



INTERNATIONAL COURT OF JUSTICE

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Press Release

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

Nicaragua requests permission to intervene in the proceedings under Article 62 of the Statute

THE HAGUE, 8 February 2024. On 23 January 2024, Nicaragua, referring to Article 62 of the Statute of the Court, filed in the Registry of the Court an Application for permission to intervene “as a party” in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*.

Pursuant to Article 62 of the Statute, whenever a State not party to a case considers that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene.

In its Application for permission to intervene, Nicaragua states that it “has interests of a legal nature that stem from the rights and obligations imposed by the Genocide Convention on all State Parties” and flow from “the universal character both of the condemnation of genocide and of the cooperation required ‘in order to liberate mankind from such an odious scourge’”.

Nicaragua considers that the conduct of Israel is in “violation of its obligations under the Genocide Convention, including Articles I, III, IV, V and VI, read in conjunction with Article II”. Therefore, Nicaragua requests the Court to adjudge and declare:

“(1) that the Republic of South Africa and the State of Israel each have a duty to act in accordance with their obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to the members of the Palestinian group, to take all reasonable measures within their power to prevent genocide; and

(2) that the State of Israel:

(a) has breached and continues to breach its obligations under the Genocide Convention, in particular the obligations provided under Article I, read in conjunction with Article II, and Articles III (a), III (b), III (c), III (d), III (e), IV, V and VI;

(b) must cease forthwith any acts and measures in breach of those obligations, including such acts or measures which would be capable of killing or continuing to kill

Palestinians, or causing or continuing to cause serious bodily or mental harm to Palestinians or deliberately inflicting on their group, or continuing to inflict on their group, conditions of life calculated to bring about its physical destruction in whole or in part, and fully respect its obligations under the Genocide Convention, in particular the obligations provided under Articles I, III (a), III (b), III (c), III (d), III (e), IV, V and VI;

- (c) must ensure that persons committing genocide, conspiring to commit genocide, directly and publicly inciting genocide, attempting to commit genocide and complicit in genocide contrary to Articles I, III (a), III (b), III (c), III (d) and III (e) are punished by a competent national or international tribunal, as required by Articles I, IV, V and VI;
- (d) to that end and in furtherance of those obligations arising under Articles I, IV, V and VI, must collect and conserve evidence and ensure, allow and/or not inhibit directly or indirectly the collection and conservation of evidence of genocidal acts committed against Palestinians in Gaza, including such members of the group displaced from Gaza;
- (e) must perform the obligations of reparation in the interest of Palestinian victims, including but not limited to allowing the safe and dignified return of forcibly displaced and/or abducted Palestinians to their homes, respect for their full human rights and protection against further discrimination, persecution, and other related acts, and provide for the reconstruction of what it has destroyed in Gaza, consistent with the obligation to prevent genocide under Article I; and
- (f) must offer assurances and guarantees of non-repetition of violations of the Genocide Convention, in particular the obligations provided under Articles I, III (a), III (b), III (c), III (d), III (e), IV, V and VI.”

As the basis of jurisdiction between Nicaragua and the Parties to the present proceedings, Nicaragua invokes Article IX of the Genocide Convention.

In accordance with Article 83 of the Rules of Court, South Africa and Israel have been invited to furnish written observations on Nicaragua’s Application for permission to intervene.

The full text of Nicaragua’s Application for permission to intervene will be available on the Court’s website shortly.

History of the proceedings

On 29 December 2023, South Africa filed an [Application instituting proceedings](#) against Israel concerning alleged violations by Israel of its obligations under the Genocide Convention in relation to Palestinians in the Gaza Strip.

The Application also contained a [request for the indication of provisional measures](#), pursuant to Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court. The Applicant requested the Court to indicate provisional measures in order to “protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Convention”

and “to ensure Israel’s compliance with its obligations under the Genocide Convention not to engage in genocide, and to prevent and to punish genocide”.

Public hearings on the request for the indication of provisional measures submitted by South Africa were held on Thursday 11 and Friday 12 January. On 26 January 2024, the Court delivered its [Order](#) on South Africa’s request.

Earlier [press releases](#) relating to this case are available on the Court’s website.

Note: The Court’s press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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