



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)

The Court indicates additional provisional measures

THE HAGUE, 28 March 2024. 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)*, the Court, having duly considered South Africa's [request](#) of 6 March 2024, for the indication of additional provisional measures and/or the modification of its [Order of 26 January 2024](#), based on the change in the situation in Gaza, and Israel's [observations](#) of 15 March 2024 on that request, delivered its Order today, which was communicated to the Parties by a letter from the Registrar.

In its Order, the Court observes that, since 26 January 2024, “the catastrophic living conditions of the Palestinians in the Gaza Strip have deteriorated further, in particular in view of the prolonged and widespread deprivation of food and other basic necessities to which the Palestinians in the Gaza Strip have been subjected”, and that “Palestinians in Gaza are no longer facing only a risk of famine, as noted in the Order of 26 January 2024, but that famine is setting in”. In the view of the Court, “the provisional measures indicated in the Order of 26 January 2024 do not fully address the consequences arising from the changes in the situation . . . , thus justifying the modification of these measures”.

In its [Order](#), which has binding effect, the Court:

“(1) By fourteen votes to two,

Reaffirms the provisional measures indicated in its Order of 26 January 2024;

IN FAVOUR: *President* Salam; *Judges* Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

AGAINST: *Vice-President* Sebutinde; *Judge ad hoc* Barak;

(2) *Indicates* the following provisional measures:

The State of Israel shall, in conformity with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and in view of the worsening conditions of life faced by Palestinians in Gaza, in particular the spread of famine and starvation:

(a) Unanimously,

Take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary;

(b) By fifteen votes to one,

Ensure with immediate effect that its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Convention on the Prevention and Punishment of the Crime of Genocide, including by preventing, through any action, the delivery of urgently needed humanitarian assistance;

IN FAVOUR: *President Salam; Vice-President Sebutinde; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;*

AGAINST: *Judge ad hoc Barak;*

(3) By fifteen votes to one,

Decides that the State of Israel shall submit a report to the Court on all measures taken to give effect to this Order, within one month as from the date of this Order.

IN FAVOUR: *President Salam; Vice-President Sebutinde; Judges Tomka, Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;*

AGAINST: *Judge ad hoc Barak.*”

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President SALAM appends a declaration to the Order of the Court; Judge YUSUF appends a declaration to the Order of the Court; Judges XUE, BRANT, GÓMEZ ROBLED0 and TLADI append a joint declaration to the Order of the Court; Judge NOLTE appends a separate opinion to the Order of the Court; Judge CHARLESWORTH appends a declaration to the Order of the Court; Judge *ad hoc* BARAK appends a separate opinion to the Order of the Court.

Earlier [press releases](#) relating to this case, including the history of the proceedings, 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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