



Welcoming South Africa's Principled Move to Pursue Justice for Israel's Genocide against Palestinians in Gaza at the International Court of Justice

29 December 2023

Al-Haq, Al Mezan and the Palestinian Centre for Human Rights (PCHR) warmly welcome the decision by South Africa to [initiate](#), in accordance with Article IX of the Genocide Convention, proceedings before the International Court of Justice (ICJ) on the responsibility of Israel for genocide against Palestinians in the Gaza Strip. This principled move stands as a testament to South Africa's unyielding commitment to human rights, justice, and accountability, as it further serves as a beacon of hope for the restoration of the international legal order – an order deliberately undermined for political expediency, not only since 7 October 2023 but also throughout the past 75 years, since the start of the ongoing Nakba of 1948.

We, Palestinian civil society organisations, have, as early as 13 October 2023, [warned](#) and [urged](#) States to intervene to protect the Palestinian people against impending genocide. Since then, Israel's intent has only become more pronounced, marked by both explicit genocidal statements and genocidal acts committed by the Israeli military. At present, widespread and systematic attacks against Gaza's civilian population and infrastructure have resulted in the [killing](#) of at least 21,320 Palestinians, around 70% of whom are children and women, as of 28 December 2023; the [destruction or damage](#) of over 60% of all Gaza's housing units; and the [displacement](#) of around 1.9 million Palestinians, nearly 85% of the population.

On 29 December 2023, South Africa filed an [Application](#) instituting proceedings against Israel before the ICJ, the judicial organ of the United Nations, concerning violations by Israel of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide in relation to Palestinians in the Gaza Strip. As States Parties are [obliged](#) to “employ all means reasonable available to them, so as to prevent genocide so far as possible”, South Africa fulfilled its positive obligation to prevent or end the commission of the crime of genocide by invoking Article IX of the Genocide Convention. In its Application, South Africa states “acts and omissions by Israel ... are genocidal in character, as they are committed with the requisite specific intent ... to destroy Palestinians in Gaza as a part of the broader Palestinian national, racial and ethnical group” and that “the conduct of Israel — through its State organs, State agents, and other persons and entities acting on its instructions or under its direction, control or influence — in relation to Palestinians in Gaza, is in violation of its obligations under the Genocide Convention”. This legal action sends a strong message that impunity will no longer be tolerated.

While we commend South Africa, we must also confront the undeniable truth that some Third States have not only failed to uphold international law and their legal obligations, including their obligation to end the commission of the crime of genocide, but have shamelessly been complicit in perpetuating injustice, including by publicly objecting to a ceasefire, and continuing to supply Israel with military equipment. South Africa’s decisive action should serve as more than a wake-up call; it demands that all Third States rigorously reassess their commitment to international law and human rights. The prolonged impunity enjoyed by Israel, coupled with the international community’s deliberate failure to contextualise 75 years of Zionist oppression and domination over the Palestinian people, has facilitated the ongoing denial of their right to self-determination and allowed Israel to commit genocide against the Palestinian people in Gaza. It is high time for a collective reckoning with complicity and a renewed commitment to justice on the global stage.

In light of the urgency and the critical situation in Gaza, we strongly encourage the Court to expedite the proceedings and move as swiftly as possible. The people of Gaza do not have the privilege of time, and a prompt resolution is crucial to address the pressing issues at hand.

As we witness this legal action, we stress that justice is a collective pursuit, requiring unwavering dedication from the international community. South Africa's request for Provisional Measures before the ICJ is not merely a legal procedure; it is a clarion call for the international community to prioritise accountability, reject impunity, and champion the principles of human rights. As we call upon other Third States and the international community to support the proceedings at the ICJ and promptly intervene for an immediate ceasefire, we remind them, history harshly judges those who stand by during genocide. Neutrality in the face of injustice and genocide is nothing short of complicity, and a genuine commitment to the principles of justice and human dignity demands active engagement in upholding the rule of law.