Int'l law expert: ICJ ruling is a legal obscenity from start to finish

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Professor Anne Bayefsky, Director of the Touro Institute on Human Rights and the Holocaust and President of Human Rights Voices, commented to *Arutz Sheva-Israel National News*following the [International Court of Justice's (ICJ) ruling](https://www.israelnationalnews.com/news/393314) which stated that Israel has illegally occupied Judea and Samaria and annexed Jerusalem.

‘The so-called legal 'opinion' is a legal obscenity from start to finish,’ she said, noting, ‘The Court is the 'World Court' of the United Nations, a body controlled by an anti-Israel mob. The members of the Court are elected by the United Nations. Its legal 'experts' include alleged authorities from such legally-challenged places like China and Somalia.’

‘The ICJ President - the man who read the opinion aloud to the world dressed up in judicial robes with pomp and circumstance - was a Lebanese politician. Nawaf Salam was on the ballot for Prime Minister of Lebanon in the last two elections. Before that he was Lebanon's representative to the United Nations - a country that doesn't recognize Israel's right to exist,’ continued Prof. Bayefsky.

She further noted, ‘The request for the non-binding 'advisory opinion' from the Court came from the UN General Assembly. The question posed by the mob was framed as: Israel is guilty of the following violations of international law, so what are the consequences? ('What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to...'). There were no Palestinian violations of anything on the agenda.’

‘The Court said that it would nevertheless reconsider Israel's guilt, proceeded to summarily declare Israel guilty, and then held forth on the consequences. How did it find Israel guilty? In its words, without the facts.’

‘The Court shockingly said: 'it is not necessary for the Court to make findings of fact with regard to specific incidents allegedly in violation of international law.' It was sufficient, they said, that the UN Secretary-General said so. That would be the same Secretary-General, António Guterres, who has repeatedly invented ways to backstop Hamas. As early as October 9, 2023, he said that the atrocities of October 7th did ‘not come in a vacuum,’ Prof. Bayefsky pointed out.

‘Among the results, this grotesque kangaroo court said Israel was guilty of the crime against humanity of apartheid. It took them less than 250 words to come to this monumental conclusion, intended to create an avalanche of legal and political ramifications isolating and permanently debilitating the Jewish state,’ she said.

‘The case also calls for the ethnic cleansing of Jews from whatever land Palestinian Arabs and the UN say belongs to Palestinians. 'All settlers' must leave, 'all Palestinians' must be allowed 'to return,' 'the wall' (that put an end to the suicide-bombing carnage) must be dismantled wherever they say so. What is actually 'Apartheid Palestine' is apparently just fine.’

‘'Palestinian' territory - which Israel is said to occupy, including Gaza and the West Bank - is suddenly defined by the Court to consist of 'a single territorial unit, the unity, contiguity and integrity of which are to be preserved.' It is not clear where the Jews are left in this actually non-existent contiguous Palestinian territory,’ said Prof. Bayefsky.

She also noted, ‘The Opinion has a whole section called 'Violence against Palestinians.' There is no section on violence against Israelis. In fact, there is no discussion or findings about violence, terrorism, rockets, suicide-bombing, knifings, vehicle-rammings, shootings, kidnappings and rapes against Israelis at all, ever. The only mention of 'gender-based violence' paints Palestinians as the victims. One more disgusting example from the UN of 'MeToo\_Unless\_Ur\_A\_Jew.'‘

‘The 'Opinion' rests on lethal historical fiction. The opinion says: 'On 14 May 1948, Israel proclaimed its independence with reference to the General Assembly resolution 181 (II); an armed conflict then broke out between Israel and a number of Arab States, and the Plan of Partition was not implemented.' 'Broke out' is the UN-euphemism for the attempted annihilation of the nascent Jewish state by Arab states and Palestinian Arabs.’

‘The opinion also says: 'In 1967, an armed conflict (also known as the 'Six-Day War') broke out between Israel and neighboring countries Egypt, Syria and Jordan' and again 'In October 1973, another armed conflict broke out between Egypt, Syria and Israel.'‘

‘'Broke out' is how the UN covers-up the systematic continuous campaign by Arabs to destroy the Jewish state from May 14, 1948 on, both in the halls of the UN and in the field. This blatant historical revisionism from the UN's highest legal body makes a mockery of its subsequent conclusions built on a mountain of lies,’ said Prof. Bayefsky.

‘The Opinion is heavily reliant on lengthy discussions of Palestinian Arab 'self-determination' and associated 'rights.' There is no mention whatsoever of Jewish self-determination. The Court says the 'key element of the right to self-determination is the right of a people freely to determine its political status and to pursue its economic, social and cultural development.' Except for Jews. For Jews, the UN decides the political status of Jews in the Jewish state and authors an ‘opinion’ clearly intended to drive BDS - sanctions, boycotts and global efforts to devalue and destroy such development in the case of Israel.’

Prof. Bayefsky continued, ‘Moreover, a mere 75 years after the Holocaust, the UN Court twists the laws written in response to the atrocities committed against Jews, to demonize the refuge of the Jewish people today. The Court purported to apply the law to criminalize the Nazi deportation of Jews from their homes to concentration camps - in order to criminalize the voluntary movement of Jews within the land of Israel. This isn't law. It's war by another name. It's the face of modern antisemitism. Where a German judge, Georg Nolte, sits on a UN court, to apply the law for Nazis and their ilk to the Jews.’

The real consequences of this ruling, she explained, are, ‘The so-called 'peace process' is dead, killed off by alleged peace-loving UN judges. From now on, Palestinians have zero incentive to negotiate anything. The UN has purportedly decided the outcome of all the items that were supposed to be subject to negotiation - as specified in Oslo and other agreements - territory, borders, settlements, Jerusalem. All the Palestinians have to do is sit back and enjoy the squeeze play. And foment more wars with impunity.’