

STATEMENT

By the Agent of the Republic of South Africa, His Excellency

MR VUSIMUZI MADONSELA,

**Ambassador Extraordinary and Plenipotentiary of South Africa to the
Kingdom of the Netherlands**

Madam President, and

Distinguished members of the Court,

1. It is an honour and a privilege for me to appear before you today, on behalf of the Republic of South Africa.
2. I wish to express my gratitude to the Court for convening this hearing on the earliest possible date to entertain South Africa's request for the indication of provisional measures in this matter.
3. In our application, South Africa has recognised the ongoing Nakba of the Palestinian people through Israel's colonisation since 1948, which has systematically and forcibly dispossessed, displaced, and fragmented the Palestinian people, deliberately denying them their internationally recognised, inalienable right to self-determination, and their

internationally recognised right of return as refugees to their towns and villages,¹ in what is now the State of Israel.²

4. We are also particularly mindful of Israel’s institutionalised regime of discriminatory laws, policies, and practices designed and maintained to establish domination, subjecting the Palestinian people to apartheid, on both sides of the Green Line. Decades-long impunity for widespread and systematic human rights violations, has emboldened Israel, in its recurrence and intensification of international crimes in Palestine.³
5. At the outset South Africa acknowledges that the genocidal acts and omissions by the State of Israel (‘Israel’) “inevitably form part of a continuum”, of illegal acts perpetrated against the Palestinian people since 1948. The Application places Israel’s genocidal acts and omissions within the broader context of Israel’s 75-year apartheid, 56-year occupation and 16-year siege imposed on the Gaza Strip — a siege which itself, has been described by the Director of UNRWA Affairs in Gaza, as “a silent killer of people”.⁴
6. As the Committee on the Elimination of Racial Discrimination (‘CERD’) warned on December 21st, “hate speech and dehumanising discourse targeted at Palestinians” is raising “severe concerns regarding Israel’s and other State parties’ obligation to prevent

¹ Consideration of Reports Submitted by States Parties under Article 9 of the Convention, Concluding Observations of the Committee on the Elimination of Racial Discrimination: Israel, UN Doc. CERD/C/304/Add.45, (30 March 1998), para. 18; Report of the Committee on the Elimination of Racial Discrimination, 70th session (19 February-9 March 2007) 71st session (30 July-17 August 2007), 211; United Nations General Assembly, Official Records, 62nd session, Supp. No. 18, UN Doc. A/62/18.

² International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171 (‘ICCPR’), Article 1; International Covenant on Economic, Social and Cultural Rights, 16 December 1996, 993 U.N.T.S. 3 (‘ICESCR’), Article 1; United Nations General Assembly resolution 194 (III), 11 December 1948, para. 11; United Nations General Assembly resolution 2452 (XXIII), 19 December 1969, para. 1; UN Security Council resolution 608, 14 January 1988, para. 1.

³ UNGA, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, A/76/433 (22 October 2021), <https://undocs.org/A/76/433>, para. 32.

⁴ UNRWA @UNRWA, Tweet, (3:18 pm, January 9, 2024), <https://twitter.com/UNRWA/status/1744725276955926808>.

crimes against humanity and genocide” in the Gaza Strip.⁵ This warning has been followed by a succession of warnings including by 37 United Nations Special Rapporteurs, of “the failure of the international system to mobilise to prevent genocide” in Gaza.⁶

7. Today, we are joined in Court by Palestinians who work in the field of human rights, including residents of Gaza that were in Gaza just a few days ago. They are some of the lucky ones who managed to get out of Gaza – their future, and the future of their fellow Palestinians still in Gaza, depend on this Court’s decision.
8. I now call upon His Excellency Mr Ronald Lamola, Minister of Justice of the Republic of South Africa, to make South Africa’s opening remarks.

⁵ Gaza Strip: States are obliged to prevent crimes against humanity and genocide, UN Committee on the Elimination of Racial Discrimination, <https://www.un.org/unispal/document/gaza-strip-states-are-obliged-to-prevent-crimes-against-humanity-and-genocide-un-committee-stresses-dec21-2023/>

⁶ UN OHCHR, Gaza: *UN experts call on international community to prevent genocide against the Palestinian people* (16 November 2023), <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>.