

INTERNATIONAL COURT OF JUSTICE

**DECLARATION OF INTERVENTION UNDER ARTICLE 63
OF THE REPUBLIC OF PARAGUAY**

3 March 2026

In the case of

**APPLICATION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF
THE CRIME OF GENOCIDE IN THE GAZA STRIP**

(SOUTH AFRICA V. ISRAEL)

To the Registrar of the International Court of Justice (hereinafter the “Court”), the undersigned, being duly authorized by the Government of the Republic of Paraguay (hereinafter “Paraguay” or “the Declarant”), states as follows:

1. On behalf of the Government of Paraguay, I have the honour to submit to the Court a Declaration of Intervention pursuant to Article 63, paragraph 2, of the Statute of the Court, 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)*.

2. Article 82, paragraph 5, of the Rules of the Court (hereinafter the “Rules”) provides that a State’s declaration of its intention to avail itself of the right of intervention conferred upon it by Article 63 of the Statute must state the name of an agent, specify the case and the convention to which it relates and shall contain:

- (a) particulars of the basis on which the declarant State considers itself a party to the convention;
- (b) identification of the particular provisions of the convention the construction of which it considers to be in question;
- (c) a statement of the construction of those provisions for which it contends;
- (d) a list of documents in support, which documents shall be attached.

3. These matters are addressed below, following some preliminary observations.

I. Preliminary Observations

4. On 29 December 2023, the Republic of South Africa (hereinafter “South Africa”) instituted proceedings against the State of Israel (hereinafter “Israel”). In its Application, South Africa alleges that Israel has breached its obligations in relation to the Gaza Strip under the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter the “Genocide Convention”).¹

6. On 6 February 2024, the Registrar, in accordance with Article 63, paragraph 1 of the Statute of the Court, notified Paraguay, as a State party to the Convention on the Prevention and Punishment of the Crime of Genocide, of the institution of proceedings by South Africa against

¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* measures, 29 Dec. 2023. (*South Africa v. Israel*).

Israel and that the present case raises questions concerning the interpretation of provisions of the Genocide Convention to which Paraguay is a party.²

7. The Court initially set 28 October 2024 and 28 July 2025 as the time-limits for the filing of the Memorial of South Africa and the Counter-Memorial of the State of Israel, respectively. On 14 April 2025, the Court extended the time-limit for the filing of the Counter-Memorial to 12 January 2026, and on 20 October 2025, the Court further extended this time-limit to 12 March 2026.

II. Particulars of the Basis on which Paraguay is a party to the Convention

8. Paraguay deposited its instrument of ratification to the Genocide Convention, in accordance with Article XI, on 3 October 2001, which consequently entered into force for Paraguay on 1 January 2002.³ Paraguay has entered no reservations to the Genocide Convention, and remains a Party to the Convention.

III. Provisions of the Convention the construction of which Paraguay considers to be in question

9. Pursuant to Article 82, paragraph 2(b) of the Rules of the Court, Paraguay considers Articles I, II, III, IV, V and VI of the Genocide Convention to be in question. In particular, Paraguay will focus the current Declaration of Intervention on Article II of the Convention, which provides that the meaning of genocide is:

any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

² Annex A.

³ Annex B.

10. Paraguay submits that the present case raises questions concerning the interpretation of Article II of the Convention, including the definition of the prohibited acts, the requirement of specific intent to destroy a protected group in whole or in part, and the evidentiary standard applicable to the establishment of such intent.

11. Paraguay considers that the current proceedings indeed involve issues relating to the scope and content of obligations undertaken by States parties under the Genocide Convention. Those obligations, as the Court has consistently recognized, are *erga omnes* in nature, and accordingly each State party has a common interest in compliance with them. Given the importance of the questions and the Genocide Convention, Paraguay seeks to submit its declaration of intervention in this case on the construction of the relevant provisions of the Genocide Convention.

12. This Declaration is submitted in accordance with the principles of treaty interpretation reflected in the Vienna Convention on the Law of Treaties, including Articles 31 and 32, which require that the text of the Convention be interpreted in good faith, in accordance with its ordinary meaning, context, and object and purpose.⁴ Paraguay emphasizes that this Declaration is limited to questions related to the construction of the Convention and it does not address the facts of the present case, nor does it seek to support the claims of either party.

IV. Elements for examination in this case

A. The distinctive nature of the crime of genocide

13. The crime of genocide has a singular position within international law as the most serious of all crimes. Its distinctiveness lies in the combination of intent and the specific material acts that target an entire human group for physical or biological destruction, reflecting a level of gravity and social harm unparalleled by other forms of atrocity. This exceptional character underscores the need for precision in defining its scope in order to ensure the preservation of the integrity and normative force of the Genocide Convention.

14. The unique and exceptional character of genocide, as reflected in the Genocide Convention, is further understood considering the historical context in which it was drafted. The Convention was adopted in the immediate aftermath of the Second World War, in response to the Holocaust, during which six million Jews were annihilated, in an unprecedented scale and systematic nature. The Court has affirmed in the past that,

⁴ Vienna Convention on the Law of Treaties (Vienna, 1969), UNTS v. 1155, p. 331

The origins of the Convention show that it was the intention of the United Nations to condemn and punish genocide as "a crime under international law" involving a denial of the right of existence of entire human groups, a denial which shocks the conscience of mankind and results in great losses to humanity.⁵

15. Paraguay is of the view that the exceptional character of genocide, its distinctiveness from any other crime under international law and the particular gravity attached to the obligations arising therefrom, require that the scope of the crime be approached with special restraint, and that recent attempts to broaden the definition of genocide risk diluting the specific normative function of the Convention, blurring its boundaries with other international obligations, and eventually undermining the treaty framework. The Declarant therefore considers that there is no legal or normative basis for accommodating expansive interpretations of the elements of genocide.

16. This position is supported by the drafting history of the Convention, which reflects a deliberate decision by the drafters to confine the crime to a limited category of acts directed at the physical or biological destruction of protected groups. Proposals to include broader forms of group harm, in particular cultural or social destruction, were *expressly considered* and ultimately *excluded* during the travaux préparatoires, in order to preserve the specificity and justiciability of the Convention and to avoid transforming genocide into a general prohibition of group-based oppression.⁶ The final text of Article II thus embodies a conscious normative choice to define genocide narrowly.

17. The underlying rationale for the restrictive construction of the crime of genocide under the Convention was also articulated by the UN Secretary-General during the drafting stage of the Genocide Convention, who cautioned that:

This literal definition must be rigidly adhered to; otherwise, there is a danger of the idea of genocide being expanded indefinitely to include the law of war, the rights of people to self-determination, the protection of minorities, the respect for human rights, etc.

Absence of a careful definition of the notion of genocide would present two disadvantages.

⁵ *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion ICJ Reports 1951*, p. 23.

⁶ Schabas WA. Drafting of the Genocide Convention. In: *Genocide in International Law: The Crime of Crimes*. Cambridge University Press; 2025:43-85.

Firstly, there would be a tendency to include under genocide international crimes or abuses which, however reprehensible they may be, do not constitute genocide and cannot be regarded as such by any normal process of reasoning.

Secondly, if the notion of genocide were excessively wide, the success of the convention for the prevention and punishment of what is perhaps the most odious international crime would be jeopardized.⁷

18. The Court has consistently endorsed and reaffirmed this approach in its jurisprudence, expressing that the definition of genocide must be interpreted strictly, in accordance with the ordinary meaning of its terms, its context, and its object and purpose, and cannot be extended by analogy to encompass other alleged serious violations of international law.⁸

19. In this vein, the Court has repeatedly emphasized that certain forms of mass harm or collective wrongdoing, while potentially unlawful or even criminal under other legal regimes, do not as such constitute genocide.

20. This is especially relevant considering that the crime of genocide may be committed both in times of peace and in times of armed conflict. In the latter context, the application of the Genocide Convention may arise alongside international humanitarian law (“IHL”). While the two bodies of law may operate concurrently on the same facts, they address distinct legal questions and rest on different normative foundations. In this context, the question of compliance or non-compliance with IHL does not, in itself, determine the existence of genocide under the Convention.⁹

21. Accordingly, while violations of IHL may trigger responsibility under that body of law and can constitute serious international crimes, they do not, however, in and of themselves evidence the specific intent required under the Genocide Convention (an element further elaborated below). To equate non-compliance with IHL with genocide risks collapsing distinct legal regimes and replacing the stringent requirement of specific genocidal intent with standards designed to regulate the conduct of hostilities. Moreover, it also runs a risk of States attempting to

⁷ UN ECOSOC, Draft Convention on the Crime of Genocide, UN Doc. E/447, 26 June 1947, pp. 16 and 17, CMM, Vol. V, Annex 172.

⁸ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, *I.C.J. Reports 2007*, pp. 110-111, paras. 161-162.

⁹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Merits, Judgment, *I.C.J. Reports 2015*, p.139, para. 474.

abuse States' consent to the Court's jurisdiction under the Genocide Convention in order to discuss disputes that are, in fact, related to IHL.

22. It should be recalled that the Court's jurisdiction is solely confined to the Genocide Convention, as the Court itself has recognized in the Bosnia case, in which it established that

[The Court] has no power to rule on alleged breaches of other obligations under international law, not amounting to genocide, particularly those protecting human rights in armed conflict. That is so even if the alleged breaches are of obligations under peremptory norms, or of obligations which protect essential humanitarian values, and which may be owed *erga omnes*.¹⁰

23. The Court's prior determinations regarding the scope of genocide have established a clear interpretative structure in light of the Convention's text, object, and purpose, and being mindful of the crime's distinctive character. Paraguay is of the view that this approach should not be departed from. Expanding the Convention's scope to encompass other breaches of international law, including conduct that may constitute serious violations of international law subject to distinct legal regimes, would risk diluting the Convention's normative framework, weakening the singular gravity of genocide, and blurring the line between genocide and other forms of mass atrocity or collective harm, thereby undermining the coherence and predictability essential to its application.

B. Intent as a defining feature of the crime of genocide

24. Genocide is distinguished from other international crimes not only by the nature of the acts involved, but also by the specific requirement of intent, that defines and conditions its commission. This intent is twofold: First, the *dolus generalis*, or general intent, which encompasses the deliberate commission of the prohibited acts. Second, the *dolus specialis*, or special intent, which requires that those acts be committed with the specific aim of destroying, in whole or in part, a national, ethnical, racial, or religious group as such.

1. *The intent to commit the act (dolus generalis)*

25. In accordance with the established jurisprudence by the Court,¹¹ the acts contained in Article II of the Genocide Convention must be assessed in light of the deliberate nature of each underlying act. It is not sufficient that harm occurs incidentally or as a by-product of other

¹⁰ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, I.C.J. Reports 2007, p. 104, para. 147. See also at p. 155, para. 277.

¹¹ *Ibid*, pp.121-122, para. 188.

operations; rather, the perpetrator must have acted *intentionally* in committing the prohibited conduct.

26. By way of illustration, with respect to the first act enumerated in Article II(a), “killing members of the group”, according to the law and jurisprudence of the Court, the mere fact that killings occurred is legally not sufficient to bring the conduct within the scope of the Genocide Convention. What is required is that the perpetrator acted *intentionally*, directing the killings at members of the protected group rather than causing harm incidentally or as a result of other operations or circumstances. This was also established by the Court, that stated:

“killing” within the meaning of this article “always presupposes the existence of an intentional element, namely the intent to cause death. It follows that, if one takes the view that the attacks were exclusively directed at military targets, and that the civilian casualties were not caused deliberately, one cannot consider those attacks, inasmuch as they caused civilian deaths, as falling within the scope of Article II (a) of the Genocide Convention.¹²

27. The same principle applies to all of the acts listed in Article II, including section (c), “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.” The imposition of difficult or restrictive conditions, does not in itself satisfy the material elements of genocide under the Convention. What is required is that the measures were imposed deliberately, with conscious awareness of the harm they were intended to cause to members of the protected group.

28. The relevance of *dolus generalis* becomes particularly evident in the context of armed conflict, where civilian casualties and incidental harm are, tragically, frequent during hostilities. Establishing general intent ensures that the prohibited acts of genocide are deliberate, rather than incidental or collateral to lawful military operations. In other words, while harm to members of a protected group may occur during warfare, *dolus generalis* distinguishes acts that are knowingly and intentionally directed at the group from those that result incidentally from military action.

29. Paraguay is therefore of the view that any attempt to equate operational or security motives with genocidal intent constitutes a mischaracterization of the crime of genocide, and it risks criminalizing legitimate military actions or conflating lawful conduct with genocidal intent. In this regard, it is important to emphasize that incidental harm, collateral consequences of military

¹² *Application on the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Merits, Judgment, I.C.J. Reports 2015, p. 138, para. 474.*

operations, or restrictions imposed for legitimate security or operational reasons do not, by themselves, satisfy or indicate the existence of general intent.

2. *The specific intent to destroy, in whole or in part, the protected group (dolus specialis)*

30. In addition to *dolus generalis*, genocide also requires *dolus specialis*, the *specific* intent that distinguishes this crime from other serious violations of international law and crimes.¹³ It requires that the perpetrator act with the conscious objective of destroying, in whole or in part, a protected group as such. Therefore, only those acts that are carried out with the intent of achieving the physical or biological destruction of the group, in whole or in part, can be considered acts of genocide.¹⁴

31. For instance, in connection with the intent required for the act of killing, attacks directed against military targets, even if they result in incidental civilian casualties, do not fall within the scope of Article II of the Genocide Convention, because they lack both *dolus generalis*, as explained above, and the *dolus specialis*. But even in cases where unlawful killings are deliberately carried out against members of a protected group, such that the *dolus generalis* requirement would be satisfied, the Court has emphasized that this is insufficient to establish *dolus specialis*.¹⁵ To meet this threshold, it must be demonstrated that the perpetrator acted with the conscious objective of destroying the protected group as such, in whole or in part.

32. It is well established that the element of genocidal intent is rarely, if ever, expressly articulated by the perpetrators. Consequently, the Court has recognized that this intent may instead be inferred indirectly from the surrounding circumstances.¹⁶ However, the Court did emphasize that “for a pattern of conduct to be accepted as evidence of [the] existence [of *dolus specialis*], it would have to be such that it could only point to the existence of such intent.”¹⁷ This was later confirmed by the Court in the case of Croatia, in which it established that:

Thus, to state that, “for a pattern of conduct to be accepted as evidence of . . . existence [of genocidal intent], it [must] be such that it could only point to the existence of such intent” amounts to saying that, in order to infer the existence of *dolus specialis* from a pattern of conduct, it is necessary and sufficient that this is the only

¹³ *Application on the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Merits, Judgment, I.C.J. Reports 2015*, p. 63, para. 132.

¹⁴ *Ibid* p. 64 para. 136.

¹⁵ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Merits, Judgment, I.C.J. Reports, 2007*, p. 121, para. 187.

¹⁶ *Ibid* p. 196-197, para. 373.

¹⁷ *Ibid*.

inference that could reasonably be drawn from the acts in question. To interpret paragraph 373 of the 2007 Judgment in any other way would make it impossible to reach conclusions by way of inference.¹⁸

33. This high threshold of requiring that genocidal intent be the only reasonable inference is consistent with the exceptional gravity of the crime of genocide. This was also affirmed by the Court, which, quoting the Appeals Chamber of the ICTY in the Krstic Judgment, acknowledged that

The gravity of genocide is reflected in the stringent requirements which must be satisfied before this conviction is imposed. These requirements – the demanding proof of specific intent and the showing that the group was targeted for destruction in its entirety or in substantial part – guard against a danger that convictions for this crime will be imposed lightly.¹⁹

34. Attempts have been made in some contexts to lower the standard for establishing genocidal intent, suggesting for instance that this intent could coexist with other intents, without requiring that the intent to destroy the group be the only reasonable explanation for the conduct. Such approaches would de facto lower the threshold for the Convention's most serious crime and would risk conflating genocide with other serious violations of international law, including crimes against humanity and war crimes.

35. If adopted, the suggestion that other motives could coexist alongside an intent to destroy the group would effectively convert the "only reasonable inference" test into a "one possible inference" test. Any such interpretation would be directly contrary to the Court's established jurisprudence, according to which *dolus specialis* must be inferred only where the evidence leads to only one reasonable conclusion - that the perpetrator intended to destroy, in whole or in part, a protected group.

36. The Declarant is aware that it has been suggested that the requirement that genocidal intent be the only reasonable inference renders findings of genocide virtually impossible. The threshold does not make the determination unattainable concerning actual cases of genocide;

¹⁸ *Application on the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Merits, Judgment, I.C.J. Reports 2015*, p 68 para 148.

¹⁹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Merits, Judgment, I.C.J. Reports, 2007*, p. 164, para. 293, quoting the Appeals Chamber of the ICTY in ICTY, IT-98-33-A, *Krstic, Judgment, Appeals Chamber*, 19 April 2004, para. 37.

rather, it ensures that a finding of genocide is grounded in clear evidence and reflects the extraordinary seriousness of the crime.

37. Any attempts to lower the standard for establishing genocidal intent would also necessarily undermine the high evidentiary threshold required to prove *dolus specialis*, as consistently recognized by the Court. A direct consequence of the exceptional gravity of the crime of genocide is that the standard of proof applicable to allegations of genocidal intent is necessarily and exceptionally high. In this regard, the Court has made clear in its jurisprudence, beginning with *Bosnia and Herzegovina v. Serbia and Montenegro* and subsequently reaffirmed in *Croatia v. Serbia*, that

claims against a State involving charges of exceptional gravity must be proved by evidence that is fully conclusive (cf. *Corfu Channel (United Kingdom v. Albania)*, Judgment, I.C.J. Reports 1949, p. 17). The Court requires that it be fully convinced that allegations made in the proceedings, that the crime of genocide or the other acts enumerated in Article III have been committed, have been clearly established.²⁰

38. The Court has also referred in its jurisprudence to the standard of *conclusively established*,²¹ requiring that the inference drawn from the pattern of conduct be not merely plausible or reasonable, but compelling and unambiguous. Accordingly, the evidentiary material must be such that it leads conclusively to the existence of genocidal intent, excluding alternative explanations and ensuring that the inference meets the rigorous threshold imposed by the Court's jurisprudence.

39. Paraguay submits to the Court that it should not depart from its established jurisprudence on the notion and threshold of *dolus specialis*, and should continue to safeguard the object and purpose of the Genocide Convention by maintaining the strict standard it has consistently applied. Any dilution of this threshold would risk undermining the Convention's normative framework and its role in addressing the gravest of crimes, and it would be contrary to the intention of the drafters. The integrity of the Convention requires that findings of genocidal intent remain grounded in the Court's settled approach and not be expanded or reinterpreted in ways that facilitate its misuse for purposes beyond those for which the Convention was drafted.

²⁰ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Merits, Judgment, I.C.J. Reports, 2007, p. 129, para. 209.

²¹ *Ibid* p. 175 para. 319 and p. 179 para. 328.

C. Evidentiary matters

40. The last matter that Paraguay seeks to address concerns the evidentiary weight to be attributed to the material that can be submitted by the Parties to a case. This issue is of particular relevance in the present proceedings, given that, unlike in *Bosnia and Herzegovina v. Serbia and Montenegro* and *Croatia v. Serbia*, the Court is not called upon to assess a factual record that has already been extensively examined and judicially determined by other international criminal tribunals, such as the ICTY.

42. In this context, the Court must exercise particular caution in its evaluation of the evidentiary material before it, and ensure that any findings, especially those relating to allegations of genocide, are grounded in evidence of sufficient probative value to meet the exceptionally high standard of proof required. The Court addressed the methods of proof and stated that:

[The Court] has taken evidence contained in United Nations documents into account “to the extent that they are of probative value and are corroborated, if necessary, by other credible sources” (*Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, I.C.J. Reports 2005, p. 239, para. 205). The Court assesses the probative value of reports from official or independent bodies according to criteria that include

“(1) the source of the item of evidence (for instance partisan, or neutral), (2) the process by which it has been generated (for instance an anonymous press report or the product of a careful court or court-like process), and (3) the quality or character of the item (such as statements against interest, and agreed or uncontested facts)” (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, I.C.J. Reports 2007 (I), p. 135, para. 227; *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial*

Discrimination (Ukraine v. Russian Federation), Judgment of 31 January 2024, para. 175).

When considering the evidentiary value of such reports, the Court has given weight to the care taken in preparing a report, the comprehensiveness of its sources and the independence of those responsible for preparing it (see Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, I.C.J. Reports 2007 (I), p. 137, para. 230). The Court will apply these criteria in its assessment of the probative value of the reports proffered in this case.²²

43. In this context, Paraguay submits that the Court should exercise particular caution when assessing the evidentiary value of reports and materials produced by international organizations or other external bodies, especially where such material may reflect a partial, selective, or one-sided presentation of the underlying facts. The mere *institutional origin* of a document cannot and must not, in itself, suffice to establish its reliability or probative weight.

44. For instance, the Court should be particularly cautious when assessing documents produced by UN bodies, especially when they are drafted by a commission of inquiry or fact-finding mission in which a State has chosen not to cooperate.

45. Another issue that may arise from the evidence before the Court is that many reports prepared by NGOs and other organizations often include information derived from hearsay, second-hand accounts, or statements that reflect opinion rather than direct observations. Such materials must therefore be assessed with particular care. The Court has held that hearsay evidence, in itself, carries no inherent evidential weight.²³ The Declarant submits that this principle should be upheld, particularly in cases under the Genocide Convention, given the exceptional gravity of the crime and the high threshold required to establish its elements, as already expressed before.

46. Paraguay is of the view that particular attention should be given when assessing the evidence provided in cases under the Genocide Convention, giving due weight to their nature and limitations. The Declarant requests that the Court evaluate such materials critically, bearing in

²² *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion*, I.C.J. Reports 2024, p. 26, para. 76.

²³ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Judgment, Merits, I.C.J. Reports 1986, p. 42, para. 68, and *Application on the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Merits, Judgment, I.C.J. Reports 2015, p 79, para. 197 and p. 86 para. 229.

mind that certain reports may be based on incomplete information, contested factual premises, or advocacy-driven narratives, which cannot meet the rigorous evidentiary standards required for a finding of genocide.

V. Documents in support of the Declaration

47. Paraguay submits the following documents in support of this Declaration:

Annex A: Letter of 6 February 2025 from the Registrar to State Parties to the Genocide Convention sent pursuant to Article 63 (1) of the Statute of the Court.

Annex B: United Nations Depository Notification confirming Paraguay's ratification of the Genocide Convention

VI. Conclusion

48. On the basis of the information contained in this Declaration, Paraguay avails itself of the right conferred upon it by Article 63 (2) of the Statute to intervene as a non-state party in the proceeding brought by South Africa against the State of Israel in this case.

49. On the basis of the arguments set out in this Declaration, Paraguay submits the following conclusions:

- a. The crime of genocide must be interpreted consistently with the object and purpose of the Convention and the Court's established jurisprudence, and should not be expanded to cover other violations of international law. Any such expansion would risk diluting the distinct gravity of the crime, undermining legal certainty, and creating opportunities for the instrumentalization or misapplication of the Convention. Moreover, alleged breaches of international humanitarian law or other legal regimes are beyond the scope of the Genocide Convention.
- b. The established jurisprudence regarding the threshold of intent and the strict standard required under the Genocide Convention should not be departed from. Any expansion or reinterpretation of this threshold would undermine the Convention's integrity and normative framework, and depart from the intention of its drafters.
- c. Particular caution should be exercised in assessing the evidentiary weight of reports or materials produced by international organizations or other external bodies. This requires a careful scrutiny of the methodology, sources, scope, and

degree of verification underlying such materials, ensuring that only evidence meeting the rigorous standard required for a finding of genocide is relied upon.

50. Paraguay reserves the right to amend or supplement this Declaration in the course or written and oral proceedings and by filing a further declaration.

51. The Government of Paraguay has appointed the undersigned, Miguel Angel Aranda, as Agent for the purposes of the present Declaration.

52. It is requested that all communications in this case be sent to the following address:

City: Brussels

Address: Avenue Louise 475, 12th Floor, 1050 Brussels

Email: maranda@mre.gov.py – embapar@skynet.be



A handwritten signature in black ink, appearing to read 'Miguel Ángel Aranda Daroczi', is written over a solid horizontal line.

Miguel Ángel Aranda Daroczi
Agent of the Republic of Paraguay



By email only

161308

6 February 2024

Excellency,

I have the honour to refer to my letter (No. 161010) dated 3 January 2024 informing your Government that, on 29 December 2023, South Africa filed in the Registry of the Court an Application instituting proceedings against the State of Israel 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)*. A copy of the Application was appended to that letter. The text of the Application is also available on the website of the Court (www.icj-cij.org).

Article 63, paragraph 1, of the Statute of the Court provides that:

[w]henever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith”.

Further, under Article 43, paragraph 1, of the Rules of Court:

“Whenever the construction of a convention to which States other than those concerned in the case are parties may be in question within the meaning of Article 63, paragraph 1, of the Statute, the Court shall consider what directions shall be given to the Registrar in the matter.”

On the instructions of the Court, given in accordance with the said provision of the Rules of Court, I have the honour to notify your Government of the following.

In the above-mentioned Application, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter the “Genocide Convention”) is invoked both as a basis of the Court’s jurisdiction and as a substantive basis of the Applicant’s claims on the merits. In particular, the Applicant seeks to found the Court’s jurisdiction on the compromissory clause contained in Article IX of the Genocide Convention and alleges violations of Articles I, III, IV, V and VI of the Convention. It therefore appears that the construction of this instrument will be in question in the case.

./.

[Letter to the States parties to the Genocide Convention
(except South Africa and Israel)]

Your country is included in the list of parties to the Genocide Convention. The present letter should accordingly be regarded as the notification contemplated by Article 63, paragraph 1, of the Statute. I would add that this notification in no way prejudices any question of the possible application of Article 63, paragraph 2, of the Statute, which the Court may later be called upon to determine in this case.

Accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to read 'Philippe Gautier', written in a cursive style.

Philippe Gautier
Registrar



Luis Angel González Macchi

Presidente de la República del Paraguay

*A todos los que el presente vieren,
hago saber:*

Que, habiéndose adoptado la "CONVENCION PARA LA PREVENCION Y LA SANCION DEL DELITO DE GENOCIDIO", en la ciudad de Nueva York, el 09 de diciembre de 1948 y firmado por la República del Paraguay el 11 de diciembre de 1948;

Por cuanto, el Honorable Congreso Nacional ha dado su aprobación al mismo a través de la Ley N° 1748, y promulgada por el Poder Ejecutivo el 14 de agosto de 2001;

Por el Presente lo

ACEPTO, CONFIRMO Y RATIFICO

En todas sus partes, Comprometiéndome y Obligándome en nombre de la Nación a observarlo y hacerlo cumplir fielmente.

EN FE DE LO CUAL, firmo el presente Instrumento de Ratificación, que va sellado con el Sello Nacional y está refrendado por el Ministro de Relaciones Exteriores, JOSE ANTONIO MORENO RUFFINELLI, en la ciudad de Asunción, Capital de la República del Paraguay, a los **6** días del mes de setiembre del año dos mil uno



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QUE OBRA EN LA DIRECCION DE
TRATADOS DEL MINISTERIO DE
RELACIONES EXTERIORES

Sonia N. Chávez Galeano
Directora de Tratados



No. 881. **Multilateral**

Convention (No. 87) concerning freedom of association and protection of the right to organise. San Francisco, 9 July 1948

Ratification

Equatorial Guinea

Registration of instrument with the Director-General of the International Labour Office: 13 August 2001

Date of effect: 13 August 2002

Registration with the Secretariat of the United Nations: International Labour Organisation, 25 October 2001

No. 1021. **Multilateral**

Convention on the Prevention and Punishment of the Crime of Genocide. New York, 9 December 1948

Ratification

Paraguay

Deposit of instrument with the Secretary-General of the United Nations: 3 October 2001

Date of effect: 1 January 2002

Registration with the Secretariat of the United Nations: ex officio, 3 October 2001

No. 1070. **Multilateral**

Convention (No. 89) concerning night work of women employed in industry (revised 1948). San Francisco, 9 July 1948

Denunciation

Austria

Notification effected with the Director-General of the International Labour Office: 26 July 2001

Date of effect: 26 July 2002

Registration with the Secretariat of the United Nations: International Labour Organisation, 2 October 2001

Denunciation

Czech Republic

Notification effected with the Director-General of the International Labour Office: 27 June 2001

Date of effect: 27 June 2002

Registration with the Secretariat of the United Nations: International Labour Organisation, 2 October 2001

Denunciation

Cyprus

Notification effected with the Director-General of the International Labour Office: 9 July 2001

Date of effect: 9 July 2002

Registration with the Secretariat of the United Nations: International Labour Organisation, 25 October 2001

No. 1341. **Multilateral**

Convention (No. 98) concerning the application of the principles of the right to organise and to bargain collectively, as modified by the Final Articles Revision Convention, 1961. Geneva, 1 July 1949

Ratification

Equatorial Guinea

Registration of instrument with the Director-General of the International Labour Office: 13 August 2001

Date of effect: 13 August 2002

Registration with the Secretariat of the United Nations: International Labour Organisation, 25 October 2001

No. 1342. **Multilateral**

Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Lake Success, New York, 21 March 1950

Accession

Tajikistan

Deposit of instrument with the Secretary-General of the United Nations: 19 October 2001

Date of effect: 17 January 2002

Registration with the Secretariat of the United Nations: ex officio, 19 October 2001

No. 1871. **Multilateral**

Convention (No. 95) concerning the protection of wages. Geneva, 1 July 1949

Ratification

Albania

Registration of instrument with the Director-General of the International Labour Office: 2 August 2001

Date of effect: 2 August 2002

Registration with the Secretariat of the United Nations: International Labour Organisation, 25 October 2001

No. 2997. **Multilateral**

Statute of The Hague Conference on Private International Law (revised text). The Hague, 9 and 31 October 1951

Acceptance

Sri Lanka

Deposit of instrument with the Government of the Netherlands: 27 September 2001

Date of effect: 27 September 2001

Registration with the Secretariat of the United Nations: Netherlands, 25 October 2001



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