Now that you've recognized Palestine, try it for genocide in The Hague

written by Arsen Ostrovsky | 12.10.2025

When Canada, France, the United Kingdom and Australia rushed to recognize a Palestinian state, they did not advance peace; they rewarded terror. They handed political and legal legitimacy to the same movement that, two years ago, committed the most barbaric massacre of Jews since the Holocaust.

If these governments, including Canada, now insist on treating "Palestine" as a state, they must also accept the consequences of that recognition: bringing "Palestine" before the International Court of Justice (ICJ) on the charge of genocide.

For the past year, Israel has faced a grotesque inversion of justice at The Hague, accused by South Africa and others of genocide for defending its citizens after Hamas's October 7 slaughter. Even though Israel has gone to unprecedented lengths to follow the laws of armed conflict, the ICJ has allowed that political stunt to proceed, giving moral cover to Hamas and ignoring its own explicit statements of genocidal intent.

If Palestine is indeed a state, as these governments now claim, professing their commitment to international law, that commitment must be tested in practice. The law cannot be applied selectively, nor can recognition be treated as a symbolic act divorced from its legal effect. Recognition carries not only diplomatic weight but enforceable responsibility under international law.

It follows that "Palestine" must bear legal responsibility for the actions of Hamas on October 7 and for everything that has followed, including the ongoing torture and captivity of hostages.

This is where the absurdity of these recognitions becomes clear. Western leaders proclaimed support for Palestinian statehood, yet in the same breath insisted they do not recognize Hamas, which governs Gaza. So who exactly are they recognizing? The Palestinian Authority, a corrupt, unelected body that has no

control over Gaza, whose president is now in the twentieth year of a four-year term and continues to pay salaries to terrorists? Or Hamas, which still boasts of the “fruits of October 7”?

Under the Genocide Convention, a state is responsible not only for acts committed by its agents, but also for failing to prevent or punish genocide committed on its territory or under its control.

What makes this even more striking is that the Palestinian Authority acceded to the Genocide Convention in 2014. By doing so, it accepted the duty to prevent and punish genocide. Having claimed the benefits and status of a state party, it cannot now evade the responsibilities that come with it.

The acts of October 7, which Hamas vowed to repeat “again and again” until Israel was annihilated, satisfy every element of genocidal intent described in Article II of that Convention.

If the act of recognition is to mean anything, it must bring with it the same standards of accountability applied to every state under the Genocide Convention. Otherwise, recognition becomes performative — a political indulgence that undermines the very rule of law it claims to uphold.

You simply cannot have it both ways. Either the Palestinian Authority is the governing representative of this so-called state, in which case it bears responsibility for the genocide carried out from the territory it claims, or Hamas is the ruling authority, in which case these governments have legitimized a terrorist organization.

Either way, the consequence of this recognition is that “Palestine,” as a self-proclaimed state, must bear legal responsibility for the crimes committed from its territory, including the genocidal massacre of October 7.

This legal logic is unavoidable. Recognition is the act that transforms a political claim into a juridical reality. Once that threshold is crossed, obligations arise. A state recognized as such must answer for the actions of those operating under its flag or from its territory. Anything less would hollow out international law and render the Genocide Convention a political tool rather than a binding instrument.

This would force an uncomfortable reckoning for those same governments that so

eagerly joined the diplomatic campaign against Israel. It would compel them to face the legal and moral implications of their decision, and to acknowledge that recognition carries responsibility as well as rhetoric.

Recognition means owning that record. It means accepting that a state must answer for its crimes, and that the victims of October 7 — the murdered, the raped, the burned and the still-held captive — deserve justice as much as any other victims of genocide.

For too long, the international system has indulged the hypocrisy that Palestinians are eternal victims without agency, while Israel alone bears responsibility for every tragedy in the region.

Recognition of Palestine cannot mean impunity for terror cloaked in sovereignty. It must mean responsibility. Either international law applies to all — or it applies to no one.

That starts with holding the Palestinians accountable before the International Court of Justice to answer for the real genocide on October 7 — the one committed with merciless, salivating glee by Hamas.

The credibility of the international legal order depends on consistency. Those who claim to uphold it cannot invoke the law for political expediency to condemn Israel, while shielding the Palestinians from accountability for the atrocities of October 7.

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