ICJ's Ruling on Genocide Case

Why in news?

Recently, the International Court of Justice (ICJ) gave its interim ruling on South Africa's genocide case against Israel.

What is the ruling of ICJ over South Africa's case?

- The International Court of Justice ordered that Israel must prevent acts of genocide in its military operations in Gaza, following a case brought by South Africa.
- ICJ did not rule on the core of the case brought by South Africa, that is, whether Israel is committing genocide in Gaza. But an overwhelming majority of the 17 judges presiding over the case voted for emergency measures to be implemented.
- The court ruled that there is a sufficient evidence of dispute for the genocide case to proceed, and that the ICJ has the jurisdiction to rule on the matter.
- The court pointed to Israel's large-scale military operation in Gaza by land, air, and sea which caused massive civilian casualties, destruction of civilian infrastructure, and displacement of 1.2 million people in the region.
- The court's ruling was welcomed by South Africa and condemned by Israel.

What are the provisional measures ordered by the ICJ?

- **Within the ambit of Genocide convention**- The court said that Israel must take all steps in its power to prevent the commission of all acts under ***Article 2*** of the United Nation's 1948 Genocide Convention.

  Article 2 defines "genocide" as "acts committed with intent to destroy, wholly or partly, a national, ethnic, racial, or religious group".

- Article 2 not only includes killing and causing bodily and mental harm, but also preventing births within a group and inflicting conditions of life calculated to bring about a group's physical destruction.
- **Stop the genocide act-** The World Court also said that Israel must prevent its military from committing any genocidal acts "with immediate effect".
- **Avoid genocide statements**- Israel must take all steps in its power to prevent and punish, the direct and public incitement to commit genocide in relation to the Palestinians in the Gaza Strip.
- **Humanitarian assistance**- The court directed Israel to provide humanitarian assistance and other basic services to the Palestinians in Gaza, referring to Palestinians as a protected group under the Genocide Convention,
- **Evidence preservation**- The World Court entrusted Israel with the task of preserving

evidence in Gaza related to alleged acts under Articles 2 and 3 of the Genocide Convention.

- **Transparency-** The access to such evidence should not be denied by fact-finding missions, international mandates, and other international bodies.
- **Submit report-** The court asked Israel to submit its report to the ICJ on measures taken to implement the ruling ***within one month***.

What lies ahead?

- The ruling is significant that binds Israel to its obligation to prevent acts of genocide in its ongoing military operations in Gaza.
- The order is a moral and legal indictment of Israel for bombing health facilities, safe areas, and densely populated areas, and calls for the world to goad Israel into complying with the measures.
- The court's rulings are legally binding, it has no way to enforce them. But its opinions carry weight with the UN and other international institutions.
- The court will eventually decide whether Israel is committing genocide or not.

References

1. Indian Express- ICJ ruling on South Africa's case
2. The Hindu- Momentous ruling of ICJ

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