

## SA speaks at ICJ case

Israel's response to the Hamas attack on 7 October 2023 has crossed the line and breaches the Convention on the Prevention and Punishment of the Crime of Genocide also referred to as "the Convention".



Image source: [@CJ\\_ICJ](#)

This is according to Minister of Justice and Correctional Services, who delivered his opening remarks at the International Court of Justice (ICJ) in The Hague, Netherlands, on Thursday.

"Madam President, 'in extending our hands across the miles to the people of Palestine, we do so in the full knowledge that are part of a humanity that is at one'. These were the words of President Nelson Mandela. This is the spirit in which South Africa acceded to the Convention," Lamola told the packed court on Thursday.

South Africa is currently on the floor in the ICJ in a legal battle against Israel, which is accused of genocide in Gaza.

South Africa approached the ICJ, under the Convention, for acts committed by Israel in its continued attack on Gaza that has claimed thousands of lives and injured many.

The Convention defines genocide as acts such as killings "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group".

The Minister believes that the violence and destruction in Palestine and Israel did not begin on 7 October 2023.

"The Palestinians have experienced systemic oppression and violence for the last 76 years, on 6 October 2023 and every day since October 7."

Meanwhile, he said that since 2005, Israel has continued to exercise control over the airspace, territorial waters, land crossings, water, electricity, civilian infrastructure and other key governmental functions.

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“Given that continuing effective control by Israel over the territory, Gaza is still considered by the international community to be under belligerent occupation by Israel.”

In the same breath, he took the stand to condemn the targeting of civilians by Hamas and other Palestinian armed groups and the taking of hostages in October last year.

“That said, no armed attack on a State’s territory no matter how serious — even an attack involving atrocity crimes — can provide any justification for, or defence to, breaches of the Convention, whether as a matter of law or morality.

“Israel’s response to the 7 October 2023 attack has crossed this line and gives rise to breaches of the Convention.”

It is for this reason that he believes South Africa has a responsibility to prevent genocide as contained in Article 1 of the Convention.

He also welcomed Israel’s involvement with the case, to have the matter resolved by the court.

## Legal counsel

South Africa’s case is presented by a team of six legal counsels, including Dr Adila Hassim, Tembeka Ngcukaitobi, Professor John Dugard, Blinne ni Ghrálaigh, Max du Plessis, and Professor Vaughan Lowe.

Hassim accused Israel is committing “acts of genocide” during its war against the Hamas terror group in Gaza.



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The advocate also showed the map of Gaza, describing it as one of the most densely populated places in the world and home to about 2.3 million Palestinians, almost half of them children.

She said Palestinians in Gaza are being killed by Israeli weaponry and bombs from the air, land and sea.

“Israel deployed 6,000 bombs per week. At least 200 times, it has deployed 2,000-pound (907kg) bombs in southern Gaza which it designated safe.”

According to Hassim, more than 1,800 Palestinian families in Gaza have lost multiple family members.

“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 the destruction of Palestinian life.

“It is inflicted deliberately, no one is spared, not even newborn babies. UN [United Nations] chiefs have described it as a graveyard for children.”

Ngcukaitobi, who was the second lawyer to take the floor, said South Africa is not alone in drawing attention to Israel’s genocidal rhetoric against Palestinians in Gaza.

However, he said 15 UN special rapporteurs and 21 members of the UN working groups have warned that what is happening in Gaza reflects a genocide in the making.

Both South Africa and Israel are expected to lay bare their arguments during the two-day public hearing at the ICJ.

The arguments continue.

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