South Africa's genocide case against Israel at the ICJ (principal judicial organ of the UN)

Decades of unrest in the Occupied Palestinian Territories finally led to a horrifying escalation of conflict in October 2023, which continued, with a heavy Israel bombardment campaign taking the lives of an alarming 25000 Palestinians in about 3 months, with 70 percent of the victims being children and women. Watching the colossal death toll made South Africa to institute proceedings against Israel in the International Court of Justice (ICJ) under the Genocide Convention. As provisional measures, the Court's six Orders on the case were announced on 26 January 2024, urging Israel to (1) take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention; (2) ensure … that its military does not commit any acts described in point 1 above; (3) prevent and punish the direct and public incitement to commit genocide …; (4) enable the provision of urgently needed basic services … in the Gaza Strip; (5) prevent the destruction … of evidence related to allegations of acts within the scope of Article II and Article III of the Convention … in the Gaza Strip and (6) submit a report to the Court on all measures taken to give effect to this order within one month as from the date of this order.

Efforts to be done

The Organization for Defending Victims of Violence urges the Civil Society to put more pressure on their governments pursuant to ICJ's provisional measure to make Israel accept the terms of a ceasefire in Gaza. Additionally, it calls upon the international community to take the steps necessary for the formation of an independent Palestine State in line with the Palestinian people's right to self-determination and make its utmost efforts by using all available International mechanisms in the UN and other organizations, to bring an end to the Occupation and Apartheid in Occupied Palestinian Territories.

Apartheid

As clearly demonstrated in the map, decades of forced displacement and forced evictions have turned the people of Palestine into refugees who are subject to all forms of discrimination, under discriminatory laws that systematically dispossess Palestinians of their land and homes. The Setter-colonialism of Israel privileges Jewish Israelis to all Palestinians. All peaceful protests of Palestinians against israel's apartheid are confronted with excessive and deadly force by Israeli authorities with thousands injured, arrested and detained.

ODVV

History of OPT

The current situation of the Occupied Palestinian Territories (OPT) including Gaza should be understood in the broader context of Israel's continuous violence and repression towards Palestinians since the 1948 expulsion, dispossession and displacement of Palestinian society, known as the Nakba, for its 56-year long belligerent occupation and apartheid of Palestinian territory and the 16-year-long blockade of Gaza.

Situation of OPT

Being subject to one of longest occupations and apartheids of the modern history, the Palestinians have been subject to violation of almost ALL human rights including the right to life, to health, to food, to water, to education, to housing, to work, to freedom of movement, to adequate living standard, to development, to a healthy environment, to fair trial, to be free from torture and arbitrary arrests. Also, They have been deprived of their right to self-determination to form the independent State of Palestine for more than 75 years, a peremptory norm of international law from which no derogation is permitted. According to many reports from UN Chiefs and NGOs, many human rights violations committed by Israel in the OPT, especially in Gaza in the aftermath of October 7th 2023 are considered to amount to war crimes, crimes against humanity and genocide .

The UN Position

The UN recognizes Israel as an occupying power of the Palestinian Territories and the Golan Heights. Resolution 242 of the Security Council unanimously calls for the withdrawal of Israeli armed forces from territories occupied in the Six-day War of 1967. The International Court of Justice (ICJ) as the principal judicial organ of the UN in 2004, by addressing Israel as an "occupying Power", observes the construction of the wall being built by Israel in and around East Jerusalem as illegal. OPT human rights concerns have been repeatedly raised by the UN member states, being formulated into about 750 resolutions in the whole UN system including the Human Rights Council, the General Assembly, the Security Council and the UN Commission on Human Rights. The concerns have also been continuously expressed by the relevant UN mechanisms including the UN Special Rapporteurs on the OPT and the UN Commission of Inquiry of the OPT.