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EXPANSION OF CRIMINAL COMPLAINT - SA ZIONIST TERRORISM CORRIDOR PROBE

ADDITIONAL SUSPECTS AND VIOLATION OF GENOCIDE CONVENTION

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ACRONYMS

AI	Artificial Intelligence
CDCAC	Chief Directorate Conventional Arms Control
COGAT	Coordinator of Government Activities in the Territories
GA	General Assembly
IDF	Israel Defence Force
ICC	International Criminal Court
ICJ	International Court of Justice
IHL	International Humanitarian Law
IOF	Israel Occupation Force
JNF	Jewish National Fund
MRN	Media Review Network
OHCHR	Office of the High Commissioner for Human Rights
oPTs	Occupied Palestinian Territories
PRCS	Palestinian Red Crescent Society
Probe	South African Zionist Terrorism Corridor Probe
PSC	Palestine Solidarity Campaign
UN	United Nations
US	United States

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INTRODUCTION.

This is an expansion of the 'SOUTH AFRICAN ZIONIST TERRORISM CORRIDOR PROBE' (henceforth the 'Probe'), a comprehensive criminal dossier based upon sustainable and irrefutable evidence submitted on 24 February 2022, to the South African Police Services – Directorate for Priority Crimes Investigation and the Priority Crimes Litigation Unit of the National Director of Public Prosecutions for criminal prosecution.

This expansion of the Complaint contained in that docket constitutes extensive additional evidence for criminal investigation of the Israeli government represented through the Ninth to the Seventeenth Additional Suspects including the incumbent Chief of General Staff of and Israel Defence Force (IDF) or the Israeli Occupying Force (IOF), which terminology shall be used interchangeably, as the Nineteenth Additional Suspect.

News24 has also published an article on 14 October 2024 titled, "Sandton man, 22, identified as sniper in elite Israeli unit that killed unarmed civilians in Gaza".

Initial reports of a sniper Ghost unit emerged in an Al Jazeera documentary, entitled Investigating War Crimes in Gaza, Al Jazeera Investigations. A link to the said documentary is provided in the link contained hereunder.¹

An illustration of the mentality of the IDF and genocidal behaviour, is in the manner they conduct themselves with utter disrespect for sanctity of Palestinian human life and the dignity of Palestinian women and children.

¹ Investigating war crimes in Gaza I Al Jazeera Investigations (available online at: <https://www.youtube.com/watch?v=kPE6vbKix6A>)— This feature length investigation by Al Jazeera's Investigative Unit exposes Israeli war crimes in the Gaza Strip through the medium of photos and videos posted online by Israeli soldiers themselves during the yearlong conflict. The I-Unit has built up a database of thousands of videos, photos and social media posts. Where possible it has identified the posters and those who appear. The material reveals a range of illegal activities, from wanton destruction and looting to the demolition of entire neighbourhoods and murder. The film also tells the story of the war through the eyes of Palestinian journalists, human rights workers and ordinary residents of the Gaza Strip. And it exposes the complicity of Western governments – in particular the use of RAF Akrotiri in Cyprus as a base for British surveillance flights over Gaza. "The west cannot hide, they cannot claim ignorance. Nobody can say they didn't know," says Palestinian writer, Susan Abulhawa. This is "the first livestream genocide in history ... If people are ignorant they are wilfully ignorant," she says.

From crude and inhumane torture to detention of prisoners, Palestinians are regularly dehumanised and Israel continues in its perpetration of crimes against humanity.

Even Israeli children are being brainwashed, whereby on social media and other platforms like TikTok, Israelis in disgusting jarring and mimicking conduct taunt and ridicule Palestinians in Gaza in the aftermath of IDF bombardment in civilian areas, where Palestinian children are maimed, injured and massacred in the ongoing genocide. The Al Jazeera documentary exposes this despicable conduct.

South African law enforcement authorities are provided with this extensive, but extremely explicit and disturbing documentary footage.

The genocidal conduct of the IOF is illustrated in the manner they conduct themselves with utter disrespect for the dignity and sanctity of Palestinian human life.

The Probe has also been supplemented by a South African male citizen or resident, being namely Aaron Bayhack who was recently located in Sandton and identified to have been part of an elite IOF Sniper unit or Ghost Unit, known as Refaim in Hebrew.

Evidence suggests, this IDF sniper unit is believed to have been operating near the Quds Hospital on or about the period November 2023, from the Tel al-Hawa Neighbourhood in the south Gaza City to further targeting incidents of civilians near the Nasser Hospital in the city of Kahn Yunis during the period February 2023.

The Ghost unit was uncovered by the work of Younis Tirawi, a Palestinian journalist known for his investigative reporting concerning security and political affairs in the Occupied Palestinian Territories. Bayhack's name has also been referred to the South African Authorities for further investigation.²

Bayhack is also identified in the aforesaid images in a kneel position next to the self-confessed killer Daniel Raab, who becomes a focus of Palestinian investigative journalist

² X video post by Younis Tirawi 1/19 Exclusive– The Ghost Unit documentary, available on-line at: <https://x.com/ytirawi/status/1842242729436201158/video/1> – Refer also to footnote 53.

Tirawi's investigation and the military activities of this elite sniper unit of the IDF.

Further information is also provided regarding the military operations of this Ghost unit in the executive Summary under the section of, Indiscriminate sniping of civilians.

Another suspect in the IOF, is namely Uri Shay Haddad believed to be an Israeli national or citizen who has been identified to be vacationing in the city of Cape Town on or about the period November 2024.

This is utterly unacceptable and incongruent with our constitutional democratic values and entrenched human rights values and upholding of international law and International Humanitarian Law (IHL), whereby Haddad is allowed unhindered access and enjoyment of our tourism destinations.

This comes after his alleged service in the IDF, which is directly related to the commissioning of war crimes, crimes against humanity and conditions of plausible genocide being perpetrated by Israel through its armed forces of the IDF in the Gaza strip and in contravention of the Genocide Convention.

A request for his investigation of military service in the IDF has also been made to the law enforcement authorities.

The 18 suspects from the original 'Probe', and additional suspects supplemented in expansion of the Genocide Probe, are listed at the end of this summary.

The evidence is of the suspects persisting with aggressive and violent unlawful military aggression and belligerent military occupation in the Gaza Strip after 7 October 2023, which has caused mass and wanton destruction of civil and public infrastructure, unprecedented numbers of civilians killed and the wide-scale displacement of almost the entire population of Gaza.

The complaint is expanded to include the additional suspects for contravention of the Regulation of Foreign Military Assistance Act, the International Criminal Court Act, the Protection of Constitutional Democracy against Terrorist and Related Activities Act and the Prevention of Organised Crime Act.

The request for an investigation of these charges against additional suspects, as is the case with the charges against suspects listed in the 'Probe', must be a focal priority of pressing national security concerns for the South African government and law enforcement authorities and organs of state.

As was stressed in the 'Probe' the terror related activities and violations of the legislation whereby evidence is presented have the serious potential to undermine the sovereignty and security of our constitutional democratic state.



Cartoon questioning alleged Gaza hate of Jews. SOURCE: social media, Pittsburg Post Gazette.

REASONS FOR AL AQSA FLOOD BY THE RESISTANCE MOVEMENT AND THE ONGOING INCREMENTAL GENOCIDE.

The essence of this expanded criminal complaint must recognize the historical and ongoing dispossession of Palestinians of their historical land. The Al Aqsa Flood on 7 October 2023 represented the orchestrated retaliation by Hamas in pursuing its right of legitimate, armed resistance.³ Civilians captured by Hamas - in itself a violation of international humanitarian law (IHL) - should be viewed in the context of a strategy to exchange these hostages for Palestinian political prisoners.

The large-scale dispossession of Palestinians of their land goes back to the 1948 Naqba, when about 750 000 Palestinians were forcibly removed from locations within historic Palestine to make way for the establishment of a Jewish state. The Naqba, the 1967 Naksa and ongoing corralling and concentration of Palestinians into ever smaller parcels of land, represents moments in a process of incremental genocide.⁴ After withdrawing settlers and military personnel from Gaza in 2005, the Israeli siege of Gaza began in 2007, and provoked

³ United Nations General Assembly Resolution 2649 (available on-line at: <https://separating.co.za/wp-content/uploads/2023/12/UN-General-Assembly-Resolution-2649-November-1970.pdf>) of 1970 permits 'any means' of struggle as justified by the end of national self-determination (see colour coded text). United Nations General Assembly Resolution 35/35 of 1980 (available on-line at: <https://separating.co.za/wp-content/uploads/2023/12/Right-of-peoples-to-self-determination-GA-resolution-Question-of-Palestine.pdf>) addresses human rights, international humanitarian law, the Palestine question and settlements, and explicitly includes the right of colonised people to resort to armed struggle in their fight for self-determination (see colour coded text). General Assembly resolution A/RES/38/17 (22/11/1983) (available on-line at: <https://separating.co.za/wp-content/uploads/2024/04/GA-Res-nr044409-1983.pdf>) (see colour coded text) also affirms this right.

⁴ Israeli historian Ilan Pappé coined the term 'Incremental genocide'. A further academic view is that of Dirk Moses, 2000 *An Antipodean genocide? The origins of the genocidal moment in the colonization of Australia*, which explores the genocide of indigenous people by settler colonists, using Australia as a case, where violent indigenous resistance provokes killing-events ('moments') by settlers. Available on-line at: https://www.dirkmoses.com/uploads/7/3/8/2/7382125/moses_antipodean_genocide.pdf Israeli historian Ilan Pappé coined the term 'incremental genocide' to characterise Israel's post-2006 practices towards Gazans. He characterised the 1948 Nakba as a moment of 'ethnic cleansing'. Genocide scholar Prof Martin Shaw, in 'Palestine in a historical perspective on genocide' (available on-line at: <https://separating.co.za/wp-content/uploads/2024/04/palestine-in-an-international-historical-perspective-on-genocide-final.pdf>), argued that ethnic cleansing is an opaque legal concept but which acquires a clearer legal description as a sub-category of genocide.

Hamas rocket fire led to seven invasions⁵ by the IDF of the territory between 2006 and 2014, leaving a trail of death and wanton destruction to buildings and infrastructure in their wake. Attempts to break this blockade through a flotilla of boats have been thwarted with violent force by the IDF, as demonstrated by their killing of 10 such protestors on the ill-fated Mavi Mamara in 2010.

Starting in 2018 Palestinians in Gaza massed on the fortified fence with Israel to initiate the Great March of Return, resulting in the fatal shootings of 100s of non-violent protestors and the maiming of many more.⁶ This process continued for a number of years, arguably leading up and contributing to the Hamas/Islamic Jihad breaking through the Gaza fence at 10 different points during 7 October 2023. Since then Israel has been waging a relentless assault on the civilian infrastructure and also on the homes of civilians, to the extent that in February 2024 the International Court of Justice (ICJ) made a provisional ruling⁷ that Israel was *plausibly* committing genocide through its military operations in Gaza. To enable Israel to continue these plausibly genocidal actions it is fully supported with military hardware by the United States (US).⁸ The European Union, and

⁵ Operations First Rain (early 2006), Summer Rains (September 2006) and Autumn Clouds (November 2006), were all ground attacks on parts of the Gaza Strip (cf. Pappe, Illan 2017. *The Biggest Prison on Earth, One World*, pp. 217-229, available on-line at: <https://www.middleeasteye.net/news/interview-ilan-pappe-how-israel-turned-palestine-biggest-prison-earth>). Operation Cast Lead, the 2008 attack on Gaza, Operation Pillar of Defence (November 2012), Operation Returning Echo (2012), and Operation Protective Edge in and against Gaza during July and August 2014, are referred to in the text. Hence there were seven attacks between 2006 and 2014. (For Operation Cast Lead cf. Horowitz, Adam Ratner, Lizzy and Weiss, Phillip (editors) 2011. "The Goldstone Report – The Legacy of the Landmark Investigation of the Gaza Conflict", (available on-line at: <https://www.publishersweekly.com/978-1-56858-641-0>), Nation Books, New York; for Operation Pillar of Defence, cf. https://en.wikipedia.org/wiki/Operation_Pillar_of_Defense; and, for Operation Protective Edge cf. Finkelstein, Norman 2018. *Gaza An Inquest into its Martyrdom* (available on-line at: <https://thejerusalemfund.org/2018/03/gaza-inquest-martyrdom/>), University of California Press, Blumenthal, Max 2015. *The 51 Day War: Ruin and Resistance in Gaza* (available on-line at: <https://www.youtube.com/watch?v=SfsRW2aBPL4>), Verso, and Blumenthal (film), available on-line at: <https://killinggaza.com>).

⁶ Cf. United Nations on the people injured and traumatised during the Great March of Return, available on-line at: <https://www.un.org/unispal/document/two-years-on-people-injured-and-traumatized-during-the-great-march-of-return-are-still-struggling/>.

⁷ See SABC News (video), *2024 ICJ ruling on SA's case against Israel*, available on-line at: <https://www.youtube.com/watch?v=vgIQ3uWhTnQ>

⁸ Cf. Al Jazeera, *2024 Arming genocide? New report documents use of US arms in Israeli war crimes*, available on-line at: <https://www.aljazeera.com/program/upfront/2024/4/26/arming-genocide-new-report-documents-use-of-us-arms-in-israeli-war-crimes>

particularly Germany,⁹ has also provided military but also moral support for Israel's killing spree.

The occupied Palestinian Territories (oPT) refers to the Gaza Strip, the West Bank and East Jerusalem, invaded militarily and occupied by Israel in 1967. During the same period as the disengagement from and imposition of siege on Gaza, life in the West Bank and East Jerusalem sections of the oPT was characterised by institutionalised *apartheid* (as attested to by eight reputable human rights and scholarly reports¹⁰ published between 2004 and 2022, some of which referred to the entire historic Palestine as under an *apartheid* regime,

⁹ Hendler, P 2024 Exploring fear and loathing in the German state: Why the German government misunderstands ethical lessons from its country's history, available on-line at: https://medium.com/@paulhendler_43678/exploring-fear-and-loathing-in-the-german-state-7d99c0591f27

¹⁰ Cf. B'Tselem, Forbidden Roads: Israel's discriminatory road regime in the West Bank (available on-line at: https://m.btselem.org/publications/summaries/200408_forbidden_roads), August 2004; Association for Civil Rights in Israel, The State of Human Rights in Israel and the Occupied Territories (<https://law.acri.org.il/pdf/state2008.pdf>), 2008 Report page 17; Human Sciences Research Council, 2009 Occupation, Colonialism, Apartheid? A Re-assessment of Israel's Practices in the Occupied Palestinian Territories (OPTs) Under International Law (available on-line at: <https://separating.co.za/wp-content/uploads/2021/12/20407281-Occupation-Colonialism-Apartheid-FullStudy-HSRC-SA.pdf>), A report of the Middle East Project in the Democracy and Governance Programme of the Human Sciences Research Council, Cape Town; UN Economic and Social Commission for Western Asia, 2017 Israeli Practices towards the Palestinian People and the Question of Apartheid (available on-line at: <https://separating.co.za/wp-content/uploads/2021/12/ESCWA-2017-Richard-Falk-Apartheid.pdf>); B'Tselem report, This is apartheid – a regime of Jewish supremacy from the Jordan River to the Mediterranean Sea (available on-line at: <https://www.btselem.org/apartheid>), 12 January 2021; Human Rights Watch Report, A Threshold Crossed – Israeli Authorities and the Crimes of Apartheid and Persecution (available on-line at: <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>) – 27 April 2021; Amnesty Report, Israel's Apartheid against Palestinians – A look into decades of oppression and domination (<https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/>) – 1 February 2022; and, Al Haq Report, Israeli Apartheid: Tool of Zionist Settler Colonialism (available on-line at: <https://www.alhaq.org/publications/20940.html>), 29 November 2022

For further argumentation that the Israeli state is an ethnocracy (and not a democracy) see Jeenah, Na'eem 2012 Pretending democracy, living ethnocracy, in Jeenah (editor) Pretending Democracy – Israel, an Ethnocratic State, AMEC, Johannesburg (available on-line at: <https://www.amazon.com/Pretending-democracy-Israel-ethnocratic-state/dp/0620540427>), pages 3–23 (available on-line at: <https://separating.co.za/wp-content/uploads/2022/02/Jeena-Pretending-Democracy.pdf>).

as well as reported on [between 2002 and 2013] by 11 eminent people¹¹ in the fields of statecraft, international law and journalism).

This critical narrative incorporates the argument that systemic settler colonialism has been imposed upon Palestinians, undermining their right to to live in dignity, including the unlawful detention, torture and inhumane treatment meted out by Israeli Prison Services officials of Palestinian prisoners and child prisoners.

In recent years, the brutalisation and persecution of worshippers in the Al Aqsa Mosque and compound (Jerusalem) have also become a regular occurrence and intensified during the holy month of Ramadan by the *apartheid* Israeli security apparatus and the IOF. Already before 7 October, and with greater intensity thereafter, there have been violent attacks by Israeli settlers on Palestinian neighbourhoods

¹¹ Michael Ben Yair, The War's Seventh Day (available on-line at: <https://www.haaretz.com/2002-03-03/ty-article/the-wars-seventh-day/0000017f-db7c-db22-a17f-fffd500e0000>), Haaretz, 2 March 2002; Meron Benvenisti, Founding a Binational State (available on-line at: <https://www.theguardian.com/world/2004/apr/26/comment>), Haaretz, 22 April 2004; Roei Nahmias, Israeli Terror is Worse (available on-line at: <https://www.ynetnews.com/articles/0,7340,L-3119885,00.html>), Ynetnews.com, 29 July 2005 (about Shulamit Aloni); Jimmy Carter, Palestine Peace Not Apartheid (available on-line at: https://www.democracynow.org/2006/11/30/palestine_peace_not_apartheid_jimmy_carter), New York 2006; Shulamit Aloni, Indeed, There is Apartheid in Israel (available on-line at: <https://www.ynet.co.il/articles/0,7340,L-3346283,00.html>), ynet.co.il, 5 January 2006; Chris McGreal, Worlds Apart: Israel, Palestine and apartheid (available on-line at: <https://www.safecom.org.au/israel-apart.htm>), 6 February 2006, and, Brothers in Arms: Israel's secret pact with Pretoria (available on-line at: <https://www.safecom.org.au/israel-pretoria.htm>), 7 February 2006; Dinah A Spritzer, British Zionists drop Haaretz Columnist (available on-line at: <https://www.jta.org/2007/08/31/default/haaretz-columnist-dropped-by-british-zionists>), Jewish Telegraph Agency, 8 August 2007; Ezra HaLevi, Haaretz Editor Refuses to Retract Israel Apartheid Statements (available on-line at: <https://www.israelnationalnews.com/news/123596>), israelnationalnews.com, 5 September 2007; Haaretz, Where is the occupation (available on-line at: <https://www.haaretz.com/2007-10-03/ty-article/where-is-the-occupation/0000017f-e12b-d75c-a7ff-fdaf31190002>), 7 October 2007; Haaretz, Our debt to Jimmy Carter (available on-line at: <https://www.haaretz.com/2008-04-15/ty-article/our-debt-to-jimmy-carter/0000017f-db90-d3a5-af7f-fbbe02030000>), 15 April 2008; Yossi Sarid, Yes It is Apartheid (available on-line at: <https://www.indymedia.org.uk/en/regions/world/2008/04/397802.html>), Haaretz, 24 April 2008; Amos Schocken, Citizenship Law Makes Israel an Apartheid State (available on-line at: <https://www.haaretz.com/2008-06-27/ty-article/citizenship-law-makes-israel-an-apartheid-state/0000017f-f080-d497-a1ff-f2804d1d0000>), Haaretz, 27 June 2008; John Dugard, Apartheid and Occupation under International Law (available on-line at: ejil.org/pdfs/24/3/2421.pdf), Hisham B Sharabi Memorial Lecture, 30 March 2009; Haaretz, The Price of Deception and Apartheid (available on-line at: <https://www.haaretz.com/opinion/2013-11-27/ty-article/the-price-of-deception-and-apartheid/0000017f-e08b-d75c-a7ff-fc8f1dbd0000>), 27 November 2013; and, Times of Israel, Meridor Compares Likud Policies to Apartheid (available on-line at: <https://www.timesofisrael.com/meridor-compares-likud-policies-to-apartheid/>), 19 November 2013.

in East Jerusalem¹² and other settlements on the West Bank.¹³ For example, a mob of around 400 Israelis attacked the Palestinian town of Huwara¹⁴ in the southern district of Nablus. Dozens of homes and cars were torched, leaving one dead and hundreds wounded.

The ultra-right coalition government supports such pogroms through its Finance Minister, Bezalel Smotrich, the eleventh additional suspect also civil administrator in the occupied West Bank.

The support of the US for Israel in these actions is exemplified by the relocation of the US embassy to Jerusalem in 2018.¹⁵

¹² Cf. Al Jazeera, Palestinian family forced out of home in East Jerusalem; settlers move in, available on-line at: <https://www.youtube.com/watch?v=AHfUm0Fda80>

¹³ See unsourced video, downloaded from social media, of forced removal somewhere on the West Bank, available on-line at: <https://rumble.com/v4sb2gx-forced-removal-west-bank.html>

¹⁴ Cf. Al Jazeera, Israeli minister's call to 'erase Huwara' condemned, available on-line at: https://www.youtube.com/watch?v=wONIMICgu_o&t=115s

¹⁵ France 24 English, Trump: 'Jerusalem will remain Israel's undivided capital', available on-line at: https://www.youtube.com/watch?v=FG1dCdm_5Wg

ICJ ADVISORIES ON BARRIER, OCCUPATION, AND DISCRIMINATION.

Formal international legal opinions have converged in critiques of Israel's security wall, its persistent occupation of Palestinian Territory and its governance regime of systemic racial segregation and domination. These opinions are in the form of Advisories from the the ICJ, in response to UN General Assembly (GA) resolutions requesting the ICJ to provide advisory opinion in terms of international law. Taken together these legal critiques of the state of Israel and its policies towards the Palestinian people, have developed into a formidable, public questioning of the legitimacy of Israel's occupation of the Palestinian territories, but not necessarily of the legitimacy of the state of Israel itself, self-conceived as a Jewish and democratic state.

Two ICJ Advisories are referred to here. First, the 2004 ICJ rulings in respect of the security-wall-cum-separation-barrier erected by Israel. Second, the July 2024 ICJ rulings in respect of Israel's ongoing occupation of Palestinian Territories and the system of segregation and discrimination implemented there. A later section of this summary will refer to the ICJ ruling, in response to a charge of Genocide, submitted by South Africa (and subsequently supported by a host of other states).

- **Advisory on the Wall.**

The ICJ advisory ruling on Israel's separation barrier (the 'Wall')¹⁶ is also significant for a ruling on Israel's international borders,¹⁷ laying the basis for delineating the Palestinian Territory that it is deemed to be occupying. According to the ICJ ruling these borders were

¹⁶ Cf. ICJ, 2004 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, available on-line at: <https://www.icj-cij.org/case/131>

¹⁷ Cf. ICJ, 2004 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, page 7 'Historical background', blue highlighted section of text, available on-line at: <https://separating.co.za/wp-content/uploads/2024/07/ICJ-rule-Israelis-boundaries-Screenshot-2024-07-25-18.16.png>

established as the 1949 armistice lines between Israel and Arab forces, as agreed to between Israel and Jordan.

Following a decision in 2002 Israel had been building a security wall, the stated purpose of which is to prevent the infiltration of 'Palestinian terrorists' into Israel. The wall is built on Palestinian territory, in other words not on Israel's international border, and cuts off 16,6 per cent of the surface space of the West Bank in a closed area where there are severe restrictions on the right of movement of Palestinians. In its 2004 Wall Opinion the ICJ said that the Wall is contrary to International Law because:

- * It impedes Palestinians' right to self-determination.
- * It creates a 'fait accompli' that could well become permanent despite Israel's assurances that it is temporary.
- * The route consolidates Israel's illegal settlements.
- * Construction has resulted in destruction/requisition of properties in breach of articles 46 and 52 of the Hague Regulations and article 53 of the Fourth Geneva Convention.
- * It substantially restricts freedom of movement and freedom to choose residence.
- * It impacts negatively on Palestinians' access to agricultural production, health and educational services and water sources.

Israel's response at the time, was that ICJ Advisory Opinions are not binding.

- **Advisory on the occupation**

Recently in 2024 the UN GA also requested an Advisory opinion from the ICJ with respect to the legal implications of Israel's ongoing occupation of the Palestinian Territories. The ICJ handed down a ruling that

- * Israel's military occupation of the Palestinian territories is illegal.

- * Israel enforces systemic discrimination between the legal and governance treatment of Israeli settlers and occupied Palestinians in contravention of the 1965 International Convention on the Elimination of All Forms of Racial Discrimination.
- * Israel had to end its military occupation as soon as possible.
- * Israel has to dismantle all Jewish-only settlements.
- * Israel has to provide reparations to Palestinians in the Territories for damages and suffering caused (including Israel letting Palestinian refugees return to their original places of residence in the Territories).
- * There are legal obligations on all UN member states to end their complicity in Israel's illegal occupation.

The above Advisories form an important international legal context for assessing Israel's claimed 'right to defend itself'.

ISRAEL'S SO-CALLED RIGHT TO DEFEND ITSELF.

Israel invokes the right to defend itself from attacks by Hamas and Islamic Jihad from Gaza, in justification for its large scale destruction of the Gazan landscape with enormous loss of life amongst civilians.

A fundamental question is whether the United Nations General Assembly support (in 1947) for the partition of historic Palestine into a Jewish and a Palestinian state, gave Israel the 'right to exist' in historic Palestine.¹⁸

Leaving that aside, the activist scholar Norman Finkelstein¹⁹ has criticised the notion that Israel has a right to defend itself from armed resistance in the oPTs. He noted that Israel contends that its occupation of the Palestinian territories is legal because it sprang from a defensive war - but according to Finkelstein, how the occupation started is irrelevant to the question of its legality. International law prohibits the attainment of territory by force, meaning that the occupation *qua* occupation is illegal. Israel has no

¹⁸ Israel justified the Nakba by referring to the legality of an UN GA partition plan, supported by the Western Powers and the then Soviet Union. However, the UN GA has no mandate for forming states and even less so in 1947, and consequently the GA resolution provides 'no right for Israel to exist'. The resolution was advisory, to which Palestinian representatives responded with a request to refer the partition plan (which they rejected) to the ICJ. Under the influence of Western powers, the GA did not accede to this request.

Cf. Laurent Rucker, 'Zionism & Moscow's Surprise: The Soviet-Israeli Alliance of 1947-1949': 'On 29 November 1947 the USSR voted in favor of the plan to partition Palestine and create both a Jewish State and an Arab State. Resolution 181 of the UN General Assembly passed with 33 in favor, 13 against, and 10 abstentions, including, notably, Yugoslavia. The USSR ensured "yes" votes by Byelorussia, Ukraine, Poland, and Czechoslovakia, which were necessary since a two-thirds majority was required to pass the resolution. The creation of Jewish State in Palestine required that the United States and its allies, and the Soviet Union and its satellites, vote the same way despite the escalating Cold War. In the emerging bipolar confrontation, the Zionist project could only succeed because the interests of the two superpowers temporarily coincided on this issue.'

¹⁹ Hendler, P 2024 Finkelstein on Israel's 'right to defend', available on-line at: <https://separating.co.za/wp-content/uploads/2024/07/Finkelstein-on-Israel-2024-06-03.pdf>

right to perpetuate an illegal occupation.²⁰ Israel's failure to carry out good faith negotiations to end the occupation further delegitimises it.

In this regard Israel's 'bad faith' is demonstrated by its practices in the oPTs, including (but not necessarily limited to):

- * The separation barrier, already found to be illegal by the ICJ in 2004.
- * Expanding Jewish settlements on the West Bank.
- * Annexation of East Jerusalem.
- * Imposition of an *apartheid* regime.
- * Undermining international law in the negotiations under the Oslo Peace Process.

Finkelstein averred that the UN GA is competent to declare Israel's occupation of the Palestinian Territories illegal. A GA resolution and an ICJ ruling (now done) would constitute formidable weapons to win over public opinion and thereby delegitimise the occupation.

²⁰ This is essentially the conclusion of Jerome Slater, professor of Political Science and author of a number of books on US foreign policy and the Israeli/Palestinian conflict, in evaluating the Criticism of the Goldstone Report by Alan Dershowitz and Moshe Halbertal, professor of Philosophy, that Israel's 2008/2009 Operation Cast Lead was an exercise in self-defence that was based on the principles of 'Just Cause' and 'Just Methods'. Cf. Horowitz, Adam Ratner, Lizzy and Weiss, Phillip (editors) 2011. "The Goldstone Report – The Legacy of the Landmark Investigation of the Gaza Conflict", (available on-line at: <https://www.publishersweekly.com/978-1-56858-641-0>), Nation Books, New York, pages 360 to 368.



US co-producing genocide. SOURCE: [democracynow](#)

THE COMPLAINANTS.

The Principal Complainant is a South African citizen, Mr. Safoudien Bester supported by the Second Complainant Mr. Martin Jansen who are both longstanding Palestinian human rights activists. The Third and Fourth Complainants are the Palestine Solidarity Campaign (PSC) Cape Town and the Media Review Network (MRN).

THE LEGAL TEAM.

South African Attorney and International Human Rights Lawyer Ziyaad Ebrahim Patel duly represents the Complainants on record.

LEGISLATIVE FRAMEWORK AND ICJ GENOCIDE RULING WITH RESPECT TO SUSPECTS.

As is the case with the 'Probe', this expanded complaint is that the additional suspects have violated the **Regulation of Foreign Military Assistance Act 15 of 1998 (Regulation of Foreign Military Assistance Act)**, and have contravened through their military service in the IDF in a broader scheme of willful and culpable acts of wide scale state terrorism certain provisions of the **Protection of Constitutional Democracy Against Terrorist And Related Activities Act 33 of 2004 (the Anti-Terrorist And Related Activities Act)** and the **Prevention of Organised Crime Act 121 of 1998 (the Prevention of Organised Crime Act)**, in respect of property that is either owned or controlled by, or on behalf of an entity involved in terrorist related activities.

The Second Part of the 'Probe' addressed the South African authorities' obligations in terms of the directions set out in the UN Human Rights Council report classifying expansion of settlements (on the West Bank) as a war crime, and of South Africa's ratification of the Rome Statute and its domestication of the **International Criminal Court Act 27 of 2002**, to investigate any alleged suspected persons who may be responsible for the perpetration of war crimes and crimes against humanity that are inflicted upon a predominantly defenceless Palestinian population who remain besieged in the Gaza Strip. Therefore, this expanded complaint is that the additional suspects have violated the International Criminal Court Act 27 of 2002.

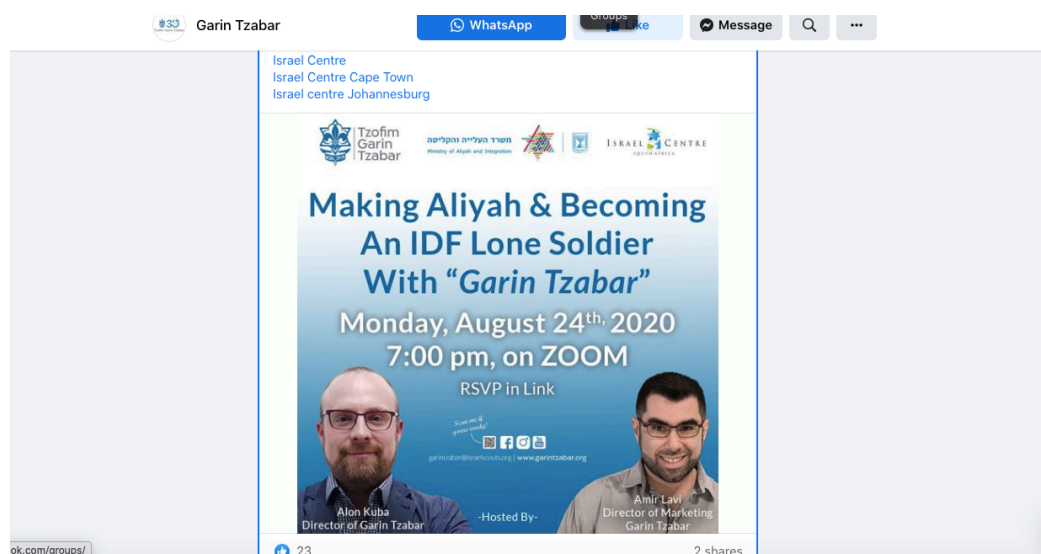
In addition to the aforesaid contention, the submissions made by the South African legal team at the ICJ indicate that there are reasonable grounds to believe with sustainable *prima facie* evidence, that the IDF have exceeded any legally construed bounds of 'self-defence' to repel an attack, in the Hamas operation 'Al Aqsa Flood'.

The 'Probe' is a Criminal Complaint lodged with South African Investigative and Prosecutorial Authorities. The investigation shall carry international legal ramifications based upon South Africa's constitutional obligations in upholding international law, adherence in

respecting and promoting fundamental human rights and instilling regional peace and stability in the Middle East through avenues of safety and security.

South Africa must meet its international obligations in terms of universal jurisdiction, international law/international human rights law and through its ratification of the Rome Statute and domesticated laws which harmonise with our responsibilities in holding to account perpetrators of the most egregious crimes perpetrated with impunity.

The objective of this investigation is the sustainable evidence which points to current and former South African citizens and/or nationals including Zionist Israeli institutions who are systematically violating the laws of the Republic of South Africa.



Recruiting: Israel Centre & Garin Tzabar. SOURCE: social media post.

WHAT IS THE EVIDENCE?

COVERAGE AND EYEWITNESS ACCOUNTS OF ATROCITIES AND GENOCIDE UNFOLDING IN GAZA.

- **Overview.**

In the scale of devastation caused in the Gaza Strip, it is impossible to record each and every identifiable war crime perpetrated by the IDF. Instead, this summary focuses on certain events and some of Gaza's civilian victims as a microcosm of the broader egregious crimes that are directed for criminal investigation.

The IDF and the accused suspects are implicated due to the aggressive policies of the ultra-right ethnocratic Israeli political establishment and the belligerent unlawful military operations carried out since October 7.

It is widely reported that the present scale of devastation in Gaza and the aggression of the IDF in its commission of war crimes, crimes of aggression, ethnic cleansing and genocide have razed entire Palestinian neighbourhoods and residential buildings to the ground causing a humanitarian catastrophe.

Multiple layers of Palestinian families have been killed in targeted airstrikes, air raids, shelling, and military operations on the ground. Palestinian families have reported astounding figures in civilian casualties. One Palestinian doctor recounts losing at least 57 members of his family including his parents in the conflict.²¹ There are other accounts of Palestinians losing a staggering 100 or more of their family members in Gaza,²² and this situation is utterly inhumane and heart shattering to witness an entire Palestinian intergenerational population group in Gaza and part of Palestinian society being erased from the civil registry.

²¹ Deponent refers to the account of Dr. Basel Abuwarda a Palestinian doctor living in Germany at the loss of his family members and parents living in Gaza.

²² Report on *Democracy Now* of Gaza War – an account of a Palestinian/US Doctor, available on-line at: https://www.democracynow.org/2024/2/5/tariq_haddad_blinken.

•Artificial-intelligence facilitated genocide.

Journalist Yuval Abraham, in +972 Magazine (based in Israel) has reported that the extent of civilian deaths in Gaza over the past six months, has largely been determined through using artificial intelligence (AI) to target thousands of Gazans as suspects, and therefore as candidates for assassination by Israel, with little human oversight and a permissive policy for civilian casualties. While the IDF has officially denied the lack of human oversight and the risk of violating the principles of proportionality and distinction in international law, Abraham's article provides detailed eye witness accounts from sources within the IDF familiar with the artificial intelligence and other cyber-software used, who gave detailed examples of the lack of human oversight and allowances for numbers of civilians that it was permissible to kill in order to achieve killing a Hamas/Islamic Jihad combatant.²³

Informants also referred to the acceptance of a 10 per cent margin of error using the AI system, the absence of the usual bomb damage assessment (to ascertain numbers of low-level combatants and civilians killed), and gaps between the electronic alert and the movement in real time of a targeted armed combatant. In short the use of AI violated the principles of proportionality and distinction, and this practice formed a distinct component of war crimes and has contributed to genocide. Given the level of destruction and killing in Gaza the questions remain as to what the collateral damage is calibrated as in relation to a specifically calibrated military advantage.

²³ The software systems are as follows. 'Lavender', which marks people, processing massive amounts of data to generate thousands of potential targets for military strikes, in the heat of war. 'Gospel', which marks buildings and structures. 'Where's daddy?', which tracks targeted individuals into their homes, when they are most vulnerable to being killed. A system operating from a special base in southern Israel collects information from mobile phones in Gaza and provides the military with live estimates of the movement of Gazans (e.g. those who have fled south). Cf. +972 Magazine, 'Lavender – The AI machine directing Israel's bombing spree in Gaza', available on-line at: <https://www.972mag.com/lavender-ai-israeli-army-gaza/>. Lavender clocked 37 000 suspects as suspected militants - and their homes - for possible air strikes. The IDF adopted Lavender's kill list targets without thoroughly checking raw intelligence on which Lavender's lists were based. The IDF authorised 10 to 15 civilians killed as acceptable 'collateral damage' for every low-level Hamas operative killed, and more than 100 civilians could be killed in order to kill a senior Hamas official (e.g. a battalion or brigade commander). Furthermore, junior operatives were targeted with 'dumb bombs' - 45 per cent of ordnances used - which were not precise ordnances but caused widespread damage, destruction and death around the home of the operative.



IDF

Guarding naked prisoners. SOURCE: social media post.

One informant to Abraham's report was quoted as saying 'the IDF bombed them in homes, without hesitation as a first option. It's much easier to bomb a family's home. The system is built to look for them in these situations'. Another source explained that relatively low-officers in the military hierarchy could decide who to put into the tracking systems: 'one day, totally of my own accord,

I added something like 1 200 new targets to the [tracking] system because the number of attacks [we were conducting] decreased. That made sense to me. In retrospect it seems like a serious decision I made. And such decisions were not made at high levels'. Revenge was reported as the main motive atmosphere post 7 October, regardless of the cost in civilian lives.

The legacy of their collective memory and their societal foundations are being obliterated by the IDF aggression. The survivors in Gaza are left with no prospects of hope in future to live and organise within a community structure in broader Palestinian society with their fundamental human rights protected to live in safety and security.

The following examples illustrate the strategy implemented as described above, and its deadly and genocidal consequences.

- **Church of Saint Porphyrius - Greek Orthodox Church in Gaza City.**

On 19 October 2023, part of the Church of Saint Porphyrius, a Greek Orthodox church in Gaza City, was damaged during an Israeli airstrike, killing at least 18 Palestinian civilians. It was reported that over 450 Christian and Muslim Palestinian residents of the Gaza Strip had been sheltering there.²⁴

- **al Ahli Arab Hospital.**

On 17 October 2023, an explosion took place in the parking lot of the courtyard of al-Ahli Arab Hospital in Gaza City, resulting in a large number of fatalities and injuries among displaced Palestinians seeking shelter there. Reports of the number of fatalities vary widely. The Gaza Health Ministry reported 342 injured and 471 killed.²⁵

²⁴ Cf. Amnesty International, available on-line at: <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-nowhere-safe-in-gaza-unlawful-israeli-strikes-illustrate-callous-disregard-for-palestinian-lives/>

²⁵ al-Ahli Arab Hospital explosion - Wikipedia, available on-line at: https://en.wikipedia.org/wiki/Al-Ahli_Arab_Hospital_explosion

There are contradictory findings by Human Rights Watch²⁶ and Al Jazeera,²⁷ of whether the most likely cause was an IDF missile strike or a misfired rocket from resistance fighters within the area. The responsibility of the attack requires further investigation and accountability against those responsible.

Al Jazeera reported that Israeli statements seem to have misinterpreted the evidence to build a story that one of the flashes recorded by several sources was a rocket misfire. Based on a detailed review of all videos, analysts concluded that the flash Israel attributed to a misfire was in fact consistent with Israel's Iron Dome missile defence system intercepting a missile fired from the Gaza Strip and destroying it in mid-air. Human Rights Watch in its report, while mentioning the possibility of a misfired Hamas/Islamic Jihad rocket, found that the areas around the hospital in particular mostly residential neighbourhoods of Sheja'ya and Zeitoun were under intense attack by the Israeli military when the hospital explosion occurred.

There are also wide reports of hospital staff being informed by the IDF officials prior to the strike at al-Ahli that the hospital would be targeted. This evidence cannot be excluded and the IDF must take responsibility in its failure to protect hospitals and medical facilities as an occupying force.

- **Palestinian human rights lawyer and her seven children killed by Israeli shelling – Nour Naser Abu al-Nour.**

Nour Naser Abu al-Nour, a human rights lawyer working with Palestinian Centre for Human Rights, was killed with seven of her family members, including her two-year-old daughter, in an Israeli attack on her home in Rafah, in the far south of the Gaza Strip.²⁸

²⁶ Human Rights Watch report on al-Ahli Arab Hospital explosion, available on-line at: <https://www.hrw.org/news/2023/11/26/gaza-findings-october-17-al-ahli-hospital-explosion>

²⁷ Al Jazeera report on al Ahli Arab hospital, available on-line at: <https://www.aljazeera.com/news/2023/10/19/what-hit-ahli-hospital-in-gaza>

²⁸ Cf. Mactooobmedia report, available on-line at: <https://maktoobmedia.com/world/palestinian-human-rights-lawyer-her-seven-family-members-killed-by-israeli-shelling/>; Cf. Al Haq condemnation of killing of Nour Naser Abu al-Nour and her family, available on-line at: https://twitter.com/alhaq_org/status/1760350604398825749



Destroyed Gaza landscape 2023. SOURCE: social media post.

- **Palestinian Children and their father – Two sisters Razan and Nouran Allough and Ahmad Allough.**

The tragic account of children shot and killed by the IDF published on X, (formerly Twitter) on social media by the niece and cousins of the victims, 'my baby cousins, their names are razan and nouran allouh. Israeli tanks shot at and killed them while they were trying to fill a bucket with water inside the gates of their home. My uncle ahmad allouh their father, went and lay between their bodies he was shot and killed (sic)'.²⁹

- **Account by Saja Abusulttan on loss of her family members in Gaza**

Saja Abusulttan recounted the death of her aunt, her husband and their daughter killed by Israeli bombardment in Rafah, in the so-

²⁹ (6) Noreen ♡ on X, available on-line at: <https://t.co/P8SyAivFmV> / X (twitter.com)

called safe Zone. A few weeks prior, they had survived the military invasion and shooting of their home while her uncle a Nakba survivor was also killed.³⁰

- **Killing of Hind Rajab, her family and the dispatched rescuers.**

The six-year-old Hind Rajab, begged to be rescued as Israeli tanks closed in on her. On the call held with the Palestine Red Crescent Society (PRCS) which lasted for about three hours, whereby Rana Al-Faqueh, the PRCS response coordinator stayed on the call with the young girl.

Hind begged Rana and the PRCS to come and save her after her family's car was under fire and she was the sole survivor stranded inside the car with her dead relatives in the Tal al-Hawa suburb of Gaza City on 29 January 2024. Hind was later found deceased by relatives together with the five other family members that were killed.³¹

- **90 Civilians killed in 'safe zone' attempt to kill Muhammed Deif.**

In mid-July 2024 Muhammed Deif, the elusive head of the Qassam Brigades (the armed wing of Hamas) and the commander of the Qassam Khan Younis Brigade, were targeted in an Israeli air strike. The strike resulted in the killing of 90 Palestinians, and wounding a further 300, most if not all likely to be civilians, who were sheltering in what Israel itself had previously designated a 'safe zone', al-Mawasi.³² Israel claimed it had killed Deif, but this was neither confirmed by Hamas nor corroborated independently.

The killing and wounding of more than 390 people in order to kill one senior commander is an example of Israel's interpretation of IHL: that it is compliant with the laws of war to have a civilian to

³⁰ Post | LinkedIn – Saja Abusulttan, available on line at https://www.linkedin.com/posts/saja-sultan-65063896_my-uncle-a-nakba-survivor-was-shot-in-the-activity-7167192015930146816-KFUS/

³¹ The call is on X, available on-line at: <https://twitter.com/i/status/1752277801590276397> ; <https://twitter.com/i/status/1759285054369304869>

³² Cf. Al Jazeera, Israel says Hamas commander Mohammed Deif killed in July air raid on Gaza, available on-line at: <https://www.aljazeera.com/news/2024/8/1/israel-says-hamas-military-leader-mohammed-deif-killed-in-july>

combatant casualty ratio of 390 to one. This is consistent with the earlier reports about acceptable civilian casualty numbers through using AI to identify and then kill.

● **Israeli attacks on southern Lebanon and assassination of Fuad Shukr.**

Israel's attacks on southern Lebanon have intensified after strikes on the southern town of Ghaziyeh, about 60km from the southern border, whereby a notable increase in attacks signified that Israel was stepping up a campaign to clear the south of Lebanon.³³

Two Israeli strikes in Lebanon on 13 October 2023 killed Reuters journalist Issam Abdallah and injured six other journalists. In total, three Lebanese journalists had been killed by Israeli strikes as of 21 November 2023, according to the Committee to protect Journalists. On 21 November, two Lebanese journalists, Rabih Al-Maamari and Farah Omar, along with their driver, Hussein Akil, were killed and targeted in an Israeli strike in the southern Lebanese town of Tayr Harfa, 2,3 km from where Issam Abdallah was killed. The journalists were reporting for Al Mayadeen TV, a Lebanon-based pan-Arab television station and were clearly marked as 'Press'. Journalists were in an area where there was clearly no combatants or fighters nearby.³⁴

The Eighth suspect in the original Criminal Complaint, Yaron Eisenberg, a 'light machine gunner in the Tzanchanim brigade of miluim' in Facebook posts dated 15 October 2023 and 20 October 2023 respectively, admitted that he and his military unit were stationed at the Lebanon border and were working around the clock on the northern border.³⁵

³³ Cf. Al Jazeera, What's behind Israel's escalation on south Lebanon? available on-line at: <https://www.aljazeera.com/news/2024/2/14/whats-behind-israels-escalation-on-south-lebanon>

³⁴ Cf. Israel: Strikes on Journalists in Lebanon Apparently Deliberate | Human Rights Watch (hrw.org), available on-line at: <https://www.hrw.org/news/2023/12/07/israel-strikes-journalists-lebanon-apparently-deliberate>

³⁵ Cf. Principal Complaint S. Bester Pages 20 and 21 – CAS NO. 19/02/2022

At the end of July Israel launched a missile strike on a building in Beirut that killed senior Hezbollah commander Fuad Shukr,³⁶ and three civilians. Israel claimed that Shukr had been instrumental in

the missile attack shortly before that killed 12 Druze children in the occupied Golan Heights, although Hezbollah denied culpability claiming that a misfired Iron Dome (Israeli) missile was responsible.³⁷ Some commentators averred that Israel was purposely escalating tensions with Hezbollah to provoke a regional war where the US would be obliged to enter to protect Israel against Hezbollah and Iranian attacks.³⁸

- **Israeli attacks on civilians in Gaza collecting food aid and using food as a tool of war.**

At least 112 people were killed and more than 750 were injured near food aid trucks in Gaza City on 29 February 2024. The site of the attack was in Northern Gaza where food deliveries have been rare as the besieged enclave faced an unprecedented hunger crisis. The Palestinian authorities asserted that Israeli forces carried out a massacre, opening fire on a crowd of desperate and starved people who had gathered in the hope that food would be distributed.³⁹ A Geneva-based human rights group's ongoing investigations into the incident at the Nabulsi roundabout, southwest of Gaza City, verified the Israeli army's role in the massacre, citing evidence of the precise bullets used being 5,56x45mm Nato bullets fired from Israeli army weapons.⁴⁰

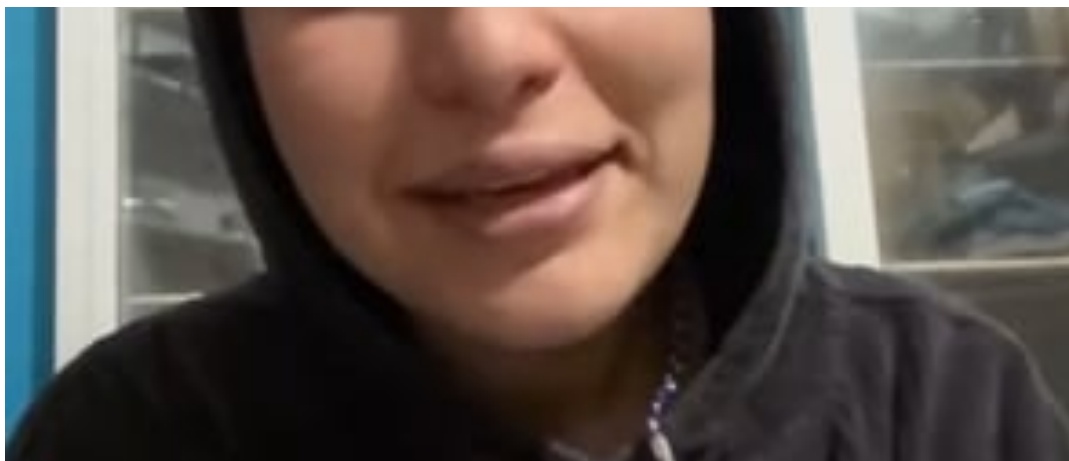
³⁶ Cf. Al Jazeera Who was Fuad Shukr, the Hezbollah commander killed by Israel in Beirut? available on-line at: <https://www.aljazeera.com/news/2024/7/31/who-isfuad-shukr>

³⁷ Cf. Middle East Eye Golan Heights attack: The claims and counterclaims on Majdal Shams strike, available on-line at: <https://www.middleeasteye.net/news/majdal-shams-claims-and-counterclaims-deadly-attack>

³⁸ The Electronic Intifada, Day 306: Is escalation inevitable?, available on-line at: <https://electronicintifada.net/blogs/maureen-clare-murphy/day-306-escalation-inevitable>

³⁹ Cf. Al Jazeera 'Massacre': Dozens killed by Israeli fire in Gaza while collecting food aid | Israel War on Gaza News | Al Jazeera, available on-line at: <https://www.aljazeera.com/news/2024/2/29/dozens-killed-injured-by-israeli-fire-in-gaza-while-collecting-food-aid>

⁴⁰ Cf. Media Review Network article, available on-line at: <https://mediareviewnet.com/2024/03/new-evidence-confirms-israels-full-involvement-in-flour-massacre-of-starving-palestinian-civilians/>



The Ramadan flour massacre. Young woman speaking about the men who were killed. SOURCE: social media post.

Caption

- **The unfolding humanitarian catastrophe - Gaza as a demilitarised zone and Netanyahu's refutation of a Palestinian state.**

The Israeli war on Gaza has pushed at least 85 per cent of the territory's population into internal displacement amid acute shortages of food, clean water, and medicine, while 60 per cent of the enclave's infrastructure has been damaged or destroyed, according to the UN.

Israel is accused of genocide at the ICJ. An interim ruling in January ordered Israel to stop genocidal acts and take measures to guarantee that humanitarian assistance is provided to civilians in Gaza.

In an Al Jazeera report, Israel's Prime Minister Benjamin Netanyahu, the Ninth Additional Suspect, indicated his government's intention after the IDF war in Gaza to make the Gaza Strip a demilitarised

zone which effectively means the continued belligerent occupation of Gaza.⁴¹



Famine in Gaza. SOURCE: [middleeastmonitor](#).

It has been reported by the Andalolu Ajansi, that the Tenth Additional Suspect, Netanyahu's government, is facing new pressures in recent days in an attempt, 'to force upon us the unilateral establishment of a Palestinian state which will endanger the existence of the State of Israel (sic).' He also said he introduced legislation to the Knesset, Israel's parliament, to reject the unilateral 'imposition' on Israel of a Palestinian state. Netanyahu added he is certain that the legislation will receive wide support after it was unanimously passed in the Cabinet, 'and it will show the

⁴¹ Cf. Aljazeera, Netanyahu says Israel will turn Gaza into 'demilitarised zone' (youtube.com), available on-line at: <https://www.youtube.com/watch?v=m0bLK11CQVc>

world that there is wide agreement in Israel against the international efforts to force on us a Palestinian state (sic).⁴²

There have also been credible reports of the risk of starvation in Gaza.⁴³ Towards the end of February, children were particularly vulnerable through the destruction of Gaza's medical infrastructure, a month without any significant food provisions (after 25 January) leading *inter alia* to severely malnourished infants who had to be transferred to other hospitals after the attacks on Al Nasser hospital, with least 90 per cent of Gaza children under five malnourished leading to infectious diseases. There was no clinical care and people were living in open shelters. Of the 2,3 million people, 1,4 million people were living in Rafah towards the end of February, many having been threatened if they did not flee south at the orders of the Israeli military.⁴⁴

- **Medical doctors reports and account of conditions.**

A French Doctor, Khaled Benboutrif described Gaza's humanitarian crisis after witnessing the dire circumstances at the European Hospital at Khan Younis. He also referred to the blocking of medical supplies by Israeli forces at the border.⁴⁵ Dr Aayesha Soni (MBBCh, DipPEC, DA, Fc Neurol, MMed) a South African specialist neurologist and medical volunteer with the Gift of the Givers, stated that 'the Israeli army has been relentless in its targeting of healthcare workers and infrastructure in Gaza. Specifically in Gaza, the attacks against the health infrastructure witnessed since

⁴² Cf. aa.com.tr, 19 February 2024 Netanyahu vows to maintain security control over Gaza, West Bank, available on-line at: <https://www.aa.com.tr/en/middle-east/netanyahu-vows-to-maintain-security-control-over-gaza-west-bank/3142338>

⁴³ Account by Palestinian Dr. Basel Abuwarda on his sister's family cut off in Northern Gaza experiencing starvation and famine conveyed to the Deponent. Cf. Independent on Line report of Colour of Hope Foundation event in Fordsburg, Johannesburg, South Africa, 16 February 2024, available on-line at: <https://www.iol.co.za/news/south-africa/western-cape/palestinian-doctor-is-visiting-south-africa-this-is-where-you-can-see-him-55085251-d852-4ac9-8dd5-04ff5ac3281b>

⁴⁴ Cf. Al Jazeera, There is nowhere safe for children to go in Gaza, available on-line at: <https://www.aljazeera.com/author/jason-lee>

⁴⁵ Cf. Anadolu Ajansi, 15 February 2024 French doctor describes Gaza's humanitarian crisis, available on-line at: <https://www.aa.com.tr/en/middle-east/french-doctor-describes-gazas-humanitarian-crisis-urges-cease-fire-amid-israeli-genocide/3138861>

October 7th, 2023, is deeply rooted in a history of Israel's weaponisation of health.⁴⁶

Emily Callahan an American nurse with Doctors without Borders,⁴⁷ gives a harrowing description of what she had witnessed in Gaza. She described children with burn marks all down their necks and across their limbs, hospitals overwhelmed so they discharge child patients immediately to nearby camps, with 50 000 people in one camp that had only four toilets, and given two hours of water per day. She also reflected that under such circumstances it was inevitable that people would turn on each other.

- **Persistence of genocide - South Africa's request to the ICJ for additional measures.**

On 12 February 2024 South Africa submitted a request for additional measures from the ICJ, given that there had been significant developments in Gaza, indicating that Israel was failing to comply with the initial court ruling. These developments concerned the planned and ongoing military offensive against Rafah. South Africa averred that the 1,4 million inhabitants concentrated in Rafah faced the risk of ongoing genocidal acts being committed against them. The Court responded by noting the perilous conditions and the threat of irreparable harm and stressed that Israel had to comply with its initial ruling.

⁴⁶ The reference for this an affidavit attached to the expanded charge sheet, which can be made available on request.

⁴⁷ CNN Interview by Anderson Cooper with American nurse Emily Callahan, who got out of Gaza, and described the desperation she saw (youtube.com), 07 November 2024, available on-line at: <https://www.youtube.com/watch?v=gk7iWgCk14U>

- **Threat of famine - South Africa's request to the ICJ for additional measures.**

On 6 March 2024 South Africa submitted a further request for additional measures from the ICJ to prevent a catastrophic famine in the Gaza Strip. The urgent application was necessitated by widespread starvation in Gaza, which had claimed the lives of at least fifteen children in the preceding week alone, with the actual numbers believed to be much higher. UN experts had warned that the number of deaths would increase exponentially unless military activities were halted, and the blockade lifted.

- **Reports of mass graves at Two of Gaza's largest hospitals.**

On 23 April 2024 reports emerged about mass graves in Gaza in which Palestinian victims were reportedly stripped naked with their hands tied, prompting renewed concerns about possible war crimes amid ongoing Israeli airstrikes, the UN human rights office, Office of the High Commissioner for Human Rights (OHCHR), said.⁴⁸ There were 283 bodies at Nasser and 310 at Al Shifa, including of older and wounded people, many with their hands tied and stripped of their clothes, buried deep in the ground at Al Shifa and Nasser hospitals. ICC investigators had begun collecting evidence from hospital staff, following the withdrawal of Israeli troops.⁴⁹

- **Consequences of continuing IDF attacks on Rafah.**

The current High Commissioner in the OHCHR, Volker Türk said ⁵⁰ that unspeakable suffering was being caused to the estimated 1,2 million Gazans concentrated in Rafah, and that continuing these attacks on the city would reproduce the misery, suffering,

⁴⁸ Cf. UN News, Mass graves in Gaza show victims' hands were tied, says UN rights office, available on-line at: <https://news.un.org/en/story/2024/04/1148876>.

⁴⁹ Cf. MS start Al-Shifa, Nasser hospital staff questioned by ICC prosecutors, available on-line at: <https://www.msn.com/en-us/news/world/al-shifa-nasser-hospital-staff-questioned-by-icc-prosecutors-report/ar-AA1nV7I8>.

⁵⁰ Cf. UN News, Mass graves in Gaza show victims' hands were tied, says UN rights office, available on-line at: <https://news.un.org/en/story/2024/04/1148876>.

destruction, starvation and disease, and also expand the risk of wider conflict. He referred to Israeli air strikes that had resulted in the killing of women and children, including a pregnant woman, from whose womb a premature child had to be taken.

- **Indiscriminate sniping of civilians.**

Palestinian journalist, Younis Tiravi, as reported by South African journalist Tankiso Makhetha in News 24,⁵¹ has identified an IDF unit, 'Refaim' (The Ghost Unit) wantonly killing at least 100 Palestinians between November 2023 and February 2024, in the vicinity of the Al Quds Gaza Hospital (in the Tel Hawwa neighbourhood) and near the Nasser hospital (in Khan Younis). His reporting identified a South African national, Aaron Bayhack, as one of 18 members of this unit, and who had achieved its first killing. Bayhack will be included as an additional suspect under the sub-heading 'Investigation of Persons and Institutions' at the end of this Executive Summary. This inclusion will take effect in a future supplementary affidavit.

Tiravi's conclusion was based on a journalist interview with self-confessed killer Daniel Raab, a US citizen and co-member of the unit, videos posted on social media by Raab and others from the unit showing the snipers physically firing and actual resulting killings, independent eye witness⁵² reports about individuals killed through precise targeting in the vicinity of these hospitals and also from medical reports from the Palestinian Health Authority.⁵³ News 24 reported that it verified the accuracy of the subtitles to the Hebrew spoken in the interview by Raab. These targeted killings of civilians are corroborated by reports from two US doctors, Feroze Sidhwa and

⁵¹ Maketha, Tankiso 2024 Sandton man, 22, identified as sniper in elite Israeli unit that killed unarmed civilians in Gaza, News 24, available on-line at: <https://separating.co.za/wp-content/uploads/2024/10/News-24-on-Aaron-Bayhack.pdf>

⁵² One of these, Nebal Farsakh of the Palestinian Red Crescent Society, relates on the videoed documentary, the targeted executions of two children near the Al Quds hospital building. Through geo-locating the areas where Raab claimed the snipers were firing from and mapping their line of fire Tiravi made plausible that these were the cause of the numerous precision of killings of civilians (including young children) just outside Nasser hospital during February 2024.

⁵³ Tiravi, Y 2024 The Ghost Unit, Video via Twitter/X, available on-line at: https://x.com/search?q=Younis+Tiravi+documentary+video+The+Ghost+Unit&src=typeahead_click&f=top

Mohammad Rassoul, of Palestinian children killed through precise single shots to their heads and chests.⁵⁴

In his documentary Tiravi make the following argument why this units has engaged in egregious violations of IHL: 1. It created a red line, i.e. the proximity that the IDF and its snipers define, within which they shoot to kill, which Palestinians are ignorant of;⁵⁵ 2. Palestinians do not know about the presence of an Israeli force in an area (i.e. the Ghost Unit does not show itself); and, 3. There is a procedure permitting open fire on anyone above what appears to be a set military age.⁵⁶

Tiravi reported that some of the 100 executions took place in South Gaza, near a point where Palestinians waiting for flour bags were fired on by the IDF, allegedly to maintain order (see earlier sub-section 'Israeli attacks on civilians in Gaza collecting food aid and using food as a tool of war'). He also reported that the execution carried out by Daniel Raab was committed near a school in Khan Younis where many families were sheltering.

The final portion of Tiravi's videoed documentary refers to the largest distance over which sniper elimination was executed, as 1 250 meters - two people, clearly unarmed and posing no

⁵⁴ Leeman, Z 2024 American Doctors Tell New York Times They Saw Pattern of Gaza Children Being Shot in Head: 'Every Day I Was There', Mediaite+, available on-line at: <https://www.mediaite.com/news/american-doctors-tell-new-york-times-they-saw-pattern-of-gaza-children-being-shot-in-head-every-day-i-was-there/>

⁵⁵ This reflects similar evidence of the Goldstone Commission report into the 2008/2009 Operation Cast Lead. Cf. Horowitz, Adam Ratner, Lizzy and Weiss, Phillip (editors) 2011. "The Goldstone Report – The Legacy of the Landmark Investigation of the Gaza Conflict", (available on-line at: <https://www.publishersweekly.com/978-1-56858-641-0>), Nation Books, New York, pages 131 to 133.

⁵⁶ There is an analogy between this practice and a similar practice by the US military forces occupying Iraq and Afghanistan, and US drone attacks in Yemen and Pakistan, based on defining any male above the age of 16 in a specified area as a combatant unless otherwise proven - this justified attacks on first responders to an initial strike on a combatant deemed 'terrorist'. Cf. Mint Press News Desk, 2013 US condemns 'double tap' terror strikes but is it Obama's policy to do the same thing?, available on-line at: <https://www.mintpressnews.com/double-tap-drone-strike-first-responders/165655/>; and, also Action on Armed Violence (AOAV), 2019 Military Age Males' in US Drone Strikes, available on-line at: <https://aoav.org.uk/2019/military-age-males-in-us-drone-strikes/>. For more on US violation of the principle of distinction Cf. also Simon, S 2021 U.S. airstrikes have killed thousands of civilians, NYT Magazine investigation finds, available on-line at: <https://www.npr.org/2021/12/25/1067966116/u-s-air-strikes-have-killed-thousands-of-civilians-nyt-magazine-investigation-fi>; and, Cavallaro, J et al 2012 Living Under Drones: Death, Injury and Trauma to Civilians from US Drone Practices in Pakistan, Stanford Law School, NYU Law School and Global Justice Clinic, available on-line at: <https://law.stanford.edu/publications/living-under-drones-death-injury-and-trauma-to-civilians-from-us-drone-practices-in-pakistan/>

immediate military threat, were executed over this distance in Khan Younis in February 2024, their figures clearly discernible through the telescopic lense of the sniper rifle.

- **IDF attack on Iranian consulate office - Damascus - and assassination of Ismail Haniyeh - Tehran.**

On 1 April 2024 the IDF targeted and destroyed the Republic of Iran's consulate in Damascus, killing at least seven Iranian nationals,⁵⁷ in flagrant violation of international law - Article 29 of the Vienna Convention states: The person of diplomatic agent shall be inviolable. He shall not be liable to any form of arrest or detention. The receiving State shall treat him with due respect and shall take all appropriate steps to prevent any attack on his person, freedom or dignity. These acts are covered by the Anti-Terrorist and Related Activities Act. Individuals recruited from South Africa, who might have been involved in this, as well as South African-based institutions that might have been implicated, should be investigated.

The assassination of senior Hamas leader Ismail Haniyeh, in Tehran on 31 July, represented a further violation of the territorial integrity of Iran, and also a stop to negotiations about release of Israeli hostages and Palestinian prisoners, because Haniyeh was Hamas' chief interlocutor in the negotiations.⁵⁸

- **Statement by the UN Secretary-General.**

On 12 May 2024 UN Secretary-General, António Guterres and Qatar's Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman bin Jassim Al Thani agreed that 'a full-scale military operation in Rafah would have catastrophic consequences and must be prevented.'

⁵⁷ Cf. BBC.com, Smoke rises from destroyed Iranian consulate, available on-line at: <https://www.bbc.com/news/world-middle-east-68708258>

⁵⁸ Cf. Electronic Intifada, Ismail Haniyeh assassinated in Tehran after Israel bombs Beirut, available on-line at: <https://electronicintifada.net/blogs/maureen-clare-murphy/ismail-haniyeh-assassinated-tehran-after-israel-bombs-beirut>

The Secretary-General expressed deep appreciation for Qatar's continued mediation efforts to broker a deal for an urgent ceasefire in Gaza and the immediate release of hostages.

This joint statement simply adds grist to the mill in defence of the right to life of Gazan Palestinians as well as to the right to self-determination of all Palestinians, in the face of a total assault on the them.



Jabaalia detainees. CNN has added blur to this photo to protect identities. Obtained by CNN

Jabaalia detainees semi-nude.

INTENTIONALITY OF GENOCIDE - SOUTH AFRICA'S REFERRAL TO THE INTERNATIONAL CRIMINAL COURT

Together with the Peoples Republic of Bangladesh, the Plurinational State of Bolivia, the Union of Comoros and the Republic of Djibouti, South Africa referred charges against Israel for conduct, policies, laws, official decisions and practices that underlie, promote, encourage or otherwise make a contribution to the commission of crimes that come within the terms of Articles 7(1)(a), (d), (i), (f), (h),(u) and (k), 8(2)(a)(i), (ii), (iii), (iv), (vi), (vii), (b)(i), (ii), (iii), (iv), (viii), (ix), (xiii), (xvi) and (xxi) of the Rome Statute.

As part of the Complainants request, the current probe should also be referred in line with principles of complementarity and South Africa's ratification of the Rome Statute, to the International Criminal Court (ICC) by South African Authorities for further investigation and prosecution of the accused suspects.

In line with this submission the South African authorities should place under immediate investigation the hierarchy of the political structure of Israeli leadership and Israeli Knesset which is a formation of an extreme ultra right nationalist and fascist Zionist coalition led by the Tenth Additional Suspect, Benjamin Netanyahu and the Ninth to the Seventeenth Additional Suspects should be cited. Most if not all of these are implicated in hate speech against Palestinians and have also made inciteful and genocidal statements against Palestinians.⁵⁹

These speeches and comments include those uttered by

- the President of Israel (ninth additional suspect).
- the Prime Minister of Israel (tenth additional suspect).
- the Israeli Minister of Finance (eleventh additional suspect).
- the Israeli Minister of Defence (twelfth additional suspect).

⁵⁹ Details of these speeches are contained on pages 59 to 69, highlighted in yellow backfill, in the submission by South Africa to the International Court of Justice, available on line at: <https://separating.co.za/wp-content/uploads/2024/05/SA-Genocide-application-to-ICJ-Yellow-highlights.pdf>.

- the Israeli Minister for National Security (thirteenth additional suspect).
- Minister of Social Equality and the Advancement of the Status of Women of Israel (fourteenth additional suspect).
- the Israeli Minister of Energy and Infrastructure (fifteenth additional suspect).
- the Israeli Minister of Heritage (sixteenth additional suspect).
- the incumbent Knesset, including Deputy Speaker of the Knesset and Member of the Foreign Affairs and Security Committee (included in the seventeenth additional suspects).
- Chief of General Staff of the IDF (the eighteenth additional suspect).
- Incumbent Generals and commanders of the IDF, including the Israeli Army Coordinator of Government Activities in the Territories (COGAT), Israeli Army Reservist Major-General (former head of Israeli National Security Council and advisor to the Defence Minister) (included in the nineteenth additional suspects):
 - a veteran (from the Nakba Israeli army reservist 'motivational speech' (included in the nineteenth additional suspect).
 - Head of the Israeli Army Air Operations Group (included in the nineteenth additional suspects).
 - a Commander in the 2908th Battalion of the Israeli army (included in the nineteenth additional suspects).
 - Israeli army colonel deputy-head of COGAT (included in the nineteenth additional suspects).
 - (a sample of) Israeli army soldiers, and messages routinely broadcast across social media from members of Israeli civil society (included in the nineteenth additional suspects) (specific South African citizens

identified as IDF volunteers are referred to at the end of this summary).

The South African submission also refers to the following UN and independent international bodies that expressed concurrent views and concerns about genocide being committed by Israel.

- Fifteen UN Special Rapporteurs.
- The UN Committee on the Elimination of Racial Discrimination.
- The Director of the UN Office of the High Commissioner for Human Rights.
- Twenty-eight members of UN Working Groups.
- UN Special Rapporteur on violence against women and girls, its causes and consequences.

- **ICC warrants for arrest of Netanyahu and Gallant**

On 20 May the ICC Chief Prosecutor announced that he believed that Israeli Prime Minister Benjamin Netanyahu and Minister of Defence Yoav Gallant, bore criminal responsibility for the following violations of IHL and international human rights law:

- Starvation of civilians.
- Willful killing or murder.
- Intentionally directing attacks against a civilian population.
- Crimes against humanity of extermination and persecution.

The prosecutor sought warrants of arrest for Netanyahu and Gallant because through a common plan these individuals have systematically deprived a civilian population of objects indispensable to human survival. He noted the following sources of substantive evidence in support of this claim:

- Interviews with survivors.

- Many eye-witness accounts.
- Expert accounts.⁶⁰
- Satellite imagery.
- Statements from Israeli officials.
- Several hundred *authenticated* videos, photographs and audio recordings (of victims and eye-witnesses).
- Attacks on aid workers preventing their assistance to Gazans.
- Blockade on aid provisions that intentionally caused famine in Gaza.

On this basis the Chief Prosecutor made application to ICC judges to issue warrants of arrest for these individuals.

- **Israel's warfare methods in Gaza genocidal, starvation as weapon of war**

A UN Special Committee report that was recently published,⁶¹ Israel's warfare in Gaza is consistent with the characteristics of genocide, with mass civilian casualties and life-threatening conditions intentionally imposed on Palestinians there.

The UN Special Committee statement is incorporated with its damaging findings against Israel:

"Since the beginning of the war, Israeli officials have publicly supported policies that strip Palestinians of the very necessities required to sustain life — food, water, and fuel," the Committee said. "These statements along with the systematic and unlawful interference of humanitarian aid make clear Israel's intent to

⁶⁰ Cf. Why Israel is in deep trouble, presentation by Prof John Mearsheimer to the Centre for Independent Studies, Australia, available on line (u-Tube) at: <https://www.youtube.com/watch?v=62FCVJycwSA>.

⁶¹ UN Special Committee finds Israel's warfare methods in Gaza consistent with genocide, including use of starvation as weapon of war | OHCHR, available on-line at: <https://www.ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide> - The Committee's report will be presented to the 79th Session of the UN General Assembly on 18 November 2024. It concludes that "Israel's warfare in Gaza is consistent with the characteristics of genocide, with mass civilian casualties and life-threatening conditions intentionally imposed on Palestinians there."

instrumentalise life-saving supplies for political and military gains.”

Covering the period from October 2023 to July 2024, the report examines developments across the occupied Palestinian territory and the occupied Syrian Golan but focuses on the catastrophic impact of the current war in Gaza on the rights of Palestinians.

“Through its siege over Gaza, obstruction of humanitarian aid, alongside targeted attacks and killing of civilians and aid workers, despite repeated UN appeals, binding orders from the International Court of Justice and resolutions of the Security Council, Israel is intentionally causing death, starvation and serious injury, using starvation as a method of war and inflicting collective punishment on the Palestinian population,” the Committee said.

The report documents how Israel’s extensive bombing campaign in Gaza has decimated essential services and unleashed an environmental catastrophe that will have lasting health impacts. By early 2024, over 25,000 tons of explosives—equivalent to two nuclear bombs—had been dropped on Gaza, causing massive destruction and the collapse of water and sanitation systems, agricultural devastation, and toxic pollution.

“By destroying vital water, sanitation and food systems, and contaminating the environment, Israel has created a lethal mix of crises that will inflict severe harm on generations to come,” the Committee said.

The report raises serious concerns about Israel’s use of AI-enhanced targeting systems in directing its military operations, and the impact it has had on civilians, particularly evident in the overwhelming number of women and children among the casualties.

“The Israeli military’s use of AI-assisted targeting, with minimal human oversight, combined with heavy bombs, underscores Israel’s disregard of its obligation to distinguish between civilians and combatants and take adequate safeguards to prevent civilian deaths,” the Committee said.

Amid the devastation in Gaza, Israel’s escalating media censorship, suppression of dissent, and targeting of journalists are deliberate efforts to block global access to information, the

Committee found. It also noted how social media companies disproportionately removed “pro-Palestinian content” in comparison with posts inciting violence against Palestinians.

The Committee condemned the ongoing smear campaign and other attacks against UNRWA and the UN at large. “This deliberate silencing of reporting, combined with disinformation and attacks on humanitarian workers, is a clear strategy to undermine the vital work of the UN, sever the lifeline of aid still reaching Gaza, and dismantle the international legal order,” the Committee said.

KILLING THE STORY

AT LEAST 44 JOURNALISTS KILLED BY ISRAEL (2000-2022)

JOURNALISTS KILLED ON THE JOB

2000 . Aziz Yousef al-Tanir . **2001** . Mohammad Bishtawi . Othman Abd Elqader al-Qatnani . **2002** . Ahmad Nu'man . Amjad Bahjat al-Alami . Imad Subhi Abu Zahra . Issam Mithqal Hamza Al Tilawi . Jamil Abdullah al-Nawawreh . Raffaele Ciriello . **2003** . James Miller . Nazih Adel Darwazah . **2004** . Mohammed Abu Halima . **2008** . Fadel Shana'a . **2009** . Basil Ibrahim Farej . Omar Abdel Hafidh Al Silawi . **2010** . Cevdet Kiliçlar . **2012** . Husam Mohammad Salameh . Mahmood Ali Ahmad Al Kouni . **2014** . Ali Shehade Abu Afash . Hamada Khaled Maqat . Hamid Abdallah Shihab . Khalid Riyadh Mohammad Hamad . Mohammad Al Deiri . Rami Fathi Hussein Rayan . Samih Mohammad Al Aryan . Simone Camilli .

JOURNALISTS KILLED OFF THE JOB

2003 . Fadi Nashaat Alawneh . **2009** . Alaa Hamad Mahmoud Murtaja . Inhab Jamal Hasan Al Wahidi . **2012** . Mohammad Mousa Abu Eisha . **2014** . Abdulrahman Ziyad Abu Hin . Ahd Afif Zaqout . Bahaa al-Din al-Gharib . Ezzat Salama Duheir . Muhammad Majed Daher . Najja Mahmoud Al Haj . Shadi Hamdi Ayyad . **2015** . Ahmad Hirbawi . **2016** . Iyad Sajdia . **2021** . Yousef Abu Hussein .

JAMES MILLER
Killed by the Israeli military with a single shot to the neck while filming a documentary in Gaza in 2003.

YASER MURTAJA
Killed by Israeli snipers with a shot to the abdomen while he was covering the Great March of Return in Gaza in 2018.

SHIREEN ABU AKLEH
Killed by the Israeli military with a single shot below her ear while she was covering an Israeli invasion on the Jenin refugee camp in the West Bank in 2022.

NO ONE HAS BEEN HELD ACCOUNTABLE FOR THEIR MURDERS

VISUALIZING PALESTINE SOURCES: bit.ly/vjp-journalists WWW.VISUALIZINGPALESTINE.ORG

MAY 2023

The Committee called on all Member States to uphold their legal obligations to prevent and stop Israel’s violations of international law and hold it accountable. “It is the collective responsibility of every State to stop supporting the assault on Gaza and the apartheid system in the occupied West Bank, including East Jerusalem,” the Committee said. “Upholding international law and ensuring accountability for violations rests squarely on Member States. A failure to do so weakens

Killing messenger long before October 2023.....

the very core of the international legal system and sets a dangerous precedent, allowing atrocities to go unchecked.”

INVESTIGATION OF ADDITIONAL PERSONS

The Regulation of Foreign Military Assistance Act provides that prospective volunteers for foreign military forces, including for action outside the borders of South Africa, have to apply for permission to do so, from the National Conventional Arms Control Committee. The Chief Directorate Conventional Arms Control (CDCAC) responded to a Promotion of Access to Information Act request for information whether there had been any applications by South African citizens for permission to serve in the IDF, between 1 January 2006 and 2 November 2023. The CDCAC responded by saying that no applications had been received for rendering or offering services to the IDF specifically.⁶²

Consequently, there is incontrovertible evidence, whereby the following accused South African suspects (from the 'Probe' as well as 'Additional suspects') have clearly violated the requirements provided for in the Regulation of Foreign Military Assistance Act and should be held criminally liable for violation of the laws of Republic.

SUSPECTS LISTED ORIGINALLY IN THE 'PROBE'

- **Joseph Vaughn Enna** (first suspect)
- **Tali Pitluk** (second suspect)
- **Jordyn Scop** (third suspect)
- **Gina de Abreu** (fourth suspect)
- **Nicole Verreyne** (fifth suspect)
- **Ariel Lipshitz** (sixth suspect)
- **Dean Unterslak** (seventh suspect)
- **Shiron Eisenberg** (eighth suspect)
- **Adam Ross** (ninth suspect)
- **Dylan Padowitz** (tenth suspect)

⁶² Correspondence between Emeritus Professor Usuf Mohamed Ebrahim Chikte and the Chief Directorate Conventional Arms Control, dated 03 June 2024.

- **Talya Osendrywer** (eleventh suspect)
- **Annali Harmse** (twelfth suspect)
- **The Israel Centre Cape Town** (thirteenth suspect)
- **The South African Zionist Federation (the 'SAZF')** (fourteenth suspect)
- **The Zionist Federation of South Africa - Israel (TELFED)** (fifteenth suspect)
- **The Jewish National Fund of South Africa (the 'JNF-SA')** (sixteenth suspect)
 - The activities of the JNF, fronted with an environmental and sustainable NGO agenda in South Africa, must also come under the radar for further investigation, particularly for racketeering, under the Prevention of Organised Crime Act.
 - The JNF through patronage by prominent South African Jewish families and juristic persons, institutions and organisations is complicit for decades in financing directly and/or indirectly the expansion of settlements, causing displacement and expulsion of civilian population through forced removals and ethnic cleansing, settler colonialism and greenwashing forestation programmes of former Palestinian villages.
 - Emanating from the initial complaint, further information has come to light regarding the JNF, the Sixteenth Suspect which operates within a global terrorism network across multiple jurisdictions.
 - The Complainants submit the unlawful activities being undertaken by the JNF in Canada must also be investigated in South Africa where the JNF unlawfully operates and violates the antiterrorism laws of the Republic.
 - The Jewish National Fund of Canada (JNF) has lost an appeal to stop Canada's tax department's revocation of its charitable status, a stinging rebuke to the organisation that

activists slam for funding Israel's military occupation of Palestinian land.

- The Canadian revenue service in July revoked JNF's status after a years-long audit revealing the organisation used donations to help fund infrastructure for the Israeli military, a foreign army, which contravenes Canada's Tax Code.
- Up to 25 percent of JNF Canada's budget came from Canadian tax dollars. JNF was ordered to unwind its operations in Canada but has been trying for months to repeal the decision, which also stipulated the organisation disperse its remaining assets, valued at roughly \$31m.

ADDITIONAL SUSPECTS

SOUTH AFRICANS OR OTHER NATIONALS PLACED IN SOUTH AFRICA

Social media posts as well as conventional media reports indicate *prima facie* evidence of their violation of local and/or international law.

- **Kelley Odes** (first additional suspect).
 - Was spokesperson for the IDF from 2021 to 2022.
 - Day-to-day communication to counter international hostility.
 - During Operation Guardian of the Walls (2021) she managed the release of counter-information.
- **Josh Rodd** (second additional suspect).
 - Platoon sergeant, Shimshon battalion, Kfir Brigade (IDF) (2013 to 2015).
 - Outstanding commander award (Shimshon batallion) (2015).
 - Community volunteer for Telfed, the SA Zionist Federation (Israel) (2015 to 2020).
- **Leroi Taljaard** (third additional suspect).
 - Inducted into the IDF in 2019.
 - Served in Gaza in October 2023.
 - A video shows him tauntingly as residential buildings are exploded in the background.
- **Zara-Lee Maloon (Zara Maloon)** (fourth additional suspect).
 - Served as IDF operations office (2019 to 2021).
 - Participated in current operations in Gaza.

- **Gavriel (Gav) Labe** (fifth additional suspect).
 - Volunteered for and served in the IDF during 2023.
- **Josh Jackson** (sixth additional suspect).
 - He was supported as a lone soldier by an organisation dedicated to that function, Beis2Base.
- **Ben Rattle** (seventh additional suspect).
 - Volunteered for and served in the IDF during 2022 and 2023.
 - Served in the elite Golani unit in Gaza after 7 October for 3,5 months
- **Arik Maslawi** (eighth additional suspect) (an Israeli national who visited South Africa).
 - Served in the Golani brigade in Gaza after 7 October.
- **Daniel Perez**
 - Killed in the course of serving in the 78th battalion 7th formation of the IDF, during the current genocidal operations in Gaza.
 - His death was memorialised by some South African Zionist quarters.

South African volunteers to the IDF, usually referred to as 'lone soldiers' (because they are away from their home country, family and friends, are recruited through the institutions and processes depicted in the graphic in the Appendix. The marketing of the lone soldier opportunities and prospects, linked to immigration to Israel (Aliyah) and induction in to the IDF, takes place through a network of institutions.

RESPONSIBLE STATE AND IDF COMMAND AND CONTROL OFFICIALS

Social media posts and mainstream media reports indicate *prima facie* evidence of their violation of local and/or international law.

- **Isaac Herzog** (ninth additional suspect).
 - Signed bombs intended for Gaza.
 - Questioned distinction between civilians and armed combatants.
- **Benjamin Nethanyahu** (tenth additional suspect).
 - Expressed belief that the 'enemy' of Israel is embedded in Palestinian life.
 - Referred to biblical command to destroy an entire group of people, the Amalekites.
- **Bezalel Smotrich** (eleventh additional suspect).
 - Made inciteful and genocidal comments about the West Bank village of Huwara.
- **Yoav Gallant** (twelfth additional suspect).
 - Referred to people in Gaza as 'human animals'.
 - Called for the elimination of 'everything'.
- **Itamar Ben-Gvir** (thirteenth additional suspect).
 - Said that Hamas and civilians are responsible in equal measure.
 - Said that they should all be destroyed.
- **May Golan** (fourteenth additional suspect).
 - Expressed pride about the ruins of Gaza.
 - Said that she didn't care about Gaza.
 - Said she wanted to see bodies of 'terrorists' around Gaza.
- **Israel Katz** (fifteenth additional suspect).
 - Called for denial of water and fuel.
 - Said that there was no such thing as a Palestinian people.
- **Amichae Eliyahu** (sixteenth additional suspect).

- Said that Israel had to find ways for Gazans that were more painful than death.
- **The incumbent Knesset of Israel** (included as seventeenth additional suspect).
 - Genocidal rhetoric is commonplace within the Israeli Knesset.
- **Herzl Halevi** (eighteenth additional suspect).
 - His role and function as head of the IDF is integral to the operations perpetrating plausible genocide.

The incumbent generals and commanders of the IDF (included under nineteenth additional suspects).

- IDF soldiers singing and dancing, repeating the Prime Minister's genocidal rhetoric.
- IDF soldiers celebrating the explosive demolition of residential buildings in Gaza.
- Similar views to the above are expressed by some IDF commanders.
- A 95-year old veteran of the 1948 Nakba, who was involved in the then Deir Yassin massacre, similarly exhorted IDF soldiers to committing actions in violation of IHL.
- **Aaron Bayhack**, a South African national or citizen, (included under twentieth additional suspect), identified with 20 others as part of Refaim (Ghost) sniper unit.
 - Evidence suggests that most of approximately 100 Palestinians executed by Refaim, in violation of principles of distinction and proportionality (international law).
 - Likelihood that most of the executed were civilians, including several children.
 - Evidence suggests Bayhack's direct killing of Palestinian civilians and children in terms of his sniping unit military operations procedure.

- **Uri Shay Haddad** (twenty first additional suspect), an Israeli national or citizen.
 - Pictures from his Instagram profile shows that he is a real estate broker in Israel and further pictures indicates that he served in the IOF or IDF.
 - In recent Instagram posts, the suspect is shown as being on a vacation in South Africa, whereby a photo places him in location “Cape Town, South Africa”.
 - If the accused suspect is still present within the sovereign territory of the Republic, he should be detained by South African Authorities and interrogated for violations set out in this criminal complaint.

MEDIA ENQUIRIES

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APPENDIX - GRAPHIC OF LONE SOLDIER MARKETING AND RECRUITMENT



Notes to lone soldier marketing and recruitment diagram:

- **Sar El** is represented by the Information Department of the SA Zionist Federation (Johannesburg), the Zionist Council (KwaZulu Natal), the Western Province Zionist Council (Cape Town), and the Zionist Council (Port Elizabeth). Sar El recruits supporters to assist on IDF bases in a logistical support role.

SOURCES:

Sar El, available on-line at: <https://www.sar-el.org/>.

Purpose of SarEl, available on-line at: <https://separating.co.za/wp-content/uploads/2023/05/SarEl-Purpose-Screenshot-2023-05-05-at-07.22.03-AM.png>.

Sar El, South African chapter, available on-line at: <https://separating.co.za/wp-content/uploads/2023/05/Sar-El-SA-branch-Screenshot-2023-05-05-at-11.48.54-AM.png>.

Sar El volunteers identified, available on-line at: <https://separating.co.za/wp-content/uploads/2023/05/Sar-El-volunteers-Screenshot-2023-05-05-at-11.36.26-AM.png>.

- **Telfed**, founded before 1948, is the Tel Aviv office of the SA Zionist Federation. Historically it helped accommodate South African volunteers to Zionist brigades. After the Nakba it became a communication point for South Africans in Israel, assisting immigrants with integration and absorption. It focuses on supporting lone soldiers from South Africa and Australia. It also performs a marketing information function for potential volunteers in South Africa.

SOURCES:

Telfed, available on-line at: <https://www.telfed.org.il/>.

Telfed's raison d'être, available on-line at: <https://separating.co.za/wp-content/uploads/2023/05/Telfed-raison-detre-Screenshot-2023-05-05-at-11.53.48-AM.png>.

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- **The Israel Centre**, although not shown on the diagram, has hosted the marketing communication for the lone soldiers programme. It represents the Jewish Agency in South Africa, with offices in Johannesburg and Cape Town, and runs several programmes promoting aliyah. While not specifically focused on lone soldiers it has hosted the marketing and recruitment of lone soldiers by the Garin Tzabar programme, also not shown on the diagram. Garin Tzabar markets itself as the best service for young recruits to the lone soldier programme, who are intent on this being a stepping stone to aliyah and life in Israel.

SOURCES:

Israel Centre, available on-line at: <https://www.facebook.com/israel.centre.9/>.

Israel Centre function, available on-line at: <https://separating.co.za/wp-content/uploads/2023/05/Israel-centre-function-Screenshot-2023-05-05-at-13.35.19-PM.png>.

Garin Tzabar, available on-line at: <https://garintzabar.org/>.

Garin Tzabar function, available on-line at: <https://separating.co.za/wp-content/uploads/2023/05/Garin-Tzabar-function-Screenshot-2023-05-05-at-13.43.57-PM.png>.

Garin Tzabar, global seminars, available on-line at: <https://separating.co.za/wp-content/uploads/2023/05/Garin-Tzabar-Globally-Screenshot-2022-01-24-at-10.58.00-AM.png>.

Garin Tzabar recruitment meeting at Israel Centre, available on-line at: https://separating.co.za/wp-content/uploads/2023/05/Garin-Tzabar5-1-photo_2021-05-19_13-05-45.jpg.

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- **The Lone Soldier Centre** provides a similar support service to Garin Tzabar, conceiving itself as providing a family network for lone soldiers.

SOURCE:

Lone Soldier Centre, available on-line at: <https://lonesoldiercenter.com/>.

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- **Mahal** appears to be a point of registration and then entry to specific IDF units for lone soldiers, providing application protocols and routes to follow for lone soldiers of different ages, genders and whether religious or not.

SOURCE:

Mahal, available on-line at: <https://www.mahal.org.il/en/Pages/default.aspx>.