

# Talking Points on ICJ Ruling

On January 26<sup>th</sup>, 2024, by a 15-2 vote, the International Court of Justice [issued](#) a series of [provisional measures](#) relating to Israel's conduct in its war with Hamas. Significantly, the court rejected allegations that Israel has committed genocide and did not call for a ceasefire demanding Israel put an end to the war.

The court ruled that Israel must take measures to prevent the killing or injuring of Palestinians in Gaza, punish statements of incitement to commit genocide against Palestinians, and take measures to provide humanitarian assistance in Gaza. The court also emphasized that all parties to the conflict in Gaza must abide by international law. It stated that it is gravely concerned about the fate of the hostages, and called for their immediate and unconditional release. The court ordered Israel to report back to the ICJ in one month. Israel will continue its fight against Hamas and other groups that seek its destruction in order to defend and safeguard the people of Israel.

- Today's ruling by the International Court of Justice, while deeply flawed, affirms Israel's right to continue defending itself from ongoing attacks by Hamas, Hezbollah, and the Houthis following the horrific and brutal attacks of October 7th, the deadliest day for Jews since the Holocaust.
- The court ruling ignores the significant measures that Israel is already taking [in compliance](#) with international law to avoid civilian casualties - including the [warning and evacuation](#) of civilians ahead of attacks and establishing safe zones - and provide humanitarian aid to the innocent people of Gaza while fighting an enemy that intentionally flouts the rules of war and embeds itself among civilians.
- Israeli [military](#) and [government](#) leaders have repeatedly declared that the country is at war with Hamas and not the Palestinian people.
- The court also ignores Hamas's strategy to maximize civilian loss and embed itself within the civilian population, presenting incredibly difficult challenges for the IDF in [unprecedented](#) urban warfare conditions in the history of modern warfare.
- In contrast to Israel's policy to protect civilian life, Hamas's [charter](#) calls for the annihilation of Israel and murder of Jews, and Hamas leaders [repeatedly](#) incite

violence against Israel and vow to repeat the October 7th attacks until Israel is wiped off the map.

- All military operations carried out by the IDF are coordinated in accordance with the [Military Advocate General \(MAG\) Corps](#), which is responsible for implementing the rules of war within the IDF and advising commanders ahead of strikes. The IDF also operates a '[Civilian Harm Mitigation Unit](#)' whose entire role is to issue warnings ahead of strikes on military targets and coordinate the evacuation of civilians.
- A [daily operative](#) is issued by the IDF instructing all IDF forces that, "Attacks will be solely directed towards military targets while adhering to the principles of distinction, proportionality and the obligation taking precautions in attacks in order to reduce collateral damage."
- The court should not entertain the absurd and illegitimate claim that Israel is committing genocide in this defensive war against a terrorist enemy. On the day before International Holocaust Remembrance Day, we must ensure that the meaning of the term genocide is not perverted or cheapened for political ends.
- In response to the ruling, Prime Minister Netanyahu [said](#), "Israel's commitment to international law is unwavering. Equally unwavering is our sacred commitment to continue to defend our country and defend our people. Like every country, Israel has an inherent right to defend itself." He reiterated that, "Our war is against Hamas terrorists, not against Palestinian civilians. We will continue to facilitate humanitarian assistance, and to do our utmost to keep civilians out of harm's way, even as Hamas uses civilians as human shields. We will continue to do what is necessary to defend our country and defend our people."