

## FACTS SPEECH: GAZA

### ADILA HASSIM SC

- 1 Mr President and members of the Court, it is a privilege to appear again before you on behalf of South Africa. But it is also a tragedy that we are back here, four months after this Court first ordered provisional measures in this case against the State of Israel. South Africa is compelled to appear before you with this urgent request for provisional measures in circumstances where the “alarm sounded by the Court”<sup>1</sup> on 28 March 2024 that “[a]ll the indicators of genocidal activities are flashing red in Gaza” – and in Rafah in particular – is sounding louder than ever before.
- 2 This is because Israel has defied every single provisional measure indicated by this Court in its Orders of 26 January and 28 March and its Decision of 16 February. As I stand before you today, Palestinians in Gaza are not safe. They are not secure. They are being subjected to an ongoing and intensifying genocide at the hands of Israel. Their future hangs in the balance.
- 3 Mr du Plessis explained in his address the horrors unfolding in Rafah — the last area in Gaza in which Palestinian life can meaningfully be sustained. The assault on Rafah, which has triggered this application, is inextricably linked to the ongoing genocidal conduct being committed *across* Gaza.

### GAZA – GENERALLY

- 4 Mr President, I place before the Court again, a map of Gaza.
- 5 I remind the Court that Gaza is a narrow strip of land of approximately 365 square kilometres. It is just 6km wide. The length, top to bottom is just 44km – which is about the distance between this Court and Schiphol Airport. In South African terms, this is even less than the distance between Johannesburg and Pretoria.
- 6 Rafah lies in the south of Gaza with an area of approximately 60sq. km. This time last year, Rafah was home to around 275 000 Palestinians.<sup>2</sup> As a result of Israel’s onslaught of Gaza since

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<sup>1</sup> *South Africa v Israel*, Order of 28 March 2024, Declaration of Judge Yusuf, para 12.

<sup>2</sup> Al Mezan Center for Human Rights, *Israeli Military Escalates Bombing of Civilian Homes in Rafah Amid Threats of Ground Invasion* (2 May 2024), <https://www.mezan.org/en/post/46427/Israeli-Military-Escalates-Bombing-of-Civilian-Homes-in-Rafah-Amid-Threats-of-Ground-Invasion%C2%A0>.

7 October, and its evacuation orders covering more than *three quarters* of Gaza's total territory,<sup>3</sup> 1,2 million *additional* Palestinians fled *into* Rafah, under order of Israel, as a place of last refuge.<sup>4</sup>

7 Now, Israel has issued *further* evacuation orders, directing Palestinians to leave Rafah. In just the past week, 600,000 Palestinians have been forced to flee from Rafah,<sup>5</sup> but with nowhere to go. In the words repeated by so many UN experts: Nowhere is safe.<sup>6</sup> There is a total collapse of infrastructure, of sanitation, of water, of food supply: the conditions necessary to sustain life for the approximately 2.3 million Palestinians across Gaza,<sup>7</sup> almost half of them children, and almost all of them displaced several times with no home to return to.

8 The picture on the screen shows Palestinians last month, starting to return to their homes after Israel's withdrawal of its occupation of Khan Younis. As we can all see, there is nothing left.<sup>8</sup>

9 Israel's most recent actions in Rafah, bring its "coordinated plan...aimed at the destruction of the essential foundations of [Palestinian] life"<sup>9</sup> into Gaza — into horrifying focus.

10 We are in the final stages of that "coordinated plan", where the "different actions" of Israel – to use Lemkin's terms – the systematic "disintegration of the political, and social institutions and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives"<sup>10</sup> of Palestinians – have led to the present precipice. Israel has the power over each and every Palestinian man, woman and child in Gaza, to determine if they live or how they die. History warns us what happens next. We cannot simply stand by, waiting for it to happen again.

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<sup>3</sup> UN OCHA, Hostilities in the Gaza Strip and Israel | Flash Update #162, (6 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-162>.

<sup>4</sup> UNICEF, There is 'nowhere safe to go' for the 600,000 children of Rafah, warns UNICEF (6 May 2024), <https://www.unicef.org/press-releases/there-nowhere-safe-go-600000-children-rafah-warns-unicef>.

<sup>5</sup> UN, Gaza: 600,000 displaced from Rafah (15 May 2024), <https://news.un.org/en/story/2024/05/1149756>.

<sup>6</sup> UNRWA @UNRWA Tweet (12:54 pm, 8 May 2024) <https://twitter.com/unrwa/status/1788160494198464612>;

UN OCHA, UN relief chief: 'No place safe' for civilians in southern Gaza (7 December 2023), <https://www.unocha.org/news/un-relief-chief-no-place-safe-civilians-southern-gaza>.

<sup>7</sup> Oxfam, Epidemic risk rising as Rafah invasion compounds lethal cocktail of over-crowding, sewage and hunger (13 May 2024), <https://www.oxfam.org/en/press-releases/epidemic-risk-rising-rafah-invasion-compounds-lethal-cocktail-over-crowding-sewage>.

<sup>8</sup> Save the Children, Gaza: Aid Workers Find Ghost Town and Children Living amid Rubble in Khan Younis (25 April 2024), <https://www.savethechildren.org.uk/news/media-centre/press-releases/gaza-khan-younis-ghost-town-children-living-among-rubble>.

<sup>9</sup> Raphaël Lemkin, Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress (1944), p. 79.

<sup>10</sup> *Ibid*, p. 79.

## OVERVIEW

- 11 It is not possible to recount every story of every Palestinian who is suffering at the hands of Israel’s relentless genocidal campaign. Indeed, this Court has held in *Bosnian Genocide* that “it [is] sufficient to examine those facts that would illuminate the question of intent, or illustrate the claim by the Applicant of a pattern of acts committed against members of the group, such as to lead to an inference from such pattern of the existence of a specific intent”.<sup>11</sup>
- 12 In this address, I show, that Israel’s genocidal acts against Palestinians in Rafah form part of a *continuing, escalating* pattern of conduct *across Gaza* that provides “persuasive and consistent evidence”<sup>12</sup> of Israel’s genocidal conduct in Gaza. In light of these new facts, South Africa seeks an order from the Court – the *only* order – that will clearly protect what is left of Palestinian life in Gaza. It seeks an **explicit** order that Israel “cease its military activities” **not only** in Rafah but *throughout* Gaza.

## THE FACTS

- 13 Turning to Israel’s genocidal acts: In my remaining time before you, I will highlight the following features of Israel’s genocidal campaign:
- 13.1 First, Israel has continued to **kill Palestinians in Gaza**, including women and children at an alarming rate.
- 13.2 Second, as a result of Israel’s onslaught, Palestinians in Gaza are facing what the Under-Secretary General of the UN has described as the “**worst humanitarian crisis**” he has seen for more than 50 years.<sup>13</sup>
- 13.3 Third, Israel’s systematic targeting and bombardment of hospitals and medical facilities, and its throttling of humanitarian aid, has pushed Gaza’s **medical system to collapse**;

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<sup>11</sup> *Bosnian Genocide* case (Bosnia v. Serbia), Judgment of 26 February 2007, p. 143, para 242.

<sup>12</sup> *Bosnian Genocide* case (Bosnia v. Serbia), Judgment of 26 February 2007, p. 143, para 242.

<sup>13</sup> Statement by Under-Secretary-General for Humanitarian Affairs on Sky News, 14 February 2024: “Gaza is worst humanitarian crisis I have seen in 50 years’, top UN official says”, Sky News (14 February 2024), <https://news.sky.com/story/gaza-is-worst-humanitarian-crisis-i-have-seen-in-50-years-top-un-official-tells-sky-news-13071666>.

13.4 Fourth, Israel's direct attack on and siege of Gaza's biggest hospitals has led to the uncovering of **mass graves** evidencing **Israeli massacres** of Palestinians seeking shelter and treatment;

13.5 Finally, most recently, Israel has intensified its attacks in the North while pressing on with its Rafah offensive leaving displaced Palestinians **nowhere safe to go**.

14 I take these in turn.

### **First feature: Israel's relentless killing of Palestinians in Gaza**

15 Since South Africa appeared before the Court on 11 January 2024, at least 11,500 Palestinians have been directly killed by Israel.<sup>14</sup> The majority of these casualties are women and children in an enclave where nearly 50 *per cent* of the population are children.<sup>15</sup>

16 This onslaught has occurred despite the binding orders issued by this Court, and the binding Security Council Resolution on 25 March 2024 demanding "an immediate ceasefire for the month of Ramadan".<sup>16</sup> In fact, as UNICEF pointed out, a 'double-digit' number of children were killed *within hours* of that Resolution,<sup>17</sup> and the death toll for children in the conflict as a whole has reached an "astronomical, horrifying number".<sup>18</sup> Two mothers<sup>19</sup> and four children<sup>20</sup> are killed every hour.

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<sup>14</sup> UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 220* (13 May 2024) <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-220>; UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 96* (11 January 2024) <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-96>.

<sup>15</sup> *Gaza's Silent Killings: The destruction of the healthcare system and the struggle for survival in Rafah* (29 April 2024) at p. 10, [https://www.msf.org/sites/default/files/2024-04/MSF-GazaSilentKillings-Full%20Report\\_ENG\\_April%202023.pdf](https://www.msf.org/sites/default/files/2024-04/MSF-GazaSilentKillings-Full%20Report_ENG_April%202023.pdf). UN, *Daily Press Briefing by the Office of the Spokesperson for the Secretary-General* (13 May 2024), <https://press.un.org/en/2024/db240513.doc.htm>.

<sup>16</sup> UN Security Council, *The situation in the Middle East, including the Palestine Question*, S/RES/2728 (2024).

<sup>17</sup> UN, *Gaza: 'Double-digit' number of children reported killed overnight* (26 March 2024), <https://news.un.org/en/story/2024/03/1147966>.

<sup>18</sup> Face The Nation, @FaceTheNation, Tweet (4:30 pm, March 17, 2024), <https://twitter.com/FaceTheNation/status/1769400917076377704>.

<sup>19</sup> International Rescue Committee, *Pregnant women and mothers in Gaza are fighting to keep themselves and their babies alive amidst healthcare collapse, the IRC warns* (2 April 2024), <https://www.rescue.org/press-release/pregnant-women-and-mothers-gaza-are-fighting-keep-themselves-and-their-babies-alive>

<sup>20</sup> Palestine — Central Bureau of Statistics (4 April 2024), [https://www.pcbs.gov.ps/portals/\\_pcbs/PressRelease/Press\\_En\\_PalChildDay2024E.pdf](https://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_PalChildDay2024E.pdf) (cited in OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #150* (5 April 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-150>

17 UNRWA head, Phillipe Lazzarini says there are “[n]o words left that can do any justice to the people of Gaza”.<sup>21</sup> The numbers of dead and injured defy comprehension: at least 35,000 Palestinians killed, and 79,000 Palestinians injured, with 10,000 more reportedly missing or under rubble in Gaza;<sup>22</sup> up to 1.7 million displaced, most multiple times;<sup>23</sup> and more than 70 per cent of all housing stock in Gaza, and more than 80 per cent in parts of northern region damaged or destroyed.<sup>24</sup>

## Second feature - Humanitarian catastrophe

18 Israel’s “coordinated plan” in Gaza has resulted in a humanitarian crisis – the crisis that this Court warned Israel about in January, February and in March. What Palestinians in Gaza face has been described as “apocalyptic levels of pain and injustice [...] given that food and other vital aid cannot get in and people – including the chronically sick and injured – cannot get out”.<sup>25</sup>

19 These “apocalyptic”<sup>26</sup> conditions look set to worsen: with Israel’s ongoing attacks on the North, Middle and South, with “full-blown famine” in the north, “moving its way south”,<sup>27</sup> and with Israel’s blockade on food, fuel and medical supplies.

20 Gaza’s children have suffered particularly severely. More than 14,000<sup>28</sup> have been killed; thousands more have been injured or lost family members, loved ones or friends, while an estimated 17,000 children are unaccompanied or separated.<sup>29</sup> Nearly all of Gaza’s children have been exposed to traumatic experiences, the consequences of which will last a lifetime.

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<sup>21</sup> Philippe Lazzarini, @UNLazzarini, Tweet (8:11 pm, 12 May 2024), <https://twitter.com/UNLazzarini/status/1789720036900323609>.

<sup>22</sup> UN OCHA, Hostilities in the Gaza Strip and Israel | Flash Update #166 (15 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

<sup>23</sup> UNRWA, Situation Report for #107 on the situation in the Gaza Strip and the West Bank, including East Jerusalem (14 May 2024), <https://www.unrwa.org/resources/reports/unrwa-situation-report-107-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

<sup>24</sup> UN News, UN rights expert condemns ‘systematic’ war-time mass destruction of homes (5 March 2024), <https://news.un.org/en/story/2024/03/1147272>.

<sup>25</sup> CARE International, *Statement from CARE International Secretary General Sofia Sprechmann Sineiro on Rafah Ground Offensive* (10 May 2024) <https://www.care.org.au/media/media-releases/statement-from-care-international-secretary-general-sofia-sprechmann-sineiro-on-rafah-ground-offensive>.

<sup>26</sup> CARE International, *Statement from CARE International Secretary General Sofia Sprechmann Sineiro on Rafah Ground Offensive* (10 May 2024) <https://www.care.org.au/media/media-releases/statement-from-care-international-secretary-general-sofia-sprechmann-sineiro-on-rafah-ground-offensive>.

<sup>27</sup> NBC, ‘Full-blown famine’ in northern Gaza, says World Food Programme executive director Cindy McCain, <https://www.youtube.com/watch?v=r7QWply967Q>, [1:15].

<sup>28</sup> UN OCHA, Hostilities in the Gaza Strip and Israel | Flash Update #166 (15 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

<sup>29</sup> UNICEF, Stories of loss and grief: At least 17,000 children are estimated to be unaccompanied or separated from their parents in the Gaza Strip (2 February 2024), <https://www.unicef.org/press-releases/stories-loss-and-grief-least-17000-children-are-estimated-be-unaccompanied-or>.

- 21 Make no mistake: these conditions are a *direct* result of Israel’s military onslaught on the besieged enclave, with full knowledge of the destructive consequences of this humanitarian crisis.<sup>30</sup>
- 22 The thwarting of humanitarian aid cannot be seen as anything but the deliberate snuffing out of Palestinian lives: Starvation to the point of famine, obstructing aid in the face of famine, and killing of at least 200 aid workers. For the Court’s previous orders to be effective, for the provision of humanitarian aid urgently and at scale, Israel has to be ordered to stop its military offensive.

**Third feature: Israel’s systematic bombardment of hospitals and medical facilities, and its throttling of humanitarian aid, has pushed Gaza’s medical system to the brink of collapse**

- 23 Israel’s offensive on Rafah, has further reduced access to healthcare in an already decimated health system.<sup>31</sup> Only two out of 36 hospitals are located within the so-called “Humanitarian Area” designated by Israel.<sup>32</sup>
- 24 In just six days, between 6 and 12 May, *Médecins Sans Frontières* recorded that it was forced to suspend its life-sustaining activities at Al-Shaboura clinic, hand over its activities at Al-Emirati hospital, and was forced to close its activities in Rafah Indonesian Field hospital as it could not guarantee the security and safety of patients and staff with the ongoing offensive.<sup>33</sup>
- 25 The assault on healthcare within Rafah is the culmination of a pattern of attacks on health services in Gaza,<sup>34</sup> through which the main hospitals across Gaza have completely stopped functioning.<sup>35</sup>
- 26 After Israel’s military seized the Rafah and Kerem Shalom crossings last week, and prohibited the importation of life-giving fuel to hospitals, on 13 May, the European Gaza Hospital

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<sup>30</sup> United Nations News, *Addressing Kuwait City Conference, Secretary-General Repeats ‘World’s Call’ for Immediate Humanitarian Ceasefire in Gaza, Release of All Hostages* (12 May 2024), <https://press.un.org/en/2024/sgsm22222.doc.htm>.

<sup>31</sup> MSF, ‘Strikes, raids and incursions: Seven months of relentless attacks on healthcare in Palestine’ (14 May 2024), <https://www.msf.org/strikes-raids-and-incursions-seven-months-relentless-attacks-healthcare-palestine>.

<sup>32</sup> WHO, *oPt Emergency Situation Update* (8 May 2024), [https://www.emro.who.int/images/stories/Sitrep\\_-\\_issue\\_30.pdf](https://www.emro.who.int/images/stories/Sitrep_-_issue_30.pdf).

<sup>33</sup> MSF, Another hospital in Gaza forced to close amid intensified Israeli offensive in Rafah (14 May 2024), <https://www.msf.org/another-hospital-gaza-forced-close-amid-intensified-israeli-offensive-rafah>; UN OHCHR,

<sup>34</sup> MSF, Another hospital in Gaza forced to close amid intensified Israeli offensive in Rafah (14 May 2024), <https://www.msf.org/another-hospital-gaza-forced-close-amid-intensified-israeli-offensive-rafah>; UN OHCHR, *UN Human Rights concerned by pattern of Israeli raids on Gaza medical facilities* (15 February 2024), <https://www.ohchr.org/en/statements-and-speeches/2024/02/un-human-rights-concerned-pattern-israeli-raids-gaza-medical-facilities>.

<sup>35</sup> World Health Organization (WHO) @WHO, Tweet (6:10 pm, 6 April 2024), <https://twitter.com/WHO/status/1776658706744082924>.

completely ran out of fuel and experienced a total blackout.<sup>36</sup> Without fuel, hospitals cannot sustain incubators, respirators and lifesaving machinery.<sup>37</sup>

27 Healthcare in Gaza is crippled by shortages of food, fuel, oxygen, medicines and anaesthetics.<sup>38</sup> The obstetric and maternity health system in Gaza is virtually non-existent, and every functioning medical facility is overwhelmed with patients.<sup>39</sup> Babies continue to die of malnutrition and starvation.<sup>40</sup>

28 Nor is there any escape: Medical evacuations are impossible.<sup>41</sup> Israel has seized control of all entry and exit points into and out of Gaza, trapping an already suffering population and inflicting conditions of life calculated to bring about Palestinians' physical and biological destruction in clear violation of Article II(c) of the Genocide Convention.

#### **Fourth feature: The uncovering of mass graves demonstrating evidence of Israeli massacres of Palestinians seeking shelter and treatment**

29 In its targeted attacks on hospitals, Israel has killed hundreds of civilians, including doctors and medical staff, turning centres built for healing, including Gaza's main teaching hospital Al Shifa<sup>42</sup> into mass graves full of the decomposing bodies of men, women and children.<sup>43</sup>

30 On 10 April, a UN inspection team reported that Khan Younis was reduced to "rubble and dirt",<sup>44</sup> and returnees discovered ghastly scenes of unearthed mass graves containing the massacred

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<sup>36</sup> MAP UK, *Medical Aid for Palestinians (MAP) Update on the hospital situation in Gaza: 13 May 2024, 12:40* <https://reliefweb.int/report/occupied-palestinian-territory/medical-aid-palestinians-map-update-hospital-situation-gaza-13-may-2024-1240>.

<sup>37</sup> UN News, *Gaza: As exodus from Rafah continues, UN urges reopening of aid lines* (10 May 2024), <https://news.un.org/en/story/2024/05/1149591>.

<sup>38</sup> MSF, *The near impossible task of getting lifesaving supplies into Gaza* (2 May 2024), <https://www.msf.org/near-impossible-task-getting-lifesaving-supplies-gaza>; Gisha, *Gaza Now: Current facts and figures* (15 April 2024), <https://gisha.org/en/the-humanitarian-catastrophe-in-gaza-facts-and-figures/>; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #156* (22 April 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-156>.

<sup>39</sup> International Rescue Committee, *The collapse of Gaza's health system* (updated 6 May 2024) <https://www.rescue.org/article/collapse-gazas-health-system>.

<sup>40</sup> MSF, *Gaza's Silent Killings* (29 April 2024), [https://www.msf.org/sites/default/files/2024-04/MSF-GazaSilentKillings-Full%20Report\\_ENG\\_April%202023.pdf](https://www.msf.org/sites/default/files/2024-04/MSF-GazaSilentKillings-Full%20Report_ENG_April%202023.pdf).

<sup>41</sup> UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #163* (8 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-163>; "Patients and medics flee major Rafah hospital" *Reuters* (7 May 2024) <https://www.reuters.com/world/middle-east/patients-medics-flee-major-rafah-hospital-2024-05-07/>.

<sup>42</sup> UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 196* (19 April 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-196>.

<sup>43</sup> United Nations, *Global Perspective News Stories, Gaza: 'Systematic dismantling of healthcare must end' says WHO* (6 April 2024), <https://news.un.org/en/story/2024/04/1148316>.

<sup>44</sup> Director-General of the World Health Organization, Tedros Adhanom Ghebreyesus, @DrTedros, *Tweet* (9:28 pm, April 11, 2024), <https://twitter.com/DrTedros/status/1778520394716377489>.

bodies of the elderly, children, women and men at Al Nasser hospital.<sup>45</sup> Blue scrubs reportedly still clothed the dead bodies of medical staff; many were decapitated.<sup>46</sup> 324 decomposing bodies were discovered, many stripped and handcuffed — of these only 42 were identified.<sup>47</sup> Another 30 bodies were discovered in two mass graves in Al Shifa hospital, with only 12 identified,<sup>48</sup> prompting the United Nations Secretary General to call for the immediate access of independent investigators.<sup>49</sup> These bodies included women and children, with many reportedly showing signs of torture and summary executions, and potential instances of people buried alive”.<sup>50</sup>

31 The recent discovery of multiple “mass graves”, Israel’s ongoing chokehold on information coming out of Gaza, and complete refusal to allow independent investigators in, means that we will not know how many Palestinians have been killed by Israel’s military campaign for some time, if at all. And only if the evidence is not obliterated by Israel’s military operations in what Commissioner Volker Turk describes as the “prevailing climate of impunity”.<sup>51</sup> It is for this reason that South Africa seeks an order requiring Israel to facilitate the unimpeded access into Gaza of fact-finding missions, officials, investigators and journalists.

**Fifth feature- Israel has intensified its attacks in the North while pressing on with its Rafah offensive leaving displaced Palestinians nowhere safe to go, obliterating their right to return.**

32 During the past week, while our eyes and attention were drawn to the horrific acts unfolding in Rafah, Israeli tanks rolled again into Northern Gaza – an area that Israel reported that it had “cleared” many months ago. On 11 May, Israel issued evacuation orders over 22 neighbourhoods

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<sup>45</sup> “Uncovering of mass grave at Gaza’s Nasser Hospital: What you need to know” *Al Jazeera* (24 April 2024) <https://www.aljazeera.com/news/2024/4/24/uncovering-of-mass-grave-at-gazas-nasser-hospital-what-you-need-to-know>.

<sup>46</sup> “War on Gaza: Hundreds of bodies unearthed in Khan Younis hospital mass graves”, *Middle East Eye* (21 April 2024), <https://www.middleeasteye.net/news/hundreds-bodies-unearthed-nasser-hospital-mass-graves>; Palestine Online, @OnlinePalEng, Tweet (7:36 am, April 22, 2024), <https://twitter.com/OnlinePalEng/status/1782297382702489641>.

<sup>47</sup> UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #157* (24 April 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-157>; UN Global news Perspective Stories, *Mass graves in Gaza show victims’ hands were tied, says UN rights office* (23 April 2024), <https://news.un.org/en/story/2024/04/1148876>.

<sup>48</sup> UN Global news Perspective Stories, *Mass graves in Gaza show victims’ hands were tied, says UN rights office* (23 April 2024), <https://news.un.org/en/story/2024/04/1148876>.

<sup>49</sup> António Guterres, @antonioguterres, Tweet (8:44 pm, 30 April 2024), <https://twitter.com/antonioguterres/status/1785394742391402660>.

<sup>50</sup> UN OHCHR, *Onslaught of violence against women and children in Gaza unacceptable: UN experts* (6 May 2024) <https://www.ohchr.org/en/press-releases/2024/05/onslaught-violence-against-women-and-children-gaza-unacceptable-un-experts>.

<sup>51</sup> UN OHCHR, *UN Human Rights Chief deplores harrowing killings of children and women in Rafah* (23 April 2024) <https://www.ohchr.org/en/press-releases/2024/04/un-human-rights-chief-deplores-harrowing-killings-children-and-women-rafah>.



in Jabaliya in Northern Gaza. At least 100,000 people in the North have been forced to flee their devastated homes,<sup>52</sup> with nowhere to go, and no real prospect of returning home.

- 33 That same day, Israel began a relentless assault on Northern Gaza, killing Palestinian families in their homes,<sup>53</sup> and children near the Tawbah Mosque within the Jabaliya refugee camp.<sup>54</sup> Journalists report that they have “no idea about the number of people killed in North Gaza for the past day as medics are unable to move due to the heavy bombing. Many people are still trapped under the rubble, waiting for rescue but no one is able to move under the rains of bombs”.<sup>55</sup>
- 34 As I stand before you, Mr President, it continues. On 14 and 15 May – just yesterday and the day before yesterday - the Israeli military issued two new sets of evacuation orders for all or part of 19 neighbourhoods in northern Gaza,<sup>56</sup> displacing even more Palestinians in search of safety.

## DISINFORMATION

- 35 Mister President, these are the credible facts. Israel will no doubt *once again* deny, obfuscate, and cast aspersions on the information presented by South Africa and provided by the UN and other international actors – including those the Court itself has relied on. It will do so while continuing to systematically attack all independent sources of information about what is taking place in Gaza, and refuse international investigators and journalists entry into Gaza.
- 36 Having denied access to Gaza and attempted to discredit all other sources of information, Israel is then free to portray a picture of Gaza radically at odds with all other accounts.<sup>57</sup> Just yesterday the Prime Minister’s office proclaimed that “The humanitarian catastrophe that has been spoken of has not been realized, nor will it.”<sup>58</sup> A bald denial of the findings of UN experts and other independent agencies, such as the Integrated Food Security Phase Classification Global Initiative – or IPC. As this Court pointed out, the IPC is a “global partnership of organizations including,

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<sup>52</sup> UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #165* (13 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-16557>.

<sup>53</sup> UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #165* (13 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-165>.

<sup>54</sup> UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #165* (13 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-165>.

<sup>55</sup> حسام شبّات @HossamShabat, Tweet (3:57 am, 12 May 2024) <https://twitter.com/HossamShabat/status/1789475047326851530>.

<sup>56</sup> UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #166* (15 May 2024) <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

<sup>57</sup> Jeremy Scahill “Netanyahu’s war on truth” *The Intercept* (7 February 2024) <https://theintercept.com/2024/02/07/gaza-israel-netanyahu-propaganda-lies-palestinians/>

<sup>58</sup> <https://www.gov.il/en/pages/spoke-protection150524>.

*inter alia*, the World Food Programme, the Food and Agriculture Organization of the United Nations and the World Health Organization”.<sup>59</sup>

- 37 Ultimately, Israel says only what suits them, only if and when it suits them – notwithstanding the facts on the ground. Despite the Court providing Israel with an opportunity to respond to South Africa’s current request, Israel has failed timeously to submit a response.

## **Conclusion**

- 38 The risks to the people of Gaza are imminent, irreparable, and rapidly increasing. This risk gives rise to the necessity for the remedy that we seek in this application: a remedy that will end Israel’s genocidal campaign against Palestinians in Gaza.

- 39 All of what I have described must stop. Israel must be stopped. South Africa is before you again today to ask the Court to invoke its powers under Article 75(2) of the Rules of the Court to order a remedy that will stop Israel.

- 40 Mister President, that concludes my address on the genocidal conduct of Israel in Gaza. I thank you for your patient attention, and I ask that you call Mr Ngcukaitobi to the podium to address the Court on genocidal intent.

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<sup>59</sup> *Israel v South Africa*, Order of 28 March 2024, para 19.