

## **STATEMENT**

### **By Ronald Lamola, MP and Minister of Justice and Correctional Services of South Africa, at the International Court of Justice (ICJ).**

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The government of the Republic of South Africa, led by His Excellency President Matamela Cyril Ramaphosa, entrusted me with representing its commitment to the rule of just law, a universal respect for human rights, and specifically the right of the Palestinian people to sovereignty, to peace, to life.

Since the advent of our democracy in 1994, South Africa's foreign policy has been based on what our forebears inscribed in the Freedom Charter in 1955, when they declared: "South Africa shall be a fully independent state which respects the rights and the sovereignty of all nations; South Africa shall strive to maintain world peace and the settlement of all international disputes by negotiation — not war".

South Africa has supported resolutions of the UN and other international solutions to support a just and lasting solution that will bring peace to Palestinians and Israelis.

Working together with the international community and in alignment with the relevant UN resolutions and international law, South Africa seeks to ensure a lasting and durable peace that produces a viable, contiguous Palestinian state, co-existing side-by-side in peace with Israel, within the 1967 internationally recognised borders, with East Jerusalem as its capital.

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Our president has called for a ceasefire and humanitarian interventions on numerous occasions.

Our foreign policy is aimed at improving the wellbeing, safety and prosperity of all citizens, and the achievement of a better Africa and world.

The key pillars of our foreign policy include the promotion of human rights, peace and stability and the strengthening of trade and investment ties with other countries.

The world has watched in horror as Palestinian men, women and children were slaughtered, blown up, buried alive under the rubble of their homes, left to die painful deaths in unresourced hospitals, resulting in more than 23,000 deaths, through destruction to homes, schools, hospitals, water treatment plants and other public infrastructure that impairs the conditions of life and is calculated to bring about the destruction, in whole or in part, of the Palestinians living in Gaza.

With the recent escalation of the aggression of Israel in Gaza, South Africa has supported a number of UN resolutions calling for an immediate ceasefire, and the provision of humanitarian aid.

Sadly, the world has not succeeded in stopping the genocide that is unfolding in Gaza.

The international community has largely remained passive in response to these atrocities. Women and children in areas such as refugee camps, schools and hospitals have been targeted, leading to a humanitarian crisis.

Unequivocally, the UN secretary-general António Guterres invoked a rarely used article of the UN Charter, article 99, on December 6 2023 and called on the Security Council to “press to avert a humanitarian catastrophe” in Gaza and unite in a call for a full humanitarian ceasefire between Israel and Palestinian militants.

This plea for ubuntu, a plea for the humanity of the international community to prevail, was ignored. Israel’s institutional impunity was reinforced.

In keeping with our obligations as a state party to the Genocide Convention our government has approached the ICJ to prevent the unfolding genocide in Gaza. We have also asked for

provisional measures which include an immediate suspension of Israeli military operations in and against Gaza.

The commitment to justice and bringing an end to the humanitarian atrocities in Palestine resonate deeply with the collective consciousness of the global community.

The scale of these actions is reminiscent of the Rwandan genocide 30 years ago. We are here, on behalf of South Africa and the global community, to seek justice for the victims, particularly children, women and the elderly. We believe without intervention of this court, of the international community, we will see the total destruction of the Palestinian people. Remaining silent in the face of this would be a gross violation of international law.

We are asking the court to intervene and stop the massacre in Gaza.

Today it is common cause that the Rwandan genocide could have been prevented.

Former UN secretary-general Kofi Annan expressed this regret when he said, and I quote: “The international community failed Rwanda, and that must leave us always with a sense of bitter regret and abiding sorrow.”

Rwanda stands out as a stern and severe rebuke to all of us for having failed to address these interrelated matters.

Let us not live with the same regret when it comes to Palestine.

This case presents the court with an opportunity to act, in real-time, to prevent genocide from continuing in Gaza by issuing an injunction.

South Africa is a multifaceted, multicultural and multiracial country that embraces the concept of ubuntu as a way of defining who we are and how we relate to others.

Ubuntu means I am because you are. I am because Hamza Al-Dahdouh is. You are because Dunia Abu Mohsen is.

The philosophy of ubuntu means “humanity” and is reflected in the idea that we affirm our humanity when we affirm the humanity of others.

It has played a major role in the forging of a South African national consciousness and in the process of its democratic transformation and nation-building.

Our history is one of repression and violence, human rights abuses, apartheid as a crime against humanity, discrimination and distrust between people born on the same soil. This history enjoins us to stand in principle in solidarity with the people of Palestine.

Because our history is one marked by crimes against humanity, the recent horrific scenes of the city of Gaza being transformed into a mass burial ground haunt our minds.

The alarming sight of jubilant armed forces rejoicing to chants of “we are finishing off Gaza” is an act, among several others, that warrants a thorough examination by this honourable court.

The words of Israeli ministers, Israeli members of the parliament and public figures using hate-filled speech such as calling the people of Palestine “human animals” show a clear statement of intent to wipe out the Palestinian population in Gaza.

The UN’s Committee on the Elimination of Racial Discrimination stated such language is an incitement to genocide and underscored the importance of preventing genocide by all state parties.

As a signatory to the convention we also have a duty to bring this matter to the court’s attention and to stop genocide.

The actions taken by Israel against the Palestinians are considered by many state parties, including the state of Palestine itself, to be in breach of the convention.

Palestine has expressed grave concerns over the international system’s incapability to prevent acts of genocide against its people and has urgently called for action to halt such acts.

The uncompromising enforcement of the rule of just law must be used to cease the ongoing atrocities in the Gaza Strip.

Our legal team has expanded on our case before this honourable court.

The timeless words spoken by Martin Luther King Jnr that “injustice anywhere is a threat to justice everywhere” hold true now more than ever.

This esteemed institution has the opportunity to not only reaffirm but also strengthen humanity’s commitment to justice.

This can be achieved by infusing the Genocide Convention with vibrancy and bringing it to life with action and meaning.

In our delegation, we have Palestinians who are victims of the bloodbath that the government of Israel is perpetrating unabated. They have come here to symbolically appeal for protection from this court.

We trust that, after hearing us presenting the facts, the legal arguments, the truth, the court will grant them the protection they seek.

The arch of the moral of the universe is long, always bending towards justice, Martin Luther King reminded us.

We will continue to support the cause of just law as a means to ensuring justice for all.

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