



WHAT HAPPENED ON OCTOBER 7?



Thousands of Hamas terrorists and other militants infiltrated Israeli territory through sea, land, and air...



invading more than 20 Israeli communities, bases and the site of a music festival (Festival Nova). While thousands of missiles were launched indiscriminately from Gaza, Hamas committed:

slaughter

mutilation

kidnapping

rape

Total



1,200
massacred



+5,500
mutilated



240 hostages
were kidnapped,

including babies, entire families, people with disabilities, and survivors of the Shoah, some of whom have since been executed;

Many of which have been

tortured, sexually abused and starved in captivity.

IT IS IMPOSSIBLE TO UNDERSTAND THE ARMED CONFLICT IN GAZA, without appreciating the nature of the threat facing Israel, and the brutality and lawlessness of the armed force confronting it.

The events of October 7 provide a

LEGITIMATE DEFENSE FRAMEWORK FOR THE STATE OF ISRAEL,

against the present and potential threat of Hamas, supported by

Article 51 of the Charter of the United Nations.

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HOW DOES THE FIGHTING IN GAZA DEVELOP?

Israel is in the midst of a complex war, which includes heavy armed fighting in densely populated urban areas.



Hamas's military strategies include hiding and causing damage to civilian structures, using them for military purposes:



HOSPITALS



MOSQUES



SCHOOLS



HUMANITARIAN ZONES

This makes these places legitimate military targets.

This unfortunate event demonstrates the way in which Hamas operates, leaving aside the well-being of its population by denying the purity of these humanitarian places, to use them for military purposes.



In the current conflict, many civilian deaths are caused directly by Hamas.

Many structures are used by Hamas as traps for the IDF by planting explosives in them, which detonate and kill indiscriminately.

More than 2,000 failed rockets fired by Hamas have landed inside Gaza, causing untold levels of damage.



The accusations South Africa made at the ICJ do not consider the extent to which Hamas uses ostensibly civilian structures for military purposes.

Homes, schools, mosques, United Nations facilities and shelters are abused for military purposes by Hamas, including as rocket launch sites.



Video:1:50:43

<https://youtu.be/imn9daDE2dQ?feature=shared&t=6643>

This link will take you to the point where the Israeli defense in court presents evidence of Hamas' use of civilian structures for military purposes.

Additionally, IDF soldiers fighting in Gaza report frequently encountering Hamas tunnels in densely populated civilian areas.



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WHAT IS GENOCIDE?

THE ARTICLE II of the UN Convention on the Prevention and Punishment of the Crime of Genocide defines:



“Genocide is understood as any of the acts mentioned below, perpetrated with the intention of destroying, in whole or in part, a national, ethnic, racial or religious group, as such:

A Killing of group members;

B Serious injury to the physical or mental integrity of group members;

C Measures aimed at avoiding births within the group;

D The intentional subjection of the group to conditions of existence that will lead to its physical destruction, total or partial;

E Forced transfer of children from one group to another.

THE ARTICLE III The following acts will be punished:

A The genocide;

B Association to commit genocide;

C Direct and public incitement to commit genocide;

D The attempted genocide;

E Complicity in genocide.



To prove that genocide is being committed, it must be shown that there is an intent to destroy and a destructive action is being carried out against a particular group.

DECLARATIONS AND GENOCIDAL ACTS BY HAMAS

What Hamas committed on October 7 meets the definition of genocide, by carrying out an action with the intention of destroying a particular population: the Jewish people.

This can be found in the Hamas Founding Charter.

The annihilationist language of the Hamas letter is regularly repeated by its leaders, with the goal, in the words of a member of the Hamas political office “CLEANSING PALESTINE FROM THE FILTH OF THE JEWS.”

It is also expressed in the words of Hamas member Ghazi Hamad to Lebanese television on October 24, 2023, in which he speaks of repeating the massacre of October 7 and “annihilating Israel.”



To see the video click on the following link.

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INDICATORS THAT ISRAEL DOES NOT COMMIT GENOCIDE

Israel dedicates time and effort to mitigate harm to civilians during military operations against Hamas.

The IDF has established a unit specifically for that objective

1

2 Israel has implemented measures to evacuate civilians in high-risk or conflict areas.



The evacuation of civilians is a measure recognized by International Humanitarian Law to protect civilians in conflict zones.

3

4 Israel has published through different means, both physical, virtual or radio, the efforts for the civilian population to temporarily evacuate the sites where Hamas operates. This includes detailed maps, pamphlets, phone calls, advertisements, among others...

The IDF has urged civilians to evacuate southern Gaza for more than three weeks before starting its ground operation.

5

Three weeks that provided Hamas with advanced knowledge of where and when the IDF would be operating.

6 This takes time, it takes resources and intelligence, and the IDF invests all of them to save civilian lives.



Israel is making efforts to address humanitarian difficulties in Gaza, despite Hamas' attempts to impede its efforts.

Israel has permitted humanitarian aid to pass through the war, but Hamas does not permit civilians to have effective access to it.



Prime Minister Netanyahu stated again and again “we must avoid a humanitarian disaster,” and indicated possible solutions that will guarantee the necessary supply of water, food and medicine, by increasing the entry of trucks, with the necessary inspections.



There were discussions about promoting the construction of field hospitals in the southern Gaza Strip.



There is an order issued by the IDF Operations Directorate, which states that “Attacks will be directed only against military objectives, respecting the principles of distinction, proportionality and the obligation to take precautions in attacks to reduce collateral damage.”

These points show that Israel does NOT intend to destroy a people in whole or in part. Israel's actions, which conform to the norms of international humanitarian law by selecting military targets in a proportionate manner, as well as by taking measures to mitigate harm to civilians (such as warning through telephone calls and distribution of leaflets), demonstrate a POSITION OPPOSED TO ANY GENOCIDAL ATTEMPT.

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CRITICAL ANALYSIS

WHAT IS SOUTH AFRICA'S INTENTION?



South Africa has maintained a double standard with Israel, while also maintaining a bad reputation in the humanitarian field.

On October 7, prior to any military response by Israel, South Africa issued an official statement blaming Israel for “the recent conflagration,” essentially blaming Israel for the murder of its own citizens.



In its submissions to the Court, South Africa makes almost no mention of the continued humanitarian suffering of Israel's citizens at the hands of Hamas and treats those abducted as a minor detail.

The South African government maintains close relations with Hamas, despite its formal recognition as a terrorist organization by numerous states around the world. These relationships have continued unabated even after the atrocities of October 7.



South Africa has long welcomed and celebrated its ties with Hamas figures, including a high-ranking Hamas delegation that visited the country for a “solidarity meeting” just weeks after the massacre.

South Africa seeks to present an image of Israel as a lawless state, which considers itself “beyond and above the law.” They want to make it appear that Israel, both the government, the military and society, have decided to jointly ignore the commitment to law and morality. Furthermore, they try to portray Israel as a country that is trying to destroy other people. That is obviously false.



The accusation of genocide and trying to compare the State of Israel with Nazi policies is an attempted reversal of the Shoah, which falls into the category of contemporary anti-Semitism.

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CONCLUSION

Following the October 7 massacre, the war inside Gaza has led to humanitarian difficulties and loss of life, which are tragic, and innocent Israeli and Palestinian lives must be mourned.

However, Israel's purpose in this war is to destroy Hamas, not the Palestinian people, and to bring back the abductees. There is no official Israeli policy to commit genocide against the Palestinian people, just as the IDF's actions have been carried out in accordance with International Humanitarian Law.

**THEREFORE, ISRAEL'S ACTIONS
DO NOT MEET THE STANDARDS OF A GENOCIDE.**

In a nutshell, South Africa's proposal to the Court can be summarized this way:

Accuse Israel of genocide so that the court orders an end to operations against an organization (Hamas) that has a real genocidal agenda, that has violated all previous cease-fire and has used them to rearm and plan new atrocities and that declares their unequivocal determination to advance their genocidal plans.

The arguments raised by South Africa do not take into account the context, intentions and events that happen on a daily basis during the war.

The suffering of civilians in this war, just like in any other war, is tragic. It's heartbreaking. The harsh realities of current hostilities are especially agonizing for civilians, given Hamas's reprehensible strategy of seeking to maximize civilian harm to both Israelis and Palestinians, even as Israel seeks to minimize it.

Israel is not aiming for the destruction of the Palestinian people. Israel is in the middle of a war against Hamas, a genocidal group that seeks the destruction of Israel and the Jewish people.

**Taking all the measures that Israel has taken
DOES NOT AMOUNT TO GENOCIDE.**

Sources and articles

- <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240112-ora-01-00-bi.pdf>
- <https://www.ohchr.org/es/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>
- <https://www.un.org/es/about-us/un-charter/chapter-7>
- https://www.nytimes.com/2023/11/10/opinion/israel-gaza-genocide-war.html?unlocked_article_code=1.OE0_A_1.K1Jou6_g8gdi&smid=url-share
- https://www.theatlantic.com/ideas/archive/2023/10/decolonization-narrative-dangerous-and-false/675799/?gift=kJ4zgylrJOqRnVqLDIyZsF5slXQHmdDw8GQ6CNn6slQ&utm_source=copy-link&utm_medium=social&utm_campaign=share
- https://www.theatlantic.com/international/archive/2023/10/hamas-covenant-israel-attack-war-genocide/675602/?gift=kJ4zgylrJOqRnVqLDIyZsE-Le_z5vsahUm0hemRokcc&utm_source=copy-link&utm_medium=social&utm_campaign=share
- https://www.theatlantic.com/ideas/archive/2023/11/israel-gaza-war-humanitarian-law-concepts/675996/?gift=kJ4zgylrJOqRnVqLDIyZsLmN8crOJO8KuTNCf6Qehng&utm_source=copy-link&utm_medium=social&utm_campaign=share
- <https://www.ojc.org/news/5-reasons-why-the-events-in-gaza-are-not-genocide>
- <https://www.haaretz.com/israel-news/2024-01-10/ty-article/.premium/gaza-genocide-case-against-israel-the-questions-the-international-court-of-justice-faces/0000018c-f3b7-d6ce-abcc-fbbfe7680000?gift=27c3285d2d964833bafbf67d3fa6d76f>
- <https://www.haaretz.com/israel-news/2024-01-10/ty-article/.premium/how-experts-see-israels-gaza-genocide-case-in-the-international-court-of-justice/0000018c-f4f3-d365-a3ce-f5f740260000?gift=6886b3d5934748f0997371b94dcab737>
- https://civiliansinconflict.org/wp-content/uploads/dlm_uploads/2022/11/CIVIC_UrbanWar_FINAL-2022_Web-1.pdf
- <https://tnsr.org/2022/06/the-human-factor-the-enduring-relevance-of-protecting-civilians-in-future-wars/>
- <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule24>
- <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-58>
- https://shura.shu.ac.uk/10260/3/Klaff_Holocaust_Inversion_and_contemporary_antisemitism.pdf
- <https://fathomjournal.org/holocaust-inversion-and-contemporary-antisemitism/>

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RECENT DEVELOPMENTS

The International Court of Justice (ICJ), after hearing the arguments, decided in a first instance to order provisional measures in the case, in order to avoid irreparable damage.

In contrast to South Africa's request, which was to halt IDF military operations in Gaza, the ICJ found that this measure was not necessary as an interim order.



For Israel, this means that it can continue with the operation, which is occurring as self-defense following the Hamas attack and Hamas' intention to continue the massacre and murder of Israelis and Jews.



On the other hand, the supreme court emphasized that Israel must respect international laws and obligations, and do everything in its power to prevent the deaths and suffering of innocent civilians.



Furthermore, Israel must also ensure that humanitarian assistance and the basic needs of Palestinians in Gaza are not compromised.



The court also ordered Israel to take all necessary measures to prevent and punish public incitement and direct to commit genocide against the Palestinians.



Israeli judge Aharon Barak, who was part of the voting on the decisions, strongly defended Israel's actions, based on international humanitarian laws.

He gave a separate opinion, where he highlighted the actions that Israeli law has taken in the past and continues to take to ensure that Israel complies with its rights and obligations as a state under the rule of law.



Barak himself is a survivor of the Shoah, highlighting the importance and weight he places on the crime of genocide, and understanding that the IDF is doing it is not consistent with the crime of which he is accused.

He highlighted the value of the Ruach Tzahal, the IDF's code of ethics, which demonstrates humanity even in the most complex cases.



Barak argues that, although the court has jurisdiction over what is happening in the war, the framework of the Convention for the Prevention of Genocide is not correct, but should be seen through the eyes of International Humanitarian Law.

This law allows us to fully understand how the actions of the IDF are supported by international law, and in the event that any law of this law has been broken, the same Israeli authorities have the ability to investigate them and prosecute those responsible.



If the court had decided to order an end to military operations in Gaza, Barak explains, it would have prohibited the basic obligation of any rule of law to defend its citizens, and would have allowed Hamas to freely pursue its murderous, anti-Semitic and genocidal agenda.



Today + 130 ISRAELIS are kidnapped in Gaza

Therefore, their families are making an effort by traveling to the court in the Hague, to generate pressure regarding the situation of their loved ones.



Among them are Amos and Dalia, educators, who are part of a lawsuit against Hamas and its leaders to free their relatives, IAIR AND EITAN (FORMER SHELIACH OF OUR TNUA IN PERU).



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