



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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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)*

#### Request for the modification of the Order of 28 March 2024

#### The Court reaffirms its previous provisional measures and indicates new measures

THE HAGUE, 24 May 2024. The International Court of Justice today delivered its Order on the [request for the modification and the indication of provisional measures](#) submitted by South Africa on 10 May 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)*.

In its [Order](#), the Court:

“(1) By thirteen votes to two,

*Reaffirms* the provisional measures indicated in its Orders of 26 January 2024 and 28 March 2024, which should be immediately and effectively implemented;

IN FAVOUR: *President* Salam; *Judges* 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 civilians in the Rafah Governorate:

(a) By thirteen votes to two,

Immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part;

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

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

(b) By thirteen votes to two,

Maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance;

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

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

(c) By thirteen votes to two,

Take effective measures to ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide;

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

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

(3) By thirteen votes to two,

*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; *Judges* Abraham, Yusuf, Xue, Bhandari, Iwasawa, Nolte, Charlesworth, Brant, Gómez Robledo, Cleveland, Aurescu, Tladi;

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

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Vice-President SEBUTINDE appends a dissenting opinion to the Order of the Court; Judges NOLTE, AURESCU and TLADI append declarations to the Order of the Court; Judge *ad hoc* BARAK appends a dissenting opinion to the Order of the Court.

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In its Order, the Court emphasizes that the catastrophic humanitarian situation in the Gaza Strip which, as stated in its [Order of 26 January 2024](#), was at serious risk of deteriorating, has deteriorated, and has done so even further since the Court adopted its [Order of 28 March 2024](#). It notes that,

“[a]fter weeks of intensification of military bombardments of Rafah, where more than a million Palestinians had fled as a result of Israeli evacuation orders covering more than three quarters of Gaza’s entire territory, on 6 May 2024, nearly 100,000 Palestinians were ordered by Israel to evacuate the eastern portion of Rafah and relocate to the Al-Mawasi and Khan Younis areas ahead of a planned military offensive.

The military ground offensive in Rafah, which Israel started on 7 May 2024, is still ongoing and has led to new evacuation orders. As a result, according to United Nations reports, nearly 800,000 people have been displaced from Rafah as at 18 May 2024.”

The Court considers that these developments are exceptionally grave and constitute “a change in the situation within the meaning of Article 76 of the Rules of Court”. The Court is also of the view that the provisional measures indicated in its Order of 28 March 2024, as well as those reaffirmed therein, do not fully address the consequences arising from the change in the situation, thus justifying the modification of these measures.

The Court further considers that, on the basis of the information before it, the immense risks associated with a military offensive in Rafah have started to materialize and will intensify even further if the operation continues. In addition, the Court is

“not convinced that the evacuation efforts and related measures that Israel affirms to have undertaken to enhance the security of civilians in the Gaza Strip, and in particular those recently displaced from the Rafah Governorate, are sufficient to alleviate the immense risk to which the Palestinian population is exposed as a result of the military offensive in Rafah”.

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A summary of the Order appears in the document entitled “[Summary 2024/6](#)”, to which summaries of the opinions and declarations are annexed. This summary and the full text of the Order are available on the [case page](#) on the Court’s website.

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

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

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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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