

From [Democracy Now](#) | Original Article

South Africa began to make its case Thursday at the International Court of Justice that Israel is committing genocide against Palestinians in Gaza. In their opening statements, South Africa’s lawyers argued that the sheer scale of Israel’s violence, which has so far killed more than 23,000 people since October 7, is part of a political and military strategy aimed at the destruction of Palestinian life, using statements from top Israeli leaders to show genocidal intent. Israel and the United States have both vehemently rejected the charges. South Africa is seeking a provisional measure from the top U.N. court to stop Israel’s military campaign, though a final ruling could take years. We feature highlights from the first day of proceedings at The Hague.

NERMEEN SHAIKH: South Africa has accused Israel of acts of genocide against Palestinians in opening remarks today at a historic hearing at the International Court of Justice in The Hague. At the hearing, South Africa demanded an emergency suspension of Israel’s aerial and ground assault on Gaza, which it said was intended at bringing about, quote, “the destruction of the population of the territory.” In a detailed 84-page document launching the case late last year, South Africa alleged that Israel has demonstrated that intent. The International Court of Justice is hearing South Africa’s arguments today, and we’ll hear Israel’s response to the allegations on Friday. South Africa’s Justice Minister Ronald Lamola addressed the court at the opening of the hearing.

RONALD LAMOLA: Madam President and distinguished members of the court, it is an honor for me to stand here in front of you on behalf of the Republic of South Africa on this exceptional case. “In extending our hands across the miles to the people of Palestine, we do so in the full knowledge that we are part of a humanity that is at one.” These were the words of our founding president, Nelson Mandela. This is the spirit in which South Africa acceded to the Convention on the Prevention and Punishment of Crime of Genocide in 1998. This is the spirit in which we approach this court as a contracting party to the convention. This is a commitment we owe to the people of Palestine and Israelis alike.

As previously mentioned, the violence and the destruction in Palestine and Israel did not begin on the 7th of October, 2023. The Palestinians have experienced systematic oppression and violence for the last 76 years.

NERMEEN SHAIKH: That was South Africa's Justice Minister Ronald Lamola addressing the court at the opening of the hearing. South Africa lawyer Adila Hassim was next. She began by citing Israel's bombing campaign in Gaza in her opening argument.

ADILA HASSIM: 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.

AMY GOODMAN: South African lawyer Adila Hassim continued by laying out what South Africa says was a series of genocidal acts, including mass killing, displacement, denial of humanitarian aid, and more. She began on the mass killing of Palestinians in Gaza.

ADILA HASSIM: The first genocidal act committed by Israel is the mass killing of Palestinians in Gaza, in violation of Article II (a) of the Genocide Convention. As the U.N. 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 bombs have also decimated the north, including refugee camps. Two-thousand-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.

AMY GOODMAN: South African lawyer Adila Hassim concluded her remarks by outlining the need for an emergency suspension of Israel's assault on Gaza.

ADILA HASSIM: 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 sniping 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 Gambian 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 Gambian 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 newsfeeds show graphic images of suffering that has become unbearable to watch. Nothing will stop the suffering except an order from this court. Without an indication of provisional measures, the atrocities will continue, with the Israeli Defense Force

indicating that it intends pursuing this course of action for at least a year.

NERMEEN SHAIKH: South African lawyer Adila Hassim. She was followed by attorney Tembeka Ngcukaitobi, who outlined what South Africa said was clear evidence of genocidal intent by Israel.

TEMBEKA NGCUKAITOBI: The intentional failure of the government of Israel to condemn, prevent and punish such genocidal incitement constitutes, in itself, a grave violation of the Genocide Convention. We should recall, Madam President, that in Article I of the convention, Israel confirmed that genocide, whether committed in time of peace or in time of war, is a crime under international law, and it undertook to prevent and to punish it as such. This failure to prevent, condemn and punish such speech by the government has served to normalize genocidal rhetoric and extreme danger for Palestinians within Israeli society.

As MK Moshe Saada from the Likud party has said, the government’s own attorneys shares his views that Palestinians in Gaza must be destroyed. I quote: “You go anywhere, and they tell you to destroy them. In the kibbutz, they tell you to destroy them. My friends at the state attorney’s office, who fought with me on political issues in debates, said to me, 'It is clear that we need to destroy all Gazans.’” “Destroy all Gazans.”

Israel is aware of its destruction of Palestinian life and infrastructure. Despite this knowledge, it has maintained — and indeed intensified — its military activity in Gaza.