court dismissed every single Israeli argument, including “avoidance of civilians.” In other words, Israel failed to convince the ICJ that it is neither acting on the basis of the right to self-defense and adhering to international law, nor that there is no humanitarian catastrophe.

The provisional measures, according to the rules of precedes of the court, has already sent it to the UN Security Council. According, the Security Council should take all appropriate measures for implementation, noting that third States are now on notice of the existence of a serious risk of genocide. The UNGA has the power as well to expel any member of the United Nations who deliberately and persistently violates the principles of the United Nations Charter.

**Who will put a stop to Israel, which defies even UN resolutions? What more can be done to stop the Israeli occupation and attacks?**

Israel has unequivocally been demonstrating its status as “a state above the law” day after day. The Israeli government, officials, soldiers, and media behave as though they are above the law. Any other government or state that dared to act or say anything similar to that of the Israeli government and officials would be met with harsh accusations and legal actions right away. Watch their behaviors and pay attention to their speeches, and incitement, you may be able to identify the tone of conceit and sense of impunity.

Throughout 75 years, Israel committed massacres, carnages, collective punishment and shameful crimes, and was able to get away with it. Illegal Settlement construction and expansion on Palestinian occupied territory has never stopped, putting the political horizon for a two state solution in jeopardy. Nearing a million people live in illegal Israeli settlements, which are equipped with utilities and roads and, of course, are off-limits to Palestinian citizens—the clearest

example of apartheid, not to mention armed settlers' terrorism against unarmed Palestinian civilians. Israeli aggression on Gaza must stop, At least 26,637 people have been killed by Israeli indiscriminate bombardment in Gaza, inhumane living conditions of Gazans under blockade cause famine, disease and further death. This leads the observer to conclude that Palestine is not experiencing a humanitarian crisis or in need of financial support, because simply all what you can see are direct outcomes of the occupation, as well as the heinous crimes and atrocities carried out by the occupying power that created the conditions that are so dire. The key point remains occupation: Ending occupation. As His Excellency Palestinian President Mahmoud Abbas shared with the world, Israeli occupation must end. The occupying power must withdraw from the Palestinian territory it occupied in 1967, including Jerusalem.

Complicity is nothing but favoring narrow interests over values. No self-respecting state abiding by universal moral compass should accept Israel's bloody acts. In order to solve it, you must tackle the root causes and stop the cycle of Israel's impunity. This requires collective international efforts to put an end to this colonial project. Sanctions, boycotts, and branding murderers and criminals in every shape and form. If Israel continues defying UN resolutions, the will of the international community must be stronger. As such, all economic, political, diplomatic and legal dealings with Israeli occupation must be addressed in the accurate manner. Meanwhile, the Palestinian leadership expressed the need for international mediation towards peace building, and restorative justice on the delineation of borders and solving all final-status issues in accordance with UN resolutions. With the ongoing occupation clearly causing instability, it is crucial as well to have a stick ready in addition to a carrot.

Finally, and despite the pain, the Palestinian people, generation after generation, will never stop and will rise as they have always done. Palestinians preserved their

existence and identity and will always do. Palestinians will not kneel or surrender, they will not leave and will remain on their land until freedom.

**Israel's attacks on Gaza increase the risk of regional war. What are your thoughts on the regional war scenario?**

I still have faith in international efforts for a better regional and global future, but I must remind you that stabilizing the situation in Palestine will be a cornerstone in preventing a spillover effect in the region. In fact, Israel's continued occupation has validated the fears voiced by the Palestinian leadership with regards to peace and stability.

Palestine resides in a geographic advantage, a rich land with many natural resources, strategic trade- center and costal attraction. Failure to direct efforts towards ending Israeli occupation and realizing a Palestinian state will create a vacuum and a source of turbulence and instability, and worst of all, more Israeli violations. Mind you, post-Gaza war repercussions will be grave and unfathomable.

Such atrocities caused by Israel and the international failure of imposing a ceasefire, will certainly have serious effects on the region, particularly that Israeli violations and stealing resources went beyond the borders of Palestine. In other words, without ending Israeli occupation and the realization of an independent state of Palestine with Jerusalem as its capital, there can be neither peace nor stability.

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