



ICJ

Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)

Since October 7th, 2023, the Gaza Strip has experienced one of the most serious escalations of violence in years. On that day, Hamas and other Palestinian armed groups launched a surprise attack on southern Israel, killing approximately 1,200 people, mostly civilians, and capturing more than 200 hostages. In response, Israel launched a military offensive on Gaza with the stated goal of neutralizing Hamas and other armed factions. The bombings affected densely populated areas and caused an immediate humanitarian crisis.

Over the following months, the situation deteriorated significantly. Gaza City, the most populated in the region, was surrounded by Israeli forces in what became known as the “Siege of the City”, resulting in thousands of civilian casualties and mass displacement. Shortages of food, drinking water and medical supplies became critical and much of the essential infrastructure, including hospitals and schools, suffered considerable damage. More than 90% of the population was affected by internal displacement, while the delivery of humanitarian aid faced serious limitations due to movement restrictions and active conflict.

At the end of January 2024, after intense negotiations mediated by countries such as Egypt, Qatar and the United States, a ceasefire was reached between Israel and Hamas. This agreement included the release of several Palestinian hostages and prisoners, as well as the entry of humanitarian aid into the region. However, the ceasefire proved fragile and did not resolve the structural tensions between the parties.

In the following months, violence resumed in different areas. During Operation Rafah, which began in May 2024, Israel focused its attacks on southern Gaza, especially the city of Rafah, causing a high number of civilian casualties and exacerbating the humanitarian crisis.

Towards the end of 2024 and the beginning of 2025, the conflict spread to the nearby region of Lebanon, with Hezbollah attacks on northern Israel in support of the Palestinians, which heightened regional tensions and complicated international mediation efforts. Meanwhile, in Gaza, the humanitarian situation remained critical, with reports of famine, disease and infrastructure collapse, highlighting the prolonged suffering of civilians.

The case of South Africa v Israel was brought before the International Court of Justice in December 2023 under the Convention on the Prevention and Punishment of Genocide (1948). In this application, South Africa accuses Israel of committing acts that violate this convention against the Palestinian population during its campaign against Hamas. The application stems from the conflict that erupted after the Hamas attack on October 7th, 2023 and Israel's subsequent military operations in Gaza.

South Africa emphasizes the collective responsibility of all states party to the Genocide Convention to prevent and punish acts of genocide. The application seeks to address the adoption, condonation, threat and past and present actions carried out by the Israeli government and military against the Palestinian people. It also condemns all violations of international law committed against Israeli civilians, the taking of hostages by Hamas or any other Palestinian armed group. However, it strongly emphasizes that no armed conflict, regardless of its severity, can provide possible justifications for violating the Genocide Convention. It is stipulated that some of Israel's military activities in Gaza are genocidal in nature. The violations of the convention discussed include, in particular, the articles that define and prohibit actions intended to destroy, in whole or in part, a group of persons belonging to a particular national, ethnic, racial, or religious group. Some of the violations that Israel allegedly has committed, according to South Africa, include: The deliberate killing and harming (mentally or in circumstances that may harm their physical well-being) of civilians, including women and children. Israel's failure to prevent and punish these acts. Among other specific examples of actions and events.



The application highlights the importance of analyzing other precedents regarding violations of the convention against genocide in order to interpret it, and provides comprehensive clarifications that not all acts in an armed conflict constitute acts of genocide, as this is a specific crime. However, war crimes can form a basis of evidence for an accusation of genocidal intent. South Africa seeks to exercise its obligation to prevent genocide and emphasizes that Palestine itself also has this responsibility. The lawsuit also calls on other United Nations agencies that have obligations to prevent crimes against humanity.

In January 2024, the ICJ issued a binding order for provisional measures, requiring Israel to “take all measures within its power to prevent the commission of all acts falling within the scope of Article II of this Convention.” Some of the provisional measures discussed the control of armed forces, punishment and prevention of genocidal activities, humanitarian assistance, preservation of evidence and reporting.

The conflict in Gaza since October 2023 has caused serious humanitarian consequences and an escalation of violence between Israel and Palestinian armed groups. South Africa's application to the ICJ underscores the obligation of States to prevent acts of genocide and protect the civilian population, while the provisional measures issued seek to limit immediate harm without prejudging final responsibility. This case focuses on the complexity of applying international law in situations of active conflict and the importance of balancing security with the protection of human rights.

This topic invites the delegates to reflect on fundamental questions, including:

- Has Israel fulfilled its obligation to prevent and punish possible acts of genocide within its armed forces and command structures?
- Is there sufficient evidence to show that Israel acted with the intention of destroying, in whole or in part, the Palestinian population?
- Have the provisional measures issued by the Court been respected and effectively implemented by Israel?
- Are military actions that could constitute war crimes sufficient to support South Africa's charges of genocide, or should they be analyzed as separate legal categories?
- To what extent can Israel's military operations in Gaza be considered acts of genocide under the 1948 Convention?