

**FINAL SUBMISSIONS BY AGENT OF THE REPUBLIC OF SOUTH AFRICA,
H.E AMBASSADOR VUSIMUZI PHILEMON MADONSELA,
ON 16 MAY 2024**

Mr President, it is my honour to deliver to Your Excellencies the final provisional measures that South Africa requests from this Court.

The exponential gravity of the situation in Gaza, has already demanded that South Africa return to this Court on four consecutive occasions calling for provisional measures to stop the destruction in Gaza on a scale not witnessed since World War II,¹ and epitomized by the most unbearable human suffering.² Willfully ignoring the previous provisional measures, Israel is acting with complete impunity in Gaza, escalating hostilities in a final wave of apocalyptic destruction,³ from which there is no return.

There is a danger which stems from a form of amnesia and denial by former colonial powers in relation to the crimes associated with colonial violence perpetrated against indigenous peoples. This includes the denial of genocide. This denial is clearly at play in Palestine. Israel is a settler colonial apartheid regime and the current government is now being accused of engaging in genocide. This accusation is not being levelled at any people based on their ethnicity, nationality or confessional preference. It is being levelled at those political and military leaders who have dehumanised the Palestinian people through genocidal rhetoric as “human animals” encouraging their killing and destruction.⁴ It is levelled against a State whose leaders are openly calling for a “second Nakba” shielded by international impunity,⁵ which has enabled the perpetuation of decades of generational violence and systematic oppression against the Palestinian people to maintain the domination and the expansion of the settler colonial State.

As a matter of extreme urgency, South Africa, as a State Party to the Convention on the Prevention and Punishment of the Crime of Genocide respectfully requests the Court to indicate the following

¹ EU foreign policy chief Josep Borrell compares Gaza destruction with German cities in WWII, Euronews, @euronews, Tweet (10:00 am, 24 April 2024), <https://twitter.com/euronews/status/1783043421977874784>.

² United Nations, Palestine, *Guterres urges Israel, Hamas 'to show political courage' and secure ceasefire* (8 May 2024), <https://palestine.un.org/en/268015-guterres-urges-israel-hamas-%E2%80%98-show-political-courage%E2%80%99-and-secure-ceasefire>.

³ UNDP at EU, @UNDPEU, Tweet (9:15 am, 15 May 2024), <https://twitter.com/UNDPEU/status/1790642123156357348>.

⁴ *South Africa v. Israel, Application and Request for Provisional Measures of 29 December 2023*, p. 60, para. 101; p. 62, para. 102.

⁵ Ariel Kallner, @ArielKallner, Tweet (10:29 pm, October 7, 2023), <https://twitter.com/ArielKallner/status/1710769363119141268>, Translated in the New Arab: “‘Erase Gaza’: How genocidal rhetoric became normalised in Israel”, *The New Arab* (30 November 2023), <https://www.newarab.com/analysis/erase-gaza-how-genocidal-rhetoric-normalised-israel>. See also *South Africa v. Israel, Application and Request for Provisional Measures of 29 December 2023*, p. 62, para. 101.

provisional measures — the text of which has been amended to reflect the ever-increasing gravity of the situation. South Africa respectfully requests the Court to order the State of Israel, as a State party to the Genocide Convention and as a party to these proceedings, to:

- (1) immediately, and further to its obligations under the Court’s previous Orders of 26 January 2024 and 28 March 2024, cease its military operations in the Gaza Strip, including in the Rafah Governorate, and withdraw from the Rafah Crossing and immediately, totally and unconditionally withdraw the Israeli army from the entirety of the Gaza Strip.
- (2) immediately, and further to its obligations under provisional measure 4 of the Court’s 26 January 2024 Order and provisional measures 2(a) and 2(b) of the Court’s 28 March 2024 Order, take all effective measures to ensure and facilitate the unimpeded access to Gaza of United Nations and other officials engaged in the provision of humanitarian aid and assistance to the population of Gaza, as well as fact-finding missions, internationally mandated bodies and/or officials, investigators, and journalists, in order to assess and record conditions on the ground in Gaza and enable the effective preservation and retention of evidence; and ensure that its military does not act to prevent such access, provision, preservation or retention;
- (3) submit an open report to the Court (a) on all measures taken to give effect to these provisional measures within one week as from the date of this Order; and (b) on all measures taken to give effect to all previous provisional measures indicated by the Court within one month as from the date of this Order.

Mr President, and distinguished Members of the Court, this concludes South Africa’s pleading. I thank you for your kind attention. I also thank the Registry, its staff and the interpreters for their invaluable assistance. Finally, my thanks also go to the South African Team.