South Africa Case At The International Court Of Justice Against Israel

Most critical moments from the first day of the over 3 hour International Court Of Justice hearing against Israel. January 11, 2024 South Africa presented their claims of genocide.

1. **Transcript Of** TOP LEFT – 2. **Independent Analysis** of ICF

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The transcript covers oral arguments presented to the International Court of Justice by South Africa accusing Israel of committing genocide against Palestinians in Gaza through extensive military attacks and imposition of life-threatening conditions. It details evidence on mass killings, infliction of bodily/mental harm, deliberate humanitarian crisis, and reproductive violence to show genocidal intent. South Africa urges provisional measures to stop atrocities as critical to protect civilian lives.

Chapters

1. **Introducing the Case and Parties –** The presiding judge

opens the hearing, welcomes the parties – South Africa and Israel, and outlines the proceeding format granting each party a 3-hour sitting for oral arguments regarding South Africa's request for provisional measures over genocide allegations.

2. **Overview of South Africa's Genocide Allegations –** South Africa's counsel argues Israel's actions against Palestinians in Gaza constitute genocide under the UN Convention, meeting the definition in Articles 2a-2d. The pattern shows genocidal intent rather than acceptable legal/humane conduct.
3. **Context and Control Over Gaza –** The context is provided – Gaza's small dense space under Israel's control since 1967, sealing land/air/sea access. This control and blockade impacts ability to meet humanitarian needs.
4. **Extensive Military Assault Causing Mass Fatalities –** Detailed evidence is presented on extensive bombardment campaign targeting civilians over 96 days – airstrikes, shelling, etc. killing over 23,000 Palestinians, 70% being women & children, with thousands missing.
5. **Infliction of Bodily and Mental Harm –** The attacks left 60,000 Palestinians injured and maimed without adequate healthcare. Mental harm is caused by families wiped out, mass child deaths described as a "graveyard", terrorization and displacement.
6. **Deliberate Humanitarian Crisis –** Israel imposed life-threatening shortage of food, water, shelter, sanitation to bring about destruction. Forced evacuations displaced majority into unsafe areas or shelters at capacity. Aid is blocked or seized.
7. **Assault on Healthcare System –** Bombing campaign deliberately targeted and obliterated health infrastructure further denying wounded civilians access to lifesaving treatment.
8. **Reproductive Violence Against Women and Children –** Blocked maternal healthcare and medical kits to safely deliver babies constitutes reproductive violence that

prevents births within a group, falling under genocide definition.

9. **Urgency and Impact of Provisional Measures –** South Africa argues the evidence shows genocide under the Convention, needing urgent court intervention like in Gambia v. Myanmar case to stop irreparable loss of life predicted to continue without provisional measures.

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South Africa's FIERY Speech at the ICJ Case Against Israel

Fri, 01/12 14:32PM · 22mins

Judge ICJ 00:00

The sitting is open. The court meets today and will meet tomorrow under Article 74, Paragraph 3 of the Rules of Court, to hear the oral observations of the parties on the request for the indication of provisional measures submitted by the Republic of South Africa in the case concerning application of the convention on the prevention and punishment of the crime of genocide in the Gaza Strip, South Africa versus Israel.

I would now like to welcome the delegations of South Africa and Israel. And I note the presence before the court of the agents and counsel of both parties. This morning the court will hear the single round of oral argument of South Africa, which has submitted the request for the indication of provisional measures.

It will hear Israel tomorrow morning at 10 a .m. For purposes of this single round of oral argument, each party will have available to it a three hour sitting. Thank you.

Adila Hassim 00:54

Thank you. Madam President, distinguished members of the Court, it is a privilege to appear on behalf of the Republic of South Africa in this case of exceptional importance. It's a case that underscores the very essence of our shared humanity, as expressed in the preamble to the Genocide Convention.

It's my task to address the Court on the genocidal acts that have led to this urgent request for provisional measures under Article 41 of the Statute of the Court. South Africa contends that Israel has transgressed Article 2 of the Convention by committing actions that fall within the definition of genocide. The actions show a systematic pattern of conduct from which genocide can be inferred. Allow me to place these acts in context. Gaza is one of the two constituent territories of the occupied Palestinian territories, occupied by Israel since 1967.

It is a narrow strip of approximately 365 square kilometres, as depicted in the map now displayed. Israel continues to exercise control over the space, territorial waters, land crossings, water, electricity, electromagnetic sphere, and civilian infrastructure in Gaza, as well as over key governmental functions.

As the Honorable Minister has said, entry and exit by air and sea to Gaza is prohibited with Israel operating the only two crossing points. Gaza, which is one of the most densely populated places in the world, is home to approximately 2 .3 million Palestinians, almost half of them children.

For the past 96 days, Israel has subjected Gaza to what has been described as one of the heaviest conventional bombing campaigns in the history of modern warfare. Palestinians in Gaza are being killed by Israeli weaponry and bombs from air, land, and sea.

They are also at immediate risk of death by starvation, dehydration, and disease. As a result of the ongoing siege by

Israel, the destruction of Palestinian towns, the insufficient aid being allowed through to the Palestinian population, and the impossibility of distributing this limited aid while bombs fall.

This conduct renders essentials to life unobtainable. At this provisional measures stage, as this court has made clear in the Gambia -Myanmar case, it is not necessary for the court to come to a final view on the question of whether Israel's conduct constitutes genocide.

It is necessary to establish only whether at least some of the acts alleged are capable of falling within the provisions of the convention. On analyzing the specific and ongoing genocidal acts complained of, it is clear that at least some, if not all of these acts, fall within the convention's provisions. These acts are documented in detail in South Africa's application and confirmed by reliable, often UN sources. It is thus unnecessary and impossible for me to recount all of them. I will highlight only some in order to illustrate the pattern of genocidal conduct.

The UN statistics that are relied upon are up to date as of 9 January 2024. In South Africa's oral submissions, we will illustrate the facts that we rely on with the president. We do so with restraint and only where necessary and always with respect to the Palestinian people.

Against this background, I move now to demonstrate in turn how Israel's conduct violates articles 2A, 2B, 2C and 2D of the convention. The first genocidal act committed by Israel is the mass killing of Palestinians in Gaza in violation of article 2A of the Genocide Convention. As the UN Secretary General explained five weeks ago, the level of Israel's killing is so extensive that nowhere is safe in Gaza. As I stand before you today, 23 ,210 Palestinians have been killed by Israeli forces during the sustained attacks over the last three months, at least 70% of whom are believed to be women and children. Some

7,000 Palestinians are still missing, presumed dead under the rubble. Palestinians in Gaza are subjected to relentless bombing wherever they go.

They are killed in their homes, in places where they seek shelter, in hospitals, in schools, in mosques, in churches, and as they try to find food and water for their families. They have been killed if they failed to evacuate, in the places to which they have fled, and even while they attempted to flee along Israeli declared safe routes.

The level of killing is so extensive that those whose bodies are found are buried in mass graves, often unidentified. In the first three weeks alone, following 7 October, Israel deployed 6,000 bombs per week. At least 200 times, it has deployed 2,000-pound bombs in southern areas of Palestine designated as safe. These bonds have also decimated the North, including refugee camps. 2,000-pound bombs are some of the biggest and most destructive bombs available.

They are dropped by lethal fighter jets that are used to strike targets on the ground by one of the world’s most resourced armies. Israel has killed an unparalleled and unprecedented number of civilians, with the full knowledge of how many civilian lives each bomb will take.

More than 1,800 Palestinian families in Gaza have lost multiple family members, and hundreds of multi -generational families have been wiped out with no remaining survivors. Mothers, fathers, children, siblings, grandparents, aunts, cousins, often all killed together. This killing is nothing short of destruction of Palestinian life. It is inflicted deliberately. No one is spared, not even newborn babies. The scale of Palestinian child killings in Gaza is such that UN chiefs have described it as a graveyard for children.

The devastation, we submit, is intended, is intended to and has laid waste to Gaza beyond any acceptable legal, let alone

humane, justification. The second genocidal act identified in South Africa's application is Israel's infliction of serious bodily or mental harm to Palestinians in Gaza in violation of Article 2b of the Genocide Convention.

Israel's attacks have left close to 60,000 Palestinians wounded and maimed, again, the majority of them women and children. This, in circumstances where the healthcare system has all but collapsed, I return to this later in my speech.

Large numbers of Palestinian civilians, including children, are arrested, blindfolded, forced to undress and loaded onto trucks, taken to unknown locations. The suffering of the Palestinian people, physical and mental, is undeniable.

Turning to the third genocidal act under Article 2c, Israel has deliberately imposed conditions on Gaza that cannot sustain life and are calculated to bring about its physical destruction. Israel achieves this in at least four ways.

First, by displacement. Israel has forced the displacement of about 85% of Palestinians in Gaza. There is nowhere safe for them to flee to. Those who cannot leave or refuse to be displaced have either been killed or at extreme risk of being killed in their homes.

Many Palestinians have been displaced multiple times as families are forced to move repeatedly in search of safety. Israel's first evacuation order on 13 October required the evacuation of over one million people, including children, the elderly, the wounded and infirmed. Entire hospitals were required to evacuate even newborn babies in intensive care. The order required them to evacuate the north to the south within 24 hours. The order itself was genocidal. It required immediate movement, taking only what could be carried.

While no humanitarian assistance was permitted, and fuel, water, and food, and other necessities of life had deliberately been cut off. It was clearly calculated to bring

about the destruction of the population.

For many Palestinians, the forced evacuation from their homes is inevitably permanent. Israel has now damaged or destroyed and estimated 355 ,000 Palestinian homes, leaving at least half a million Palestinians with no home to return to.

The special rapporteur on the human rights of internally displaced persons explains that houses and infrastructure, quote, have been raised to the ground, frustrating any realistic prospects for displaced gardens to return home, repeating a long history of mass force displacement of Palestinians by Israel.

There is no indication at all that Israel accepts responsibility for rebuilding what it has destroyed. Instead, the destruction is celebrated by the Israeli army. Soldiers full themselves joyfully detonating entire apartment blocks and town squares, erecting the Israeli flag over the wreckage, seeking to reestablish Israeli settlements on the rubble of Palestinian homes, and thus extinguishing the very basis of Palestinian life in Gaza.

Second, together with the forced displacement, Israel's conduct has been deliberately calculated to cause widespread hunger, dehydration, and starvation. Israel's campaign has pushed Gazans to the brink of famine. An unprecedented 93% of the population in Gaza is facing crisis levels of hunger. Of all the people in the world currently suffering, catastrophic hunger, more than 80% are in Gaza. The situation is such that the experts are now predicting that more Palestinians in Gaza may die from starvation and disease than airstrikes.

And yet Israel continues to impede the effective delivery of humanitarian assistance to Palestinians, not only refusing to allow sufficient aid in, but removing the ability to distribute it through constant bombardment and obstruction.

Just three days ago, on 8 January, a planned mission by UN

agencies to deliver urgent medical supplies and vital fuel to a hospital and medical supply center was denied by Israeli authorities. This marked the fifth denial of a mission to the center since 26 December, leaving five hospitals in northern Gaza without access to life -saving medical supplies and equipment. Aid trucks that are allowed in are seized upon by the hungry. What is provided is simply not enough. Come on, you guys! Come on, you guys! Madam President, members of the court, this is an image of an aid truck arriving in Gaza.

Third, Israel has deliberately inflicted conditions in which Palestinians in Gaza are denied adequate shelter, clothes, or sanitation. For weeks, there have been acute shortages of clothes, bedding blankets, and critical non-food items. Clean water is all but gone, leaving far below the amount required to safely drink, clean, and cook. Accordingly, the WHO has stated that Gaza is experiencing soaring rates of infectious disease outbreaks. Cases of diarrhea in children under five years of age have increased 2 ,000 percent since hostilities began. When combined and left untreated, malnutrition and disease create a deadly cycle. The fourth genocidal act under Article 2B is Israel’s military assault on Gaza’s health care system, which renders life unsustainable.

Even by 7 December, the UN special rapporteur on the right to health noted that the health care of infrastructure in the Gaza Strip has been completely obliterated. Those wounded by Israel in Gaza are being deprived of life-saving medical care. Gaza’s health care system, already crippled by years of blockade and prior attacks by Israel, is unable to cope with the sheer scale of the injuries. Finally, the UN special rapporteur on violence against women and girls has pointed to acts committed by Israel that would fall under the fourth category of genocidal acts in article 2D of the Convention.

On 22 November, she expressly warned the following. The reproductive violence inflicted by Israel on Palestinian women, newborn babies, infants and children could be qualified

as acts of genocide under article 2 of the Genocide Convention, including imposing measures intended to prevent births within a group.

Israel is blocking the delivery of life-saving aid, including essential medical kits for delivering babies. In circumstances where an estimated 180 women are giving birth in Gaza each day, the WHO warns that 15% are likely to experience pregnancy or birth -related complications and need additional medical care. That care is simply not available.

Judge ICJ 16:58 – Thank you.

Adila Hassim 16:59

In some, Madam President, all of these acts individually and collectively form a calculated pattern of conduct by Israel, indicating a genocidal intent. This intent is evident from Israel's conduct in specially targeting Palestinians living in Gaza, using weaponry that causes large -scale homicidal destruction, as well as targeting targeted snapping of civilians, designating safe zones for Palestinians to seek refuge, and then bombing these, depriving Palestinians in Gaza of basic needs – food, water, healthcare, fuel, sanitation, and communications – destroying social infrastructure, homes, schools, mosques, churches, hospitals, and killing, seriously injuring, and leaving large numbers of children orphaned.

Genocides are never declared in advance, but this court has the benefit of the past 13 weeks of evidence that shows, incontrovertibly, a pattern of conduct and related intention that justifies a plausible claim of genocidal acts.

In the Gambia -Myanmar case, this court did not hesitate to impose provisional measures in relation to allegations that Myanmar was committing genocidal acts against the Rohingya within the Rakhine state.

The facts before the court today are sadly even more stark,

and like the Gambia -Myanmar case, deserve and demand this court's intervention. Every day, there is mounting irreparable loss of life, property, dignity, and humanity for the Palestinian people.

Our news feeds show graphic images of suffering that has become unbearable to watch. Nothing will stop the suffering, except in order from the court. Without an indication of provisional measures, the atrocities will continue, with the Israeli Defence Force indicating that it intends pursuing this course of action for at least a year.

In the words of the UN Undersecretary -General on 5 January 2024, I quote, You think getting aid into Gaza is easy? Think again. Three layers of inspections before trucks can even enter. Confusion and long queues.

A growing list of rejected items. A crossing point meant for pedestrians, not trucks. Another crossing point where trucks have been blocked by desperate, hungry communities. A destroyed commercial sector.

Constant bombardments, poor communications, damaged roads, convoys shot at, delays at checkpoints. A traumatised and exhausted population crammed into a smaller and smaller sliver of land. Shelters which have long exceeded their full capacity. Aid workers themselves displaced, killed. This is an impossible situation for the people of Gaza and for those trying to help them. The fighting must stop. Close quote. Madam President, members of the court, that concludes my section on the genocidal conduct of Israel.

I thank you for your patient attention and I ask that you call advocate Luca Tobi to the podium to address the court on genocidal intent.

GAZA GENOCIDE – Independent Analysis

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Thu, 01/11/24 – 8-mins.

SUMMARY

The transcript discusses the ongoing Israeli bombardment and blockade of Gaza, which speakers argue constitutes genocide and ethnic cleansing. It references statements by Israeli officials about cutting off electricity, food, and fuel to Gaza as evidence of genocidal intent. Speakers criticize Israel's self-defense justification and argue Gaza is occupied territory. They express confidence the evidence will lead to convictions for Netanyahu and Israel of genocide and war crimes in the International Court of Justice.

CHAPTERS

Introducing the Discussion and Speakers

The transcript opens with speakers stating the Israeli attacks and displacement of Palestinians from Gaza constitute genocide and ethnic cleansing. Other speakers agree and add additional points.

Evidence Presented of Genocidal Intent

Speakers cite public statements by Israeli officials about cutting off electricity, food, fuel and imposing destruction on Gaza as proof of genocidal intent. They argue these statements would ensure conviction in a murder trial.

Critique of Israel's Self-Defense Justification

Speakers challenge Israel's self-defense justification since Gaza is considered occupied territory by the UN, not Israeli land. They use an analogy of an occupier controlling and restricting a homeowner's property.

Calls for War Crimes Convictions

Speakers express confidence the evidence of genocidal

statements will compel the International Court of Justice to convict Israel and leaders like Netanyahu of genocide and war crimes.

TRANSCRIPT

South Africa opens up with the case brought against Israel by saying, the relentless bombing of Gaza, that's continuing to go on, the relentless bombing of residential areas of Gaza by the IDF, by Israel, is the very essence of genocide, the very definition of genocide. And the continued displacement of Gazins out of the country is itself ethnic cleansing. Cutting off food, water, electricity, fuel is genocidal.

Even if not one person dies, cutting off water, the intent was genocidal. That's the trouble Israel is in right now. And South Africa is showing videos of this. They're showing video clips of Netanyahu and various Israeli politicians making genocidal statements, such as Defense Minister Galant, who said; ***I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel. Everything is closed. We are fighting human animals.*** Those are the same kind of statements that the Jews made in 1948. They saw them as donkeys. And so what we have now, which we didn't have in 48, we have now video clips of these Israelis saying these things. And the Israelis were so arrogant, they never imagined that these videos would be shown in a court and that they would be on trial for making these statements.

Their arrogance, their pride fooled them into believing they would never be held responsible. You've got Israeli leaders saying human animals must be treated as such. There will be no electricity, no water in Gaza. There will be only destruction. You wanted hell, you will get hell. This is being shown where South Africa is attending the hearing of the ICJ.

And Israel has to defend itself. What arguments are they going to make? Well, their first argument is they have the right of

self defense. That does not hold up legally.

That only applies in international situations. If they were being invaded by a foreign power, that would be the case. But Israel controls Gaza. Controls the territory of Gaza. Controls the waterways of Gaza, controls the property of Gaza.

Let's take it one step further. Gaza is not Israeli territory. In the eyes of the United Nations, Gaza does not belong to Israel. It is occupied territory. West bank is occupied territory. Therefore, you can't claim self defense.

It's like this at your home – If I came over to your house and took control of your property, and for years, I said, you're only going to get 4 hours of electricity today. Every day, I'm going to decide how much electricity, how much water you get. I'm going to restrict your movement. I'm controlling your lot now. This is my lot. I control it. And I'm going to tell you when you can leave, what you can do. I'm in control. But, if you fight me on that I can't claim self-defense because I'm the offender.

So, Israel is trying to claim self defense when they are excessively offending those innocent in Gaza. They're on land that doesn't belong to them, but they're so arrogant and greedy that they think it belongs to them. And all the talking heads here in the US parrot that self defense, self defense, self defense narrative.

> *ICJ Speaker speaks and says: Israel has a genocidal intent against the Palestinians in Gaza. That is evident from the way in which Israel's military attack is being conducted. Israel's special genocidal intent is rooted in the belief that in fact, the enemy is not just the military wing of Hamas, or indeed Hamas generally, but is embedded in the fabric of Palestinian life. In Gaza, Heritage Minister Amikai Aliyahu said that Israel must find ways for Gazans that are more painful than death. The intent to destroy Gaza has been*

nurtured at the highest levels of state.

These are statements. If this was a murder trial, they've got the evidence to get a conviction. They've got the killer confessing to the crime. Yes, bragging that they're going to do the crime. Not just confessing after the crime is done, but boasting that they're going to commit the crime.

Because the Israeli leadership boasted for the last three and a half months the destruction that they're going to bring to the Gazans, it's all on record. This is a slam dunk. If the International Court of Justice does not rule that Israel has committed genocide, then there is no point in continuing the international court of justice. They will be a laughingstock. Just shut it down. Who is going to believe them the next time? Who is going to take any accusations to the court the next time?

This is the most obvious evidence of genocide I've ever seen in my life. They have to convict Netanyahu and Israel. Israel will be branded a genocidal nation. War criminals. Netanyahu will be branded as a war criminal. All these Israeli Zionists will be branded as war criminals. They will not be permitted to go anywhere in the civilized world. This could be the end of Zionism. – Return TOP