


South Africa v Israel

International Court of Justice

Fact Sheet





“The collective punishment of Palestinian civilians through the unlawful use of force by Israel is a war crime. The deliberate denial of medicine, fuel, food and water to the residents of Gaza is tantamount to genocide.”

— South African President Cyril Ramaphosa



On 29 December, South Africa filed a case before the International Court of Justice (ICJ) at the Hague accusing the State of Israel of genocide against the Palestinian people in Gaza.

“The acts and omissions by Israel complained of by South Africa are genocidal in character because they are intended to bring about the destruction of a substantial part of the Palestinian national, racial and ethnical group,” the South African wrote in their filing.

The court is slated to hear the arguments on 11-12 January 2024, which will determine not only whether the ICJ outlines immediate protections for the Palestinian people, but also whether the Genocide Convention withstands the test of Western impunity.

This is a summary version of the Application Instituting Proceedings filed by the Government of the Republic of South Africa on 29th December, 2023. The original filing can be accessed in full [here](#).

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Background

Since 7 October 2023, Israel has engaged in a large-scale military assault by land, air and sea, on the Gaza Strip (a narrow strip of land approximately 365 sq km, and one of the most densely populated places in the world).

Gaza — home to approximately 2.3 million people, almost half of them children — has been subjected by Israel to what has been described as one of the “heaviest conventional bombing campaigns” in the history of modern warfare.

By 29 October 2023 alone, it was estimated that 6,000 bombs per week had been dropped on the tiny enclave.

The application filed by South Africa in the International Court of Justice on the 29th of December, 2023 concerns acts threatened, adopted, condoned, taken and being taken by the Government and military of the State of Israel against the Palestinian people, a distinct national, racial and ethnic group, in the wake of the attacks in Israel on 7 October 2023.

South Africa has paid close attention to the provisions of the Genocide Convention, to its interpretation, and to its application in the years following its entry into force on 12 January 1951. South Africa is highly cognizant of the fact that acts of genocide are distinct from other violations of international law sanctioned or perpetrated by the Israeli government and military in Gaza. South Africa is also aware that acts of genocide inevitably form part of a continuum.

It is therefore important to place the acts of genocide in the broader context of Israel's conduct towards Palestinians during its **75-year-long apartheid**, its **56-year-long belligerent occupation of Palestinian territory** and its **16-year-long blockade of Gaza**, including the serious and ongoing violations of international law associated therewith, including grave breaches of the Fourth Geneva Convention.

The facts relied on by South Africa to be further developed in these proceedings establish that — *against a background of apartheid, expulsion, ethnic cleansing, annexation, occupation, discrimination, and the ongoing denial of the right of the Palestinian people to self-determination* — **Israel, since 7 October 2023 in particular, has failed to prevent genocide and has failed to prosecute the direct and public incitement to genocide.**

- South Africa unequivocally condemns all violations of international law by all parties, including the direct targeting of Israeli civilians and other nationals and hostage-taking by Hamas and other Palestinian armed groups.
- South Africa has repeatedly and urgently expressed its concerns and condemnation in respect of Israel's acts and omissions. South Africa and other States Parties to the Genocide Convention have, in particular, made clear that Israel's actions in Gaza constitute genocide against the Palestinian people.

By way of example, the Presidents of [Algeria](#), [Bolivia](#), [Brazil](#), [Colombia](#), [Cuba](#), [Iran](#), [Türkiye](#), and [Venezuela](#) have all described Israel's actions as a genocide, as has the [Palestinian President](#). State officials and representatives from [Bangladesh](#), [Egypt](#), [Honduras](#), [Iraq](#), [Jordan](#), [Libya](#), [Malaysia](#), [Namibia](#), [Pakistan](#), [Syria](#), and [Tunisia](#) have also referred to genocide or the risk thereof in Gaza.

Genocidal Acts Committed Against the Palestinian People

1. Killing Palestinians in Gaza

- [Over 21,110](#) Palestinians have been killed since Israel began its military assault on Gaza, according to the Palestinian Health Ministry, at least 70% of whom are believed to be women and children.
- An estimated [1,779 Palestinian families](#) in Gaza have lost multiple members, and hundreds of multigenerational families have been killed in their entirety, with no remaining survivors.
- [1 Palestinian in Gaza is killed every 4 minutes](#)
- Israel has killed over
 - [311](#) doctors, nurses and other health workers, including doctors and ambulance drivers killed on duty;
 - [103](#) journalists, amounting to over one per day, and more than 73% of the total number of journalists and media workers killed globally in 2023;
 - [40](#) civil defense workers;
 - [209](#) teachers and educational staff;
 - [144](#) United Nations employees (the “highest number of aid workers killed in UN history in such a short time”)

2. Causing Serious Bodily and Mental Harm to Palestinians in Gaza

- Over [55,243](#) Palestinians have been wounded in Israel’s military attacks on Gaza since 7 October 2023, the majority of them women and children.
- An estimated [1,000 children](#) have lost one or both legs

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- [80% of](#) Palestinian children are experiencing higher levels of emotional distress, demonstrating bedwetting (79%), reactive mutism (59%), engaging in self-harm (59%), and experiencing suicidal thoughts (55%).
 - [74% of the schools](#) (352 in number) in the whole of Gaza have also been destroyed.

3. Mass expulsion from homes and displacement of Palestinians in Gaza

- [Over 1.9 million Palestinians](#) out of Gaza's population of 2.3 million people (85% of the population) have been forced from their homes.
- Israel has now damaged or destroyed an [estimated 355,000](#) Palestinian homes — amounting to 60% of the entire housing stock in Gaza.

4. Deprivation of access to adequate food and water to Palestinians in Gaza

- [95% of water](#) from Gaza's sole aquifer was already unsuitable for consumption prior to 7 October 2023 due to Israel's efforts to hinder the creation and repair of water installation; and [over 68% of households](#) were severely or moderately food insecure prior to 7 October 2023.
- On 9 October 2023, [Israel declared a “complete siege”](#) on Gaza, allowing no electricity, no food, no water and no fuel to enter the strip.
- [Most of the Palestinian people in Gaza are now starving, with levels of starvation rising daily.](#)

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- An unprecedented [93% of the population](#) in Gaza is facing crisis levels of hunger, with insufficient food and high levels of malnutrition.
 - [At least 1 in 4 households](#) are facing ‘catastrophic conditions’: experiencing an extreme lack of food and starvation and having resorted to selling off their possessions and other extreme measures to afford a simple meal”.
 - [Bread is scarce or non-existent](#), with food scarcity leading to significant price hikes, and the price of flour increasing by [65% at one stage](#).
 - [Israel continues to cut off piped](#) water for the North of Gaza, and the North’s water desalination plant is non-functioning.
 - [Only 1.5-1.8 litres of clean water](#) is available per person per day, for all uses (drinking, washing, food preparation, sanitation and hygiene).
This is far below the ‘emergency threshold’ of 15 litres per day for “war or famine-like conditions”, or the ‘survival threshold’ of 3 litres per day. The lack of water is severely impacting lactating women, in particular, who require a supply of 7.5 litres of water a day to keep themselves and their babies healthy.
 - [Experts are now predicting that more Palestinians in Gaza may die from starvation and disease than airstrikes.](#)

5. Deprivation of access to adequate shelter, clothes, hygiene and sanitation to Palestinians in Gaza

- The majority of the [1.9 million displaced Palestinians](#) in Gaza are seeking shelter in UNRWA facilities, which primarily consist of schools and tents (*Israel has killed hundreds of*

Palestinian men, women and children seeking shelter in these facilities, and injured over a thousand).

- In these shelters, [more than 700 people have to share a single toilet](#), women give birth (an average of 25 per day), people are forced to nurse open wounds, people burn plastic to stay warm and tens of thousands sleep in courtyards and streets.
- On average there is “[only one shower for every 4500 people](#)” in Gaza.
- Throughout Gaza, [there are acute shortages of warm clothes](#), bedding, blankets and critical nonfood items, with people heavily dependent on salvaged wood and waste for cooking and warmth, raising the risk of respiratory diseases.
- There is also an [acute shortage of clean water](#), severely impacting not just the ability to hydrate, but to wash, clean and cook.
- Diarrhoea cases among children aged under 5 [are 25 times](#) what they were before Israel’s military campaign.

6. Deprivation of adequate medical assistance to Palestinians in Gaza

- Gaza’s healthcare system — already crippled by years of blockade and prior attacks by Israel — is unable to cope with the sheer scale of the injuries (*with [55,243](#) injured including at least 8,663 children*).
- [Only 13 out of 36 hospitals](#) and 18 out of 72 healthcare centres are still even functioning, some of them barely, despite the

overwhelming number of people injured in Israeli attack.

- On average, [4 health workers are killed a day](#). The World Health Organization has [documented](#) 203 attacks on healthcare facilities that have led to at least 22 fatalities and 59 injuries of health workers on duty.
- At least [570 Palestinians](#) have been killed at hospitals and healthcare centres in Gaza and a further 746 have been injured.
- Other Palestinians have died as a direct result of Israel cutting off electricity and fuel to hospitals; they include five premature babies and [40 ICU](#) and kidney patients at Al Shifa hospital.
- Thousands of Palestinians in Gaza are also in need of urgent care for kidney disease and cancer, and an estimated [130 premature babies](#) are dependent on incubators for survival at any given time. Many of them are now unable to receive medical assistance.

7. Destruction of Palestinian Life in Gaza

- Israel has destroyed not only individual homes, houses, and whole apartment blocks; it has destroyed entire streets, and entire neighbourhoods.
- The level of destruction that has taken place of “[housing units, as well as hospitals, schools, mosques, bakeries, water pipes, sewage and electricity networks...threatens to make the continuation of Palestinian life in Gaza impossible](#)”.
- Shuja'iyya, a suburb of Gaza City, once home to approximately 110,000 Palestinians, [appears to now be a vast wasteland](#), entirely flattened as far as the eye can see.

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- Israel has targeted the [Palace of Justice](#), the Palestinian Legislative Council complex and [Gaza City's Central Archive building](#) (which contains historical documents and national records dating back over 100 years, and forming an essential archive of Palestinian history, as well as more modern records for Gaza City's urban development).
 - Israel has left [Gaza City's main public library in ruins](#). It has also damaged or destroyed countless bookshops, publishing houses, libraries, and hundreds of educational facilities.
 - Israel has damaged or destroyed an estimated [318 Muslim and Christian religious sites](#), demolishing the places where Palestinians have worshipped for generations.

8. Imposing measures intended to prevent Palestinian births

- [70%](#) of those killed in Gaza are estimated to be women and children.
- Two mothers are estimated to be killed every hour in Gaza.
- [An estimated 5,500](#) of approximately 52,000 pregnant Palestinian women in Gaza giving birth each month are doing so in unsafe conditions, often with no clean water, and little medical assistance.
- Premature births have reportedly increased by between [25-30%](#).

Expressions of Genocidal Intent against the Palestinian People by Israeli State Officials

Evidence of Israeli State officials' specific intent to commit and persist in committing genocidal acts or to fail to prevent them has been significant and overt since October 2023.

- 1. Prime Minister of Israel:** On 28 October 2023, as Israeli forces prepared their land invasion of Gaza, the Prime Minister invoked the Biblical story of the total destruction of Amalek by the Israelites, **stating**: “you must remember what Amalek has done to you, says our Holy Bible. And we do remember”. The Prime Minister **referred again** to Amalek in the letter sent on 3 November 2023 to Israeli soldiers and officers. *The relevant biblical passage reads as follows*: “Now go, attack Amalek, and proscribe all that belongs to him. Spare no one, but kill alike men and women, infants and sucklings, oxen and sheep, camels and asses.”
- 2. President of Israel:** On 15 October 2023, the President **told** foreign media that “we will uproot evil so that there will be good for the entire region and the world.” The Israeli President is one of many Israelis to have **handwritten ‘messages’** on bombs to be dropped on Gaza.
- 3. Israeli Minister of Defence:** Defence Minister Yoav Gallant informed troops on the Gaza border that he **had** “released all the restraints”, stating in terms **that**: “Gaza won’t return to what it was before. We will eliminate everything. If it doesn’t take one day, it will take a week. It will take weeks or even months, we will reach all places.”
- 4. Israeli Minister for National Security:** On 10 November 2023, Itamar Ben-Gvir **stated** that: “[t]o be clear, when we say that Hamas should be destroyed, it also means those who celebrate, those who support, and those who hand out candy — they’re all terrorists, and they should also be destroyed.”

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5. **Israeli Minister of Energy and Infrastructure:** On 13 October 2023, Israel Katz [stated](#): “All the civilian population in Gaza is ordered to leave immediately. We will win. They will not receive a drop of water or a single battery until they leave the world.”
 6. **Israeli Minister of Finance:** On 8 October 2023, Bezalel Smotrich [stated](#) that “[w]e need to deal a blow that hasn’t been seen in 50 years and take down Gaza.”
 7. **Israeli Minister of Heritage:** On 1 November 2023, Amichai Eliyahu [posted](#) on Facebook: “The north of the Gaza Strip, more beautiful than ever. Everything is blown up and flattened, simply a pleasure for the eyes ... We must talk about the day after. In my mind, we will hand over lots to all those who fought for Gaza over the years and to those evicted from Gush Katif [a former Israeli settlement].”
 8. **Israeli Minister of Agriculture:** On 11 November 2023, Avi Dichter recalled the Nakba of 1948, [stating](#) that “[w]e are now actually rolling out the Gaza Nakba”.
 9. **Deputy Speaker of the Knesset and Member of the Foreign Affairs and Security Committee:** On 7 October 2023, Nissim Vaturi [‘tweeted’](#) that: “[n]ow we all have one common goal — erasing the Gaza Strip from the face of the earth. Those who are unable will be replaced.”
 10. **Head of the Israeli army’s Air Operations Group:** On 28 October 2023, Lieutenant colonel Gilad Kinan [described](#) the Air Force as “work[ing] together with all the bodies in the IDF when the goal is clear — to destroy everything that has been touched by the hand of Hamas.”

Provisional Measures Requested

1. The State of Israel shall immediately suspend its military operations in and against Gaza.
2. The State of Israel shall ensure that any military or irregular armed units which may be directed, supported or influenced by it, as well as any organisations and persons which may be subject to its control, direction or influence, take no steps in furtherance of the military operations referred to point (1) above.
3. The Republic of South Africa and the State of Israel shall each, in accordance with their obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the Palestinian people, take all reasonable measures within their power to prevent genocide.
4. The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the Palestinian people as a group protected by the Convention on the Prevention and Punishment of the Crime of Genocide, desist from the commission of any and all acts within the scope of Article II of the Convention, in particular:
 - killing members of the group;
 - causing serious bodily or mental harm to the members of the group;
 - deliberately inflicting on the group conditions of life; calculated to bring about its physical destruction in whole or in part; and
 - imposing measures intended to prevent births within the group.
5. The State of Israel shall, pursuant to point (4) above, in relation to Palestinians, desist from, and take all measures within its power including the rescinding of relevant orders, of restrictions and/or of prohibitions to prevent:

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- the expulsion and forced displacement from their homes;
 - the deprivation of:
 - access to adequate food and water;
 - access to humanitarian assistance, including access to adequate fuel, shelter, clothes, hygiene and sanitation;
 - medical supplies and assistance
 - the destruction of Palestinian life in Gaza.
6. The State of Israel shall, in relation to Palestinians, ensure that its military, as well as any irregular armed units or individuals which may be directed, supported or otherwise influenced by it and any organizations and persons which may be subject to its control, direction or influence, do not commit any acts described in (4) and (5) above, or engage in direct and public incitement to commit genocide, conspiracy to commit genocide, attempt to commit genocide, or complicity in genocide, and insofar as they do engage therein, that steps are taken towards their punishment pursuant to Articles I, II, III and IV of the Convention on the Prevention and Punishment of the Crime of Genocide.
 7. The State of Israel shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II of the Convention on the Prevention and Punishment of the Crime of Genocide; to that end, the State of Israel shall not act to deny or otherwise restrict access by fact-finding missions, international mandates and other bodies to Gaza to assist in ensuring the preservation and retention of said evidence.
 8. The State of Israel shall submit a report to the Court on all measures taken to give effect to this Order within one week, as from the date of this Order, and thereafter at such regular intervals as the Court shall order, until a final decision on the case is rendered by the Court.
 9. The State of Israel shall refrain from any action and shall ensure that no action is taken which might aggravate or extend the dispute before the Court or make it more difficult to resolve.

About us

The Progressive International launched in May 2020 with a mission to unite, organize and mobilize the world's progressive forces.

Since then, it has grown to include over a hundred organizations representing millions of people on all inhabited continents — and organized campaigns and actions involving millions more.

WEBSITE

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