

INTERNATIONAL COURT OF JUSTICE

APPLICATION FOR PERMISSION TO INTERVENE BY THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA

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)*

1. The Government of the Republic of Nicaragua has the honour to request permission of the Court to intervene in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*. The present Application is made in accordance with Article 36, paragraph 1, and Article 62 of the Statute of the Court.

I. Introductory Remarks

2. The actions taken by the State of Israel in the territory in which it “continues to have the status of occupying Power”¹ referred to as the Gaza Strip, has deeply affected the conscience of the world. Nicaragua recalls that the Palestinian population of Gaza is composed in substantial numbers of refugees or descendants of refugees who have been expelled from their homes, most since 1948, and located in present day occupied areas. Since their relocation, the conditions of life in the area have been made so harsh by the occupying power that they have been called those of an open air prison².

3. Nicaragua is aware that the military actions presently taken place began after 7 October 2023 when paramilitary forces from Hamas attacked the Israeli settlements located notably in Sderot, Kfar Azza, Nir Oz and Be’ri. Nicaragua is also aware that this violent event, though of an unprecedented scale and magnitude, was not an isolated issue but one of recurring and periodical attacks by Israel into occupied Gaza and of mainly Hamas forces attacks on Israel.

¹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports 2004*, p. 167, par. 78. See also General Assembly Resolution A/RES/78/121 of 8 December 2023.

² See for example Israel occupation makes Palestinian territories ‘open-air prison’, UN expert says, Reuters, 11 July 2023, available at <https://www.reuters.com/world/middle-east/israel-occupation-makes-palestinian-territories-open-air-prison-un-expert-2023-07-11/>.

4. The information Nicaragua has received from different organs and agencies of the United Nations³ and other international organizations⁴, as well as credible news reports⁵, have led it to the conclusion that the actions of Israel have crossed the threshold of what is internationally permissible in the quest for security and maintenance of peace and order in an occupied territory, or even permissible measures of self-defense allowed by international law in situations involving another State⁶.

5. Nicaragua is of the opinion that the actions being taken by Israel amount to clear violations of the Convention on the Prevention and Punishment of the Crime of Genocide (hereinafter Convention on Genocide or Genocide Convention). In particular, Israel's conduct has been accompanied by statements⁷ by the highest authorities in Israel that clearly confirm its intent to clear the Gaza Strip of all or part of the Palestinians inhabitants either by direct killing or causing serious bodily and even mental harm to them, and by deliberately inflicting on the group conditions of life calculated to bring about their

³ See for example the statement made by 15 United Nations Special Rapporteurs and 21 members of United Nations Working Groups on 16 November 2023 warning that "Grave violations committed by Israel against Palestinians in the aftermath of 7 October, particularly in Gaza, point to a genocide in the making" available at <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against#:~:text=%E2%80%9CThat%20is%20why%20our%20early,end%2C%E2%80%9D%20the%20experts%20s.aid> – last accessed 17 January 2024. For updated information see the the latest report by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) entitled "Hostilities in the Gaza Strip and Israel-reported impact Day 100" available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-100> – last accessed 17 January 2024.

⁴ See for example the International Committee of the Red Cross's press release in October 2023 calling out the "devastating violence-the premeditated killings of civilians, and the bombings in residential neighborhoods" and describing the "violence in Israel and Gaza..[as something] we have not seen in many years...". Available at <https://blogs.icrc.org/ir/en/2023/10/israel-and-the-occupied-territories-targeting-civilians-leads-to-further-spirals-of-violence-and-hatred/> – last accessed 17 January 2024.

⁵ For example, on 21 December 2023 the New York Times reported that "During the first six weeks of the war in Gaza, Israel routinely used one of its biggest and most destructive bombs in areas it designated safe for civilians, according to an analysis of visual evidence by The New York Times", A Times investigation tracked Israel's use of one of its most destructive bombs in South Gaza, NYT, available at <https://www.nytimes.com/2023/12/21/world/middleeast/israel-gaza-bomb-investigation.html#:~:text=During%20the%20first%20six%20weeks%20of%20the%20war%20in%20Gaza.by%20The%20New%20York%20Times> – last accessed 17 January 2024.

⁶ UN Special Rapporteur : Israel can't claim 'right of self-defence', Aljazeera, 15 November 2023, available at <https://www.aljazeera.com/program/newsfeed/2023/11/15/un-special-rapporteur-israel-cant-claim-right-of-self-defence> – last accessed 17 January 2024.

⁷ For example the Prime Minister of Israel has made reference to "blood-thirsty monsters", Hamas and Israel War : What we know on day 9, The Guardian, 15 October 2023 available at <https://www.theguardian.com/world/2023/oct/15/hamas-and-israel-at-war-what-we-know-on-day-nine> – last accessed 17 January 2024; the President of Israel has directly stated that "It's an entire nation out there that is responsible. It's not true this rhetoric about civilians not aware not involved. It's absolutely not true. ... and we will fight until we break their backbone." Israeli president Isaac Herzog says Gazans could have risen up to fight 'evil' Hamas, ITV News, 13 October 2023, available at <https://www.itv.com/news/2023-10-13/israeli-president-says-gazans-could-have-risen-up-to-fight-hamas> – last accessed 17 January 2024. The Minister of Defense announced "I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed... We are fighting human animals and we are acting accordingly", Defense Minister announces 'complete siege' of Gaza : No power, food or fuel, The Times of Israel, 9 October 2023 available at https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/ – last accessed 17 January 2024. For a review of Israeli statements see South Africa's Application of 29 December 2023, paras. 101-107.

physical destruction by eliminating most of their living spaces, health facilities and means of subsistence such as even hindering the charitable efforts of bringing food and medicine to the area, as described below.

6. The facts which have given rise to the case brought by South Africa are given in great detail in its Application of 29 December 2023⁸. Nicaragua also agrees that these facts listed by South Africa are imputable to Israel. However, the situation in the Gaza Strip is an ongoing situation and violations are being committed by Israel on a daily basis. They must be considered by the Court.⁹ Since the Application was filed, the following are some of the principal violations of the Genocide Convention by Israel and its forces according to the latest reports, including that of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA)¹⁰: the number of Palestinians killed has reached at least¹¹ 24,100 fatalities¹², of which now 10,000¹³ are children and the number of injured people has calculated to be 60, 834¹⁴ Palestinians. The latest data indicates that at least “1% of the total child population-have been killed” since 7 October 2023¹⁵. International organizations have reported that after a 100 days of military assault in Gaza 374 education facilities have been damaged or destroyed¹⁶, 600 attacks on healthcare have occurred¹⁷, more than 1000 Palestinian children have lost one or both legs¹⁸. Moreover, in south and

⁸ See for example paragraphs 45, 51, 55, 71, 76, 88, 95 of South Africa’s Application of 29 December 2023.

⁹ See *Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia)*, Judgment, I.C.J. Reports 2022, pp. 293-294, paras. 44-45.

¹⁰ OCHA, Hostilities in the Gaza Strip and Israel- reported impact Day 100, 15 January 2024 available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-100> – last accessed 17 January 2024.

¹¹ A. Sawafta & Maggie Fick, How many Palestinians have died in Gaza? Death toll explained, *Reuters*, 9 December 2023, available at <https://www.reuters.com/world/middle-east/how-many-palestinians-have-died-gaza-war-how-will-counting-continue-2023-12-06/> – last accessed 17 January 2024.

¹² OCHA, Hostilities in the Gaza Strip and Israel- reported impact Day 100, 15 January 2024 available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-100> – last accessed 17 January 2024; see also Palestinian death toll in Gaza exceeds 24,000:Ministry, Xinhua, 15 January 2024 available at <https://www.euronews.com/2024/01/14/100-days-into-the-war-netanyahu-says-no-one-will-stop-us> – last accessed 17 January 2024.

¹³ Gaza: 10,000 children killed in nearly 100 days of war, *Tehran Times*, 12 January 2024, available at <https://www.tehrantimes.com/news/493605/Gaza-10-000-children-killed-in-nearly-100-days-of-war> – last accessed 17 January 2024.

¹⁴ See OCHA, Hostilities in the Gaza Strip and Israel- reported impact Day 100, 15 January 2024 available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-100> – last accessed 17 January 2024.

¹⁵ Gaza: 10,000 children killed in nearly 100 days of war, *Tehran Times*, 12 January 2024, available at <https://www.tehrantimes.com/news/493605/Gaza-10-000-children-killed-in-nearly-100-days-of-war> – last accessed 17 January 2024. See also Gaza: 10,000 children killed in nearly 100 days of war, *Reliefweb*, 11 January 2024, available at <https://reliefweb.int/report/occupied-palestinian-territory/gaza-10000-children-killed-nearly-100-days-war#:~:text=The%20latest%20data%20from%20the,on%20Gaza%20that%20has%20followed> – last accessed 17 January 2024.

¹⁶ OCHA, Hostilities in the Gaza Strip and Israel- reported impact Day 100, 15 January 2024 available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-100> – last accessed 17 January 2024.

¹⁷ Nearly 600 attacks on healthcare in Gaza and West Bank since war began :WHO, 5 January 2024, available at <https://news.un.org/en/story/2024/01/1145317> – last accessed 17 January 2024.

¹⁸ 10,000 children killed in nearly 100 days of war, *Reliefweb*, 11 January 2024, available at <https://reliefweb.int/report/occupied-palestinian-territory/gaza-10000-children-killed-nearly-100-days->

northern Gaza only 15 of Gaza's 36 hospitals are partially functional¹⁹, while in central Gaza only one functional hospital remains (Al Aqsa Hospital), and only 6 ambulances remain operational in the south²⁰. As 60% of Gaza's housing units have been destroyed or damaged, Israel has forcibly displaced 1.9 million Palestinians, representing 85% of the population in Gaza²¹. These numbers are changing rapidly every day. The United Nations Office of the High Commissioner for Human Rights has once again called for a cease on Israel's "massive and destructive military response" over these past 14 weeks, and has "repeatedly highlighted Israel's recurring failures to uphold the fundamental principles of international humanitarian law: distinction, proportionality, and precautions in carrying out attacks. The High Commissioner has stressed that breaches of these obligations risk exposure to liability for war crimes, and has also warned of the risks of other atrocity crimes"²².

7. Israel's military assault, "among the most destructive in recent history"²³, has also resulted in the death of 117 journalists²⁴, as well as 152 United Nations staff as of 15 January 2024, described by the Secretary General as "the largest single loss of life in the history of our organization", further noting that "nowhere and no one is safe"²⁵. He also pointed out that the "United Nations and other partners cannot effectively deliver humanitarian aid while Gaza is under such heavy widespread and unrelenting bombardment..." and that "vital materials, including life-saving medical equipment and parts which are critical for the repair of water facilities and infrastructure, have been rejected with little or no explanation, disrupting the flow of critical supplies and the resumption of basic services"²⁶. The conclusion reached is that "we cannot allow what has been happening in Gaza to continue"²⁷.

[war#:~:text=The%20latest%20data%20from%20the,on%20Gaza%20that%20has%20followed](#) – last accessed 17 January 2024.

¹⁹ OCHA, Hostilities in the Gaza Strip and Israel- reported impact Day 100, 15 January 2024 available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-100> – last accessed 17 January 2024.

²⁰ Only 6 ambulances remain operation in Rafah, 14 January 2024, Jordan News, available at <https://www.jordannews.jo/Section-20/Middle-East/Only-6-ambulances-remain-operational-in-Rafah-33633> – last accessed 17 January 2024.

²¹ OCHA, Hostilities in the Gaza Strip and Israel- reported impact Day 100, 15 January 2024 available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-100> – last accessed 17 January 2024.

²² Israeli-Occupied Palestinian Territory situation, 100 days on, 12 January 2024, available at <https://www.ohchr.org/en/press-briefing-notes/2024/01/israel-occupied-palestinian-territory-situation-100-days> – last accessed 17 January 2024.

²³ J. Frankel, Israel's military campaign in Gaza seen as among the most destructive in recent history, experts say, "News, 11 January 2024, <https://apnews.com/article/israel-gaza-bombs-destruction-death-toll-scope-419488c511f83c85baea22458472a796> – last accessed 17 January 2024.

²⁴ OCHA, Hostilities in the Gaza Strip and Israel- reported impact Day 100, 15 January 2024 available at <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-100> – last accessed 17 January 2024.

²⁵ See UN Chief's Press Briefing on Israel-Palestine Crisis-100 Days, 15 January 2024 available at <https://www.youtube.com/watch?v=Jut6xVk0zM&t=513s> – last accessed 17 January 2024.

²⁶ *Ibid.*

²⁷ *Ibid.*

8. For all the above, Nicaragua coincides with the reasons and justifications that have moved South Africa to bring the case against Israel before the Court and that are stated in its Application. Thus, Nicaragua also 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. Those violations of the Genocide Convention include, but are not limited to:

(a) failing to prevent genocide in violation of Article I; (b) committing genocide in violation of Article III (a); (c) conspiring to commit genocide in violation of Article III (b); (d) direct and public incitement to commit genocide in violation of Article III (c); (e) attempting to commit genocide in violation of Article III (d); (f) complicity in genocide in violation of Article III (e); (g) failing to punish genocide, conspiracy to commit genocide, direct and public incitement to genocide, attempted genocide and complicity in genocide, in violation of Articles I, III, IV and VI; (h) failing to enact the necessary legislation to give effect to the provisions of the Genocide Convention and to provide effective penalties for persons guilty of genocide, conspiracy to commit genocide, incitement to genocide, attempted genocide, and complicity in genocide, in violation of Article V; and (i) failing to allow and/or directly or indirectly impeding the investigation by competent international bodies or fact-finding missions of genocidal acts committed against Palestinians in Gaza, including those Palestinians removed by Israeli State agents or forces to Israel, as a necessary and corollary obligation pursuant to Articles I, III, IV, V and VI.”²⁸

9. As a consequence of the violations by Israel indicated above, in similar manner as South Africa’s Application, Nicaragua also respectfully would request 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 72 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

²⁸ See Application of South Africa, 29 December 2023, para. 110.

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.”²⁹

10. In this case, South Africa is acting in defense of “the *erga omnes partes* rights it has under the Genocide Convention”, and in compliance with the “*erga omnes* obligations it has to prevent genocide, which mirror the *erga omnes* obligations of the Convention with which it is entitled to seek compliance by Israel.”³⁰ Therefore, even if these proceedings were instituted as a bilateral contentious case by South Africa against Israel, they concern all State parties to the 1948 Genocide Convention.

11. It is in that same spirit that, as soon as 17 October 2023, in view of the gravity of the situation in Gaza, the Government of Nicaragua has directly called on the international community to “act, as soon as possible; to demand solutions in Law and Justice, to stop this senseless spiral of violence that is already a genocide.”³¹ Later on, “driven by our common goal to protect the civilian population...as well as the need for a collective search for a solution”³², in a joint letter with the Russian Federation and the Syrian Arab Republic, Nicaragua requested the President of the General Assembly “the urgent resumption of the tenth emergency special session of the General Assembly entitled “Protection of the Palestinian civilian population””³³. During the meeting Nicaragua called on the “responsibility to request an immediate cease fire, as well as the protection of the Palestinian population, without double standards and under equal conditions as human beings whose lives are worth the same as other’s lives.”³⁴ Nicaragua also participated in the High Level Consultative Conference on Palestine held in Tehran in December 2023 and calling on Israel over its “attempt to exterminate the Palestinian people.”³⁵

²⁹ *Ibid.*, para. 111.

³⁰ *Ibid.*, para. 133. See also paras. 5, 13, 16 and 132.

³¹ See Nicaragua Press Release, 17 October 2023. Available in Spanish and English at <https://www.el19digital.com/articulos/ver/titulo:145702-no-a-la-guerra-si-a-la-justicia-y-la-paz-> – last accessed 17 January 2024.

³² Letter dated 18 October 2023 from the representatives of Nicaragua, the Russian Federation and the Syrian Arab Republic to the United Nations addressed to the President of the General Assembly, A/ES-10/961, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/317/85/PDF/N2331785.pdf?OpenElement> – last accessed 17 January 2024.

³³ *Ibid.*.

³⁴ See Speech of the Permanent Representative of Nicaragua before the General Assembly during the Special Session on the Middle East, including the question of Palestine, 31 October 2023, (Annex 1), also available both in written form and video at https://webtv.un.org/en/asset/k1x/k1xu546rjy?_gl=1*160owu1*_ga*MTY5Mzg0Mjg3OC4xNjI0MzA3NTIy*_ga_TK9BQL5X7Z*MTcwNTMyOTU5NS4yMC4xLjE3MDUzMzExMjMuMC4wLjA. and https://journal.un.org/en/new-york/meeting/officials/abf2c092-5a81-45e6-26ca-08db9cd0f3fb/2023-10-31/statements?_gl=1*zte05v*_ga*mty5mzg0mjg3oc4xnji0mza3ntiy*_ga_tk9bql5x7z*mtcwntmyotu5ns4ymc4xlje3mduzmzxmzmc4wlja – last accessed 17 January 2024.

³⁵ See Speech by the Foreign Minister of Nicaragua during the High Level Consultative Meeting on Palestine held in Teheran, 23 December 2023 (Annex 2), also available at <https://www.el19digital.com/articulos/ver/titulo:147809-mensaje-del-grun-en-la-conferencia-consultiva-politica-de-alto-nivel-sobre-la-situacion-en-palestina> – last accessed 17 January 2024. See also Iran and Nicaragua ask for

Nicaragua's government also pronounced itself in support of South Africa's Application and called for accountability³⁶. Furthermore, Nicaragua has sent a Note Verbale to Israel recalling that it "has the duty to prevent and punish genocide and the duty to cooperate to that end."³⁷

12. In filing this Application for the permission to intervene, Nicaragua aims at cooperating in liberating the Palestinian people and humanity in general from the scourge of Genocide and complying with its obligation to help prevent and punish genocidal acts presently underway in the Gaza Strip.

II. Nicaragua's Interests of a Legal Nature That May Be Affected by the Decision of the Court

13. In accordance with Article 62 of the Court's Statute, States may be permitted to intervene in a contentious case if they consider they have an interest of a legal nature which may be affected by the Court's decision. In the present case, Nicaragua has interests of a legal nature that stem from the rights and obligations imposed by the Genocide Convention on all State Parties and which flows 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'."³⁸

14. As the Court explained in *Gambia v. Myanmar*, "[a]ll the States parties to the Genocide Convention thus have a common interest to ensure the prevention, suppression and punishment of genocide, by committing themselves to fulfilling the obligations contained in the Convention."³⁹ This implies that the obligations enshrined in the Genocide Convention are *erga omnes partes* and hence "owed by any State party to all the other States parties".⁴⁰ It follows that "each State party has an interest in compliance with them in any given case."⁴¹ As party to the Genocide Convention, Nicaragua has therefore a legal interest in the fulfillment of the conventional obligations as much as South Africa, or any other State party.

global support to end the genocide in Gaza, HispanTV, 25 December 2023 (Annex 3), also available at <https://www.hispantv.com/noticias/politica/577090/iran-nicaragua-apoyo-palestina-gaza> – last accessed 17 January 2024.

³⁶ Nicaragua Press Release, 9 January 2024, available in Spanish and English at <https://www.el19digital.com/articulos/ver/titulo:148127-nicaragua-acoge-con-satisfaccion-demanda-de-sudafrica-ante-la-corte-internacional-de-justicia-cij#:~:text=El%20Gobierno%20de%20Reconciliaci%C3%B3n%20y,la%20Prevenci%C3%B3n%20y%20la%20Sanci%C3%B3n> – last accessed 17 January 2024.

³⁷ See Note Verbale from the Ministry of Foreign Affairs of Nicaragua to the Ministry of Foreign Affairs of Israel, 16 January 2024 (Annex 4).

³⁸ *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion of 28 May 1951, I.C.J. Reports 1951*, p. 23.

³⁹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Preliminary Objections, Judgment, I.C.J. Reports 2022*, p. 515, para. 107.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

15. As the beneficiary of the *erga omnes* rights embodied in the Genocide Convention and the debtor of the mirror *erga omnes* obligations to prevent and punish violations of those rights, Nicaragua's interests of a legal nature will necessarily be affected by the Court's decision. Because of the *erga omnes* character of the norms at issue in this case, judicial determinations by the Court will affect Nicaragua's rights and obligations stemming from the 1948 Genocide Convention. In this respect Nicaragua, as all other State parties, would have a duty to participate in its punishment, through any means in accordance with international law and in cooperation with the other State parties. As the Court recalled in the *Gambia v. Myanmar* case, the Contracting States to the Genocide Convention have a "common interest to ensure that acts of genocide are prevented and that, if they occur, their authors do not enjoy impunity."⁴²

16. It follows that Israel's conduct in violation of the Genocide Convention affects Nicaragua's legal interests as much as those of South Africa or of any other party to the Convention. As the Court explained, legal interests of third States may be affected by the dispositif or operative part as well as by the reasoning of its decisions⁴³. Hence, the present Application is concerned with the application or the fulfillment of the Convention, as well as with its construction or interpretation which is inseparable from its application. As explained below, Nicaragua's objective is to establish Israel's responsibility for violations of the Genocide Convention as a party to the case before the Court.⁴⁴

III. The Object of the Intervention

17. As a State Party to the Genocide Convention, Nicaragua has an obligation to prevent Genocide and to cooperate to that end with the other Contracting parties, including by calling upon the competent organs of the United Nations⁴⁵. The obligation to prevent genocide is an independent, "normative and compelling" obligation bearing on all State parties⁴⁶. As such, if State Parties have available to them "means likely to have a deterrent effect on those suspected of preparing genocide, or reasonably suspected of harbouring specific intent [...]", they are under the duty to "to make such use of these means as the circumstances permit."⁴⁷ The only effective mean available to Nicaragua to implement its obligation to prevent and likely to have a deterrent effect on the ongoing genocide, is recourse to the

⁴² *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020*, p. 17, para. 41.

⁴³ See e.g. *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, p. 596, para. 47.

⁴⁴ See para. 21 below. See also paras. 8-9 above.

⁴⁵ See Genocide Convention, Articles I and VIII, *U.N.T.S.*, vol. 78, 1951, pp. 280 and 282. See also *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. 219, para. 426.

⁴⁶ *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)*, pp. 219-220, para. 427.

⁴⁷ See *Ibid.*, pp. 221-222, para. 431.

Court. South Africa's Application has not relieved Nicaragua of this obligation. South Africa is not acting as sole representative of the international community, and its Application has not excluded the intervention of other Parties to the Convention, not only in the interpretation of the Convention but also in its application to the present situation. Nicaragua's request for intervention under Article 62 is to be considered within that legal context.

18. The first observation on the general objectives of the intervention is to clarify that the object of this intervention is not to bring an additional dispute before the Court. The scope of the controversy over the application and interpretation of the Genocide Convention will remain the same whether or not the present request to intervene is granted. In fact, Nicaragua's request to intervene is based on the same *erga omnes* legal rights and obligations that are being affected by the activities in the Gaza Strip as those that serve as a basis and reason for South Africa's Application. The fact that Nicaragua could bring principal proceedings before the Court against Israel, in no way removes its rights under Article 62 of the Statute to file this application.⁴⁸

19. A second general observation is that, due to the special character of the Genocide Convention which involves *erga omnes* obligations and rights on all States equally, its Article VIII allows any Contracting Party to call upon the competent organs of the United Nations (of which the Court is a principal organ) to take such action as they consider appropriate for the suppression and prevention of acts of genocide.

20. A third general observation is that Article IX of the Genocide Convention specifically ordains that disputes of the Contracting Parties to the Genocide Convention "shall be submitted to the International Court of Justice"⁴⁹. Another object of Nicaragua's Application for the permission to intervene as a Party is to participate in the fulfillment of this obligation with all the consequences deriving therefrom.

21. In the circumstances of the present case, implicating *erga omnes* rights and obligations of State parties to the Genocide Convention, Nicaragua's intervention as a party for which permission is requested has the following more specific object:

- (a) To protect the legal rights of Nicaragua arising from the Genocide Convention as well as to participate in the determination of the extent of the obligations imposed by the Convention

⁴⁸ *Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Costa Rica for Permission to Intervene, Judgment, I.C.J. Reports 2011*, p. 361, para. 42.

⁴⁹ Emphasis added.

- (b) To comply with its obligation to cooperate in the liberation of mankind, and in the present case particularly the Palestinian people, from the scourge of genocide.
- (c) Nicaragua's Application for the permission to intervene is filed in compliance with its conventional obligation to prevent and punish genocide, including as indicated above, by having recourse to the organs of the United Nations, of which this Court is the principal judicial organ, as provided for in Articles VIII and IX of the Genocide Convention.
- (d) Finally and relatedly, Nicaragua's objective, as that of South Africa, is to invoke Israel's responsibility under the Genocide Convention, "with a view to ascertaining the alleged failure to comply with its obligations *erga omnes* partes, and to bring that failure to an end."⁵⁰ Hence, as has been indicated above⁵¹, Nicaragua does not intend to change the subject matter of the case brought by South Africa. In this regard, Nicaragua understands that, if permitted to intervene as a party in this case, it would be bound by the decision of the Court.⁵²

IV. The Basis of Jurisdiction between Nicaragua and the Parties to the Case

22. As mentioned before, the present Application to intervene is made in accordance with Article 36 paragraph 1 and Article 62 of the Statute. Furthermore, as South Africa and Israel, Nicaragua is a party to the Genocide Convention and there is a basis of jurisdiction between Nicaragua and the parties to the case provided by Article IX of the Genocide Convention. On 29 January 1952 Nicaragua deposited its instrument of accession to that convention in accordance with the provisions of Article XI. Therefore, the accession by Nicaragua became effective on 28 April 1952 as provided by Article XIII.⁵³ Nicaragua has not filed any reservation or declaration to the Genocide Convention. It has hence fully accepted the jurisdiction of the Court as provided in Article IX of the Genocide Convention. Therefore, the jurisdictional requirement to intervene as a party in accordance with Article 62 of the Statute is met by Nicaragua.⁵⁴

V. Preexistence of the dispute

23. As pointed out above;⁵⁵ Nicaragua has repeatedly called on Israel to cease its activities in the Gaza Strip that amount to violations of the Genocide Convention. The response of Israel has been not

⁵⁰ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (The Gambia v. Myanmar), Provisional Measures, Order of 23 January 2020, I.C.J. Reports 2020*, p. 17, para. 41.

⁵¹ See para. 18 above.

⁵² *Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Honduras for Permission to Intervene, I.C.J. Reports 2011*, p. 432, para. 29.

⁵³ See United Nations Circular of 13 February 1952, C.N.6.1952.TREATIES (Annex 5).

⁵⁴ *Territorial and Maritime Dispute (Nicaragua v. Colombia), Application by Honduras for Permission to Intervene, I.C.J. Reports 2011*, p. 432, para. 28.

⁵⁵ See para. 11 above.

only to Nicaragua, but to South Africa, the Court and the international community during the hearings in Court on 12 January 2024, in which the representatives of Israel justified all of the actions that have been submitted to the Court by South Africa as violations of the Genocide Convention and indicated that it has no intention of ceasing their execution. For example, the Agent indicated that Israel “has the right to defend itself” and that the request for provisional measures “cannot stand” as it denies Israel of its rights.⁵⁶ Furthermore, the very next day after the hearings the Prime Minister of Israel gave a press conference warning that “nobody will stop us — not The Hague, not the axis of evil and not anybody else,”⁵⁷ and went on to condemn “the hypocritical onslaught at The Hague against the state of the Jews...” vowing to continue Israel’s war in Gaza “until total victory”. Thus, the dispute is clearly established. There is no possibility of diplomatic agreement of this issue.

VI. Documents in support of this Application for permission to intervene

24. The following is a list of the documents in support of this Application for permission to intervene which are attached as annexes:

1. Speech of the Permanent Representative of Nicaragua before the General Assembly during the Special Session on the Middle East, including the question of Palestine, 31 October 2023.
2. Speech by the Foreign Minister of Nicaragua during the High Level Consultative Meeting on Palestine held in Teheran, 23 December 2023.
3. Iran and Nicaragua ask for global support to end the genocide in Gaza, HispanTV, 25 December 2023.
4. Note Verbale from the Ministry of Foreign Affairs of Nicaragua to the Ministry of Foreign Affairs of Israel, 16 January 2024.
5. United Nations Circular of 13 February 1952, C.N.6.1952.TREATIES
6. Appointment as Agent of Nicaragua to the present case, 18 January 2024.

Conclusions

25. For the reasons set out in this Application, Nicaragua respectfully requests the Court to permit its intervention 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)* for the object and purpose specified above and to participate in those proceedings in accordance with Article 85 of the Rules of

⁵⁶ CR 2024/2, paras. 29 and 55 (Becker) ; see also Shaw, para. 27, Sender, para. 16.

⁵⁷ Netanyahu says ‘nobody’ will stop Israel including Hague court, Financial Times, 14 January 2024 available at <https://www.ft.com/content/77aaf251-df7d-44f8-bf4f-96acff64b6dd> – last accessed 17 January 2024; see also Israel-Hamas war: Israeli PM Netanyahu warns ‘no one will stop us’ as fighting reaches 100-day mar, Euronews, 14 January 2024 available at <https://www.euronews.com/2024/01/14/100-days-into-the-war-netanyahu-says-no-one-will-stop-us> – last accessed 17 January 2024.

Court. Nicaragua reserves its rights to present supplementary arguments and observations as and when the Court would allow it to do so, as well as any other rights granted by international law and in particular by the Statute of the Court.

26. Furthermore, given the urgency of the situation, Nicaragua wishes to clarify to the Court that it does not wish for its request for intervention to delay the proceedings and deliberations of the Court related to the urgent request for provisional measures. The timing of the intervention merely reflects Nicaragua's deep concern over the situation and the need to alert the Court as early as possible of Nicaragua's intention.

27. For the purposes of the present Application, the Government of the Republic of Nicaragua has appointed as Agent Ambassador Carlos Argüello Gómez as attested in the communication sent to the Court by the Foreign Minister of Nicaragua dated 18 January 2024, of which a copy is herewith attached as Annex 6. It is requested that all communications of this case be notified to the Agent at the following address: Eisenhowerlaan 112, 2517 KM, The Hague.

The Hague, 22 January 2024.

Carlos Argüello Gómez
Agent of the Republic of Nicaragua

His Excellency
Mr. Philippe Gautier
Registrar
International Court of Justice
Carnegieplein 2, 2517 KJ, The Hague

CERTIFICATION

The undersigned Agent certifies that the printed sets of this Application for permission to intervene, and the documents attached as annexes are true copies of the original texts, and those that have been translated are true and accurate. The list of documents annexed is as follows:

1. Speech of the Permanent Representative of Nicaragua before the General Assembly during the Special Session on the Middle East, including the question of Palestine, 31 October 2023.
2. Speech by the Foreign Minister of Nicaragua during the High Level Consultative Meeting on Palestine held in Teheran, 23 December 2023.
3. Iran and Nicaragua ask for global support to end the genocide in Gaza, HispanTV, 25 December 2023.
4. Note Verbale from the Ministry of Foreign Affairs of Nicaragua to the Ministry of Foreign Affairs of Israel, 16 January 2024.
5. United Nations Circular of 13 February 1952, C.N.6.1952.TREATIES
6. Appointment as Agent of Nicaragua to the present case, 18 January 2024.

The Hague, 22 January 2024.

Carlos Argüello Gómez
Agent of the Republic of Nicaragua

H.E. Mr. Jaime Hermida Castillo, Permanent Representative of Nicaragua to the United Nations
Message from Nicaragua
Special Session of the General Assembly on the Middle East, including the question of Palestine
United Nations
New York
31 October 2023
(Check against delivery)

Thank you very much Mr. President:

1. Nicaragua joins Venezuela's speech on behalf of the Group of Friends in Defense of the Charter of the United Nations.
2. Nicaragua has joined the initiative to convene this Special Emergency Session, given the serious humanitarian situation that is occurring in Gaza and in solidarity with Palestine and with all civilians, women and children, victims in this terrible conflict, largely for the lack of inaction and indifference of the Security Council for decades.
3. With the latest tragic and barbaric events in Palestine and Israel, it has been demonstrated once again that the Security Council remains indebted to humanity, to the international community and to peace and justice, especially in the Middle East. It is reprehensible that this body has not adopted a simple humanitarian resolution that urgently demanded a ceasefire, and the access and provision of humanitarian assistance, above all, taking into account the fragile situation of the entire population that worsens every day in Gaza. .
4. We reiterate that the Security Council must fulfill its responsibilities conferred upon it in the Charter and must do so urgently and without double standards.
5. From this Universal forum, we continue to strongly condemn the worsening of the terrible Israeli-Palestinian conflict, which generates more and more victims and pain among so many innocent families.
6. It is known worldwide that this conflict, and in particular, the explosive inhuman situation to which the Palestinian People in Gaza have been subjected for more than 16 years, and the occupation and the illegal blockade imposed, have turned this territory into a enormous open field prison, impoverishing a population of 2.3 million, half of whom are children and which, if it persists, will only bring greater instability and insecurity in the Middle East and the world.
7. Nicaragua is convinced that Peace and Stability in the Middle East is only feasible through negotiation and full implementation of all the Resolutions of the General Assembly and the Security Council in relation to Palestine.
8. Nicaragua supports and will support any effort that leads to a ceasefire. That's why We co-sponsor and vote in favor of the resolution presented by Jordan on behalf of the Arab Group, in which deep concern is expressed about the escalation of violence and the deterioration of the situation, in particular the large number of civilian victims, and we emphasize that the priority is at all times to protect the civilian population.
9. This General Assembly has the imperative responsibility to demand an immediate ceasefire, as well as the protection of the population in Palestine, without double standards and under equal conditions as human beings, valuing lives in the same way for all.
10. The United Nations, the General Assembly and the Security Council are called to act, as soon as possible, to demand solutions in Law and Justice, to stop this senseless spiral of violence that has already become genocide.

11. We have also thanked the humanitarian agencies and governments that are helping to address the humanitarian crisis in Gaza. With horror we have witnessed and condemned the attack on the Hospital in Gaza that claimed the precious lives of more than 700 people, most of them children.

12. The Government of Reconciliation and National Unity of Nicaragua and the Nicaraguan People have always supported the just cause of the Palestinian people, it is a matter of principle, of solidarity of brothers in struggle and together with the rest of the international community we consider it necessary intensify international efforts in the search for a definitive and peaceful solution that culminates in the materialization of the Palestinian State, with its capital in East Jerusalem, and on borders recognized in 1967, as the only means to achieve a just and lasting peace in the Middle East, living next to the State of Israel in peace and security, both States.

13. It is the moral and historical obligation of all States to defend multilateralism, the purposes and principles of the UN Charter, the peaceful resolution of disputes and to refrain from the use or threat of the use of force in international relations.

14. Our prayers with the innocent People and Families who suffer so much, Israeli and Palestinian families, families of various nationalities, United Nations personnel and journalists. Our love and respect to each one of them.

15. This situation of pain and suffering of the Palestinian People tears us all apart, in recent days thousands and thousands of people have died in Gaza, the attacks on medical facilities, the cutting of water, electricity, supplies are abhorrent. doctors, food and fuel, increasing the insecurity of a population of 2.3 million, half of them children, who do not have a safe place to be or go. According to estimates by the United Nations Office for the Coordination of Humanitarian Affairs, more than 1.4 million Palestinians from Gaza have already been displaced, more than 8,500 deaths are reported, 67% of them children, women and older adults, including more than 3,800 children murdered, and the suffering and loss of life increases every minute.

16. One thing is very clear and is being demonstrated in this General Assembly and in all the cities of the World, Palestine is not alone, the people of the world accompany Palestine and we let it be known in the resolution that we adopted and in the protests of hundreds of thousands, more numerous every day, including cities of countries that hinder the inalienable rights of the Palestinian people, hundreds of hundreds of thousands of people demanding Peace, a ceasefire and to the harassment of Gaza, justice for the Palestinian people.

17. It is time for us here at the United Nations to listen to the cry of the people of the world and to put an end to the historical injustice imposed on Palestine.

18. Peace must prevail at all costs and above all things, to give way to the only just and true solution, the two states living in peace and security, everyone here present knows this very well, the security council has This pending historical responsibility must allow, once and for all, the full materialization of the State of Palestine and the realization of the inalienable rights of the Palestinian People. Thank you so much.

<https://journal.un.org/en/new-york/meeting/officials/abf2c092-5a81-45e6-26ca-08db9cd0f3fb/2023-10->

**MESSAGE FROM THE GOVERNMENT OF RECONCILIATION AND NATIONAL UNITY
AT THE HIGH-LEVEL POLITICAL CONSULTATIVE CONFERENCE ON THE
SITUATION OF PALESTINE**

Foreign Minister Denis Moncada Colindres

Tehran, December 23, 2023

• Brother President, Seyyet Ebrahim Raisi, Honorable Foreign Ministers, Special Guests to this Consultative Conference, High Level Policy on the Situation of Palestine.

1. I begin this message with Nicaragua's position, expressing our fraternal and militant solidarity with the Palestinian people and their just cause. We thank the People and Government of Iran for inviting Nicaragua to this important Conference, we convey the cordial greetings of the Nicaraguan People, the President, Commander Daniel Ortega Saavedra and the Vice President Compañera Rosario Murillo.

2. Humanity continues to be outraged and stupefied at the inhuman aggressions, genocide and serious war crimes committed by the Zionist State against the Palestinian population in Gaza and the West Bank, endangering Regional and Global Security and Peace.

3. Failure to comply with the limited ceasefire, the Zionist Government of Israel continues its aggressive attacks, violating the entire system and the International Legal Institutionality, in its attempt to exterminate the Palestinian people in their historical and legitimate territories occupied and divided by the Israeli apartheid Government, disrupting vital infrastructure, with massive and forced displacements and actions to destroy and exterminate the people and homeland of Palestine in its atrocious scorched earth war without quarter.

4. With the systematic massive destruction of homes and other civil infrastructure, the Government of Israel tries to force the Palestinian brothers not to return, not to return to their destroyed homes, to occupy the territory of Gaza and the West Bank to prevent the materialization of the State Palestinian.

5. The Palestinian people are victims of unimaginable atrocities that move, dismay, and outrage the people of this Planet. The atrocities committed by the Government of Israel against the Palestinian people in Gaza and the West Bank, against innocent children and defenseless women are condemnable, the Government and People of Nicaragua denounce and strongly condemn them.

6. The Government of Israel is becoming a State that is incompatible with the community of States that make up the United Nations. Their supremacist criminality is unparalleled in the history of humanity. The International Community rejects and condemns this atrocious and despicable behavior.

7. Even in multi-crisis situations generated by the hegemonic empires of the West, the purposes and principles of the United Nations Charter remain in force, specifically that which states that States will refrain from resorting to threats or the use of force against territorial integrity or independence of another State or any other form incompatible with the Charter, however the Government of Israel transgresses them, converting them into its State policy with the support of the Government of the United States, the United Kingdom and other Western powers interested in control of Palestine's energy resources and its global geostrategic location.

8. The People and Government of Nicaragua reaffirms its solidarity with Palestine and joins the friendly Peoples and Governments in supporting the immediate ceasefire, cessation of actions and genocidal attacks by the Government of Israel against the Palestinian People in the Gaza Strip. The attacks and bombings on the civilian population must stop immediately, the delivery of humanitarian aid to civilians is a vital necessity that cannot be postponed, likewise, the forced displacement of the Palestinian population must stop.

9. The International Community is called to act as soon as possible, to demand solutions in Law and Justice to stop this senseless spiral of violence that is genocide, a war crime, a crime against humanity and a policy of extermination.

10. Those responsible for so much barbarism must answer to the world and the human family for their crimes.

11. The State and Government of Israel is obliged to recognize and respect the Free, Independent and Sovereign State of Palestine and the Governments and Peoples of the Region and the World that demand to live together with common Security for all, Stability and Peace with the State Palestinian being part of the United Nations.

12. The Palestinian People will be victorious in their struggle to materialize the Free, Sovereign, Independent and Self-Determining State of Palestine, recognizing the borders prior to June 4, 1967 with East Jerusalem as its Capital. The Government and People of Nicaragua solidly and firmly support the Palestinian People and their Just Cause for their State, for their Security and for Peace.

Thank you so much.

<https://www.el19digital.com/articulos/ver/titulo:147809-mensaje-del-grun-en-la-conferencia-consultiva-politica-de-alto-nivel-sobre-la-situacion-en-palestina>

Iran and Nicaragua ask for global support to end the genocide in Gaza

Published: Monday, December 25, 2023 6:30

HispanTV

Iran and Nicaragua confirm their willingness to strengthen ties and promote international solidarity cooperation in support of Palestine in a meeting of their foreign ministers.

The foreign ministers of Iran, Hosein Amir Abdollahian, and of Nicaragua, Denis Moncada, advocated on Sunday to strengthen diplomatic, political and economic relations between both countries and “international solidarity collaboration” in support of the Palestinian people during a meeting held on the sidelines of the Tehran International Conference on Palestine.

The head of Iranian Diplomacy thanked Moncada for the active presence of Moncada at the Tehran Conference and the solidarity and principled stance of the Nicaraguan Government towards the Palestinian cause and affirmed that the primary objective of the forum is to achieve an international mechanism to help the people in Gaza. .

The top Nicaraguan diplomat, in turn, reaffirmed his country's support for Palestine, at a time when that nation in Gaza is the target of a brutal campaign of aggression by Israel. “From our point of view, Palestine means dignity, honor and humanity. What was seen at that conference was the fact that all participating countries shared a common position regarding the Palestinian cause despite their cultural and ideological differences,” he said.

Both foreign ministers “highlighted the need to strengthen international solidarity collaboration in support of the Palestinian people, the end of Israel's aggressions and crimes and the materialization of the independent and sovereign State of Palestine,” according to the official Nicaraguan newspaper El 19 Digital.

Regarding bilateral relations, Amir Abdollahian highlighted the development of ties and expressed his hope that the agreements and memorandums of understanding signed between the two countries during the visit of the President of Iran, Seyed Ebrahim Raisi, to Nicaragua last June will be implemented as soon as possible.

Along these lines, both foreign ministers "agreed on continuing to strengthen Iranian-Nicaraguan friendly ties, promoting and deepening bilateral relations in the economic, commercial, investment, scientific-technical, political and cultural fields, counteracting unilateral coercive measures," according to the Nicaraguan newspaper El 19 Digital.

The Nicaraguan delegation, led by Moncada, also visited “the Science and Technology Center of the Presidency of Iran, being received by its director, Amir Hosein Mirabadi, learning about the latest scientific-technological and innovation advances of the Persian country.” , adds the report.

Since the beginning of the Israeli aggression on Gaza, on October 7, the Nicaraguan Government has condemned the massacre of Palestinians at the hands of Israel, classifying it as genocide and an act of terrorism. Likewise, it has recognized the right of the Palestinian people to resist and fight against the Israeli occupation.

<https://www.hispantv.com/noticias/politica/577090/iran-nicaragua-apoyo-palestina-gaza>



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MINIC-MIS-046-01-2024

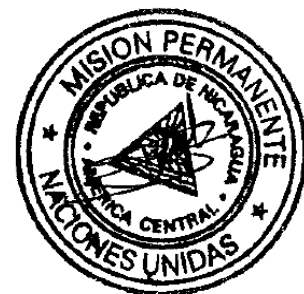
The Permanent Mission of Nicaragua to the United Nations presents its compliments to the Permanent Mission of Israel to the United Nations, and has the honour to attach herewith Note MRE/VM-AMM/0008/01/2024, dated January 16, 2024, from the Ministry of Foreign Affairs of the Republic of Nicaragua, addressed to the Ministry of Foreign Affairs of the State of Israel.

The Permanent Mission of Nicaragua to the United Nations kindly requests the Permanent Mission of Israel to the United Nations to convey this Note to its destination.

The Permanent Mission of Nicaragua to the United Nations avails itself of this opportunity to renew to the Permanent Mission of Israel to the United Nations, the assurances of its highest consideration.

New York, January 16, 2024

**Permanent Mission of Israel
to the United Nations
New York**





MINISTRY
OF
FOREIGN AFFAIRS
Managua, Nicaragua

Managua, January 16, 2024

MRE/VM-AMM/0008/01/2024

**TO THE MINISTRY OF FOREIGN AFFAIRS
OF THE STATE OF ISRAEL**

The Ministry of Foreign Affairs of the Republic of Nicaragua presents its compliments to the Ministry of Foreign Affairs of Israel and refers to the ongoing military actions carried out by Israel for over three months in the Gaza Strip in response to the events of 7 October 2023.

Since October 9, 2023, the State of Israel decided to impose a "complete siege" on the Gaza Strip, which already was under an asphyxiating military blockade of 16 years. Moreover, Israeli military operations have

been and are being executed with massive bombings against the civilian population including places designated as homes, shelters, hospitals, religious sites and United Nations schools, as well as routes designated as safe by the Israeli Army itself. As a direct consequence of such attacks, the Palestinian death toll has now surpassed 24,100 deaths, including 10,000 children killed. Furthermore, Israel's actions have led to the forced displacement of around 85% of the Palestinians in Gaza, which has been said to be "uninhabitable" by the United Nations.

Additionally, the actions by the Israeli Army have been accompanied by statements from several Israeli officials that may indicate evidence of genocidal intent. As early as twelve days after the launching of the military assault in Gaza, the United Nations experts warned about the dire situation in Gaza and the "risk of genocide against the Palestinian People".

Nicaragua urges Israel to put an end to its actions against the Palestinian people and cease its military operations in Gaza, and to respect its obligations under the Convention on the Prevention and Punishment of Genocide. As a State Party to 1948 Convention Nicaragua has the duty to prevent and punish genocide and the duty to cooperate to that end. Consequently, Nicaragua will adopt all measures it considers appropriate in accordance with international law, to guarantee respect for its rights and interests protected by that convention, including recourse to the International Court of Justice.



MINISTRY OF FOREIGN AFFAIRS

REPUBLIC OF NICARAGUA

FILE NO.:

C.N.6.1952.TREATIES

13 February 1952

CONVENTION OF 9 DECEMBER 1948
ON THE PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE

ACCESSION BY NICARAGUA

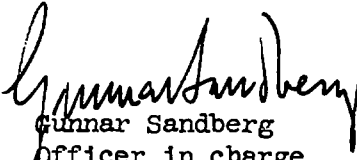
Sir,

I am directed by the Secretary-General to inform you that, on 29 January 1952, the instrument of accession by the Government of Nicaragua to the Convention on the Prevention and Punishment of the Crime of Genocide, opened for signature at Paris on 9 December 1948, was deposited with the Secretary-General of the United Nations in accordance with the provisions of Article XI of the Convention.

In accordance with the provisions of Article XIII of the Convention, the accession by Nicaragua will become effective on 28 April 1952, that is to say, on the ninetieth day following the deposit of the instrument of accession with the Secretary-General.

The present notification is made in accordance with Article XVII (a) of the Convention.

Accept, Sir, the assurances of my highest consideration.


Gunnar Sandberg
Officer in charge
Legal Department

APPOINTMENT OF AGENT



MINISTRY
OF
FOREIGN AFFAIRS
Managua, Nicaragua

Managua, January 18, 2024

MRE/VM-AMM/0012/01/2024

H.E. Philippe Gautier
Registrar of the International Court of Justice
The Hague

For the purposes of intervention pursuant to Article 62 of the Statute of the Court in the case before the International Court of Justice concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), I hereby appoint H.E. Carlos Argüello Gómez, Ambassador Representative of Nicaragua to the International Organizations in The Hague, as Agent of Nicaragua.



Denis Moncada Colindres
Minister of Foreign Affairs
Republic of Nicaragua