

INTERNATIONAL COURT OF JUSTICE

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

**Response of the State of Israel to the question posed by Judge Nolte at the oral
hearing of 17 May 2024 on South Africa’s fourth request for provisional measures**

18 May 2024

“Can Israel provide information about the existing humanitarian conditions in the designated evacuation zones, in particular Al-Mawasi, and how it would ensure safe passage to these zones, as well as the provision of shelter, food, water and other humanitarian aid and assistance to all evacuees that are, and can be expected to arrive, in these zones?”

Introduction

1. Israel is acutely aware that armed hostilities in urban populated areas pose grave risks to the civilian population, and that Hamas, in its disregard to life and to the law, exploits this reality. Israel is committed to minimizing harm to civilians, consistent and sometimes even beyond the requirements of international law. Calling for the evacuation of civilians is undertaken precisely for this purpose.

2. Israel is moreover aware that the humanitarian situation is constantly changing, and that new needs arise. To this end, it engages proactively with a host of relevant stakeholders attending to the needs to the civilian population and overseeing the management of shelter complexes within the designated humanitarian areas. This ongoing engagement serves to identify and address the evolving needs of the affected civilian population.

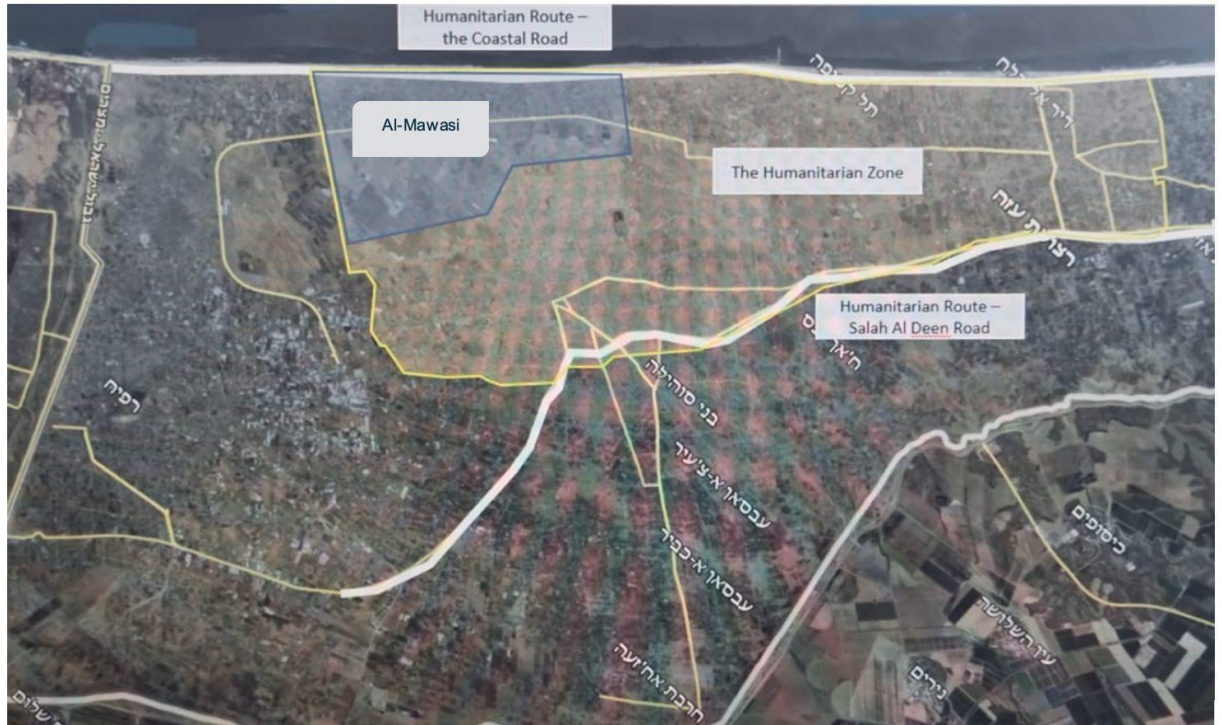
3. During the course of hostilities, the IDF has engaged in evacuation efforts in different parts of the Gaza Strip, especially in the northern part, using various means, methods and resources to encourage evacuation of civilians from areas of differing population density, infrastructure and other characteristics. As the purpose of such efforts is to enhance security to civilians, their security is also taken into account when determining what routes may be used for such evacuation. To that end, the IDF employs tactical pauses in fighting along evacuation routes and even secures these routes with its own forces.

Location of the evacuation area

4. A humanitarian area is chosen based on various criteria, primarily areas removed from IDF operational activities and which can accommodate the expected evacuated civilian population. As part of the efforts to facilitate the evacuation of the civilian population from areas in the Rafah region where intense hostilities are expected, a humanitarian area was initially delineated by Israel in the Al-Mawasi area. In order to accommodate the number of expected evacuees and facilitate sufficient place and infrastructure to address their needs, that humanitarian area was expanded very significantly on 6 May 2024 towards central Gaza to include, based on an ongoing situation assessment of the evacuation status, additional regions beyond the Al-Mawasi area. Civilians have been encouraged to evacuate to this area for their protection.

5. The continuing process of providing warnings to civilians encouraging them to evacuate and designating evacuation routes and a recommended destination is contingent on the intended destination being relatively remote from areas of ground operational activity and able to contain the expected civilian evacuees. COGAT is in continuous contact with various international organizations operating in the humanitarian area in order to get as complete and up-to-date picture as possible of the humanitarian situation on the ground at the relevant locations, with the intent that the humanitarian needs of the civilian population are met.

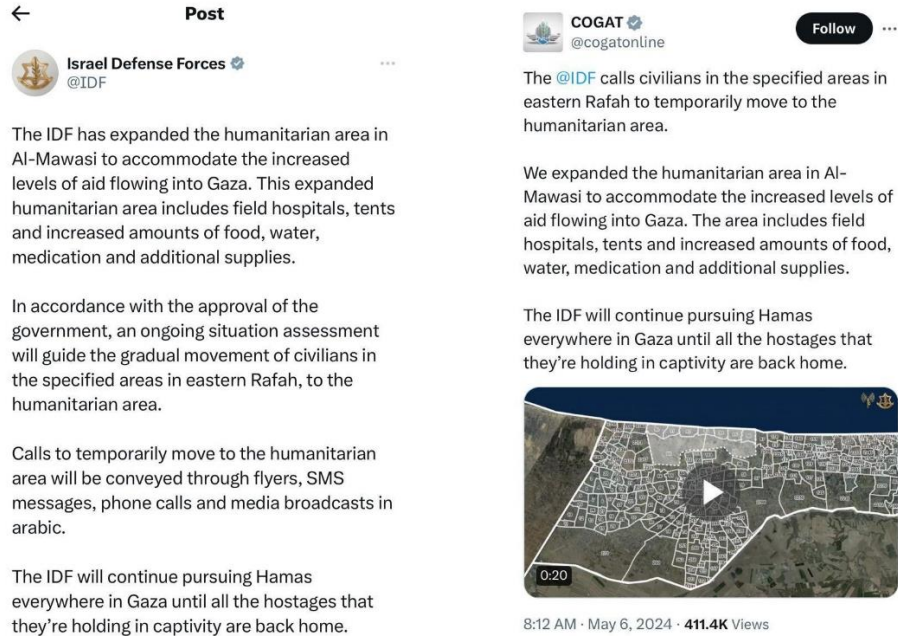
6. Precisely for this reason, the operation in the Rafah area is being conducted gradually. Rather than asking the civilian population in the whole of the Rafah area to evacuate, incremental and localized warnings have been given to specific areas where operations are expected at a given time (currently east Rafah). This gradual approach is an integral part of the IDF's operational plans to accommodate the progressive and more limited evacuation of Rafah. The approach is aimed at ensuring the integration of the evacuated civilian population in designated humanitarian areas where their needs can be met.



Map depicting location of the humanitarian area, which engulfs the Al Mawasi area



Sample flyer explaining location and expansion of the humanitarian area



COGAT announcements of expansion of humanitarian area, 6 May 2024

7. The humanitarian area, which includes the Al-Mawasi area, is located outside the area of currently planned hostilities. Therefore, international organizations move within this area without coordinating their movements with Israel. Even after the start of Israel's activities in Rafah, such movements in the designated humanitarian area continue undisturbed.

Access of civilians to the evacuation area

8. There are two main humanitarian routes that reach the expanded humanitarian area: the Coastal Road and the Salah Al-Adin Road. Some warnings issued may encourage civilians to use a specific humanitarian route. A specific route is recommended to the population in order to help protect the civilians as they evacuate to the humanitarian area, and it is used together with the system of sector numbering previously presented to the Court, to better communicate to the civilian population recommended routes for their movement through a "common language".

9. Like the sectoral map, the humanitarian route is identified on the IDF's operational system used by ground forces, as well as by the Air Force and Navy. This identification allows all IDF personnel to be aware of the location of humanitarian routes and to take into account the presence of civilians there. Restricted fire areas (RFAs) are another tool that is commonly used by the IDF, and is integrated into the operational system, as a further measure intended to ensure that IDF forces will not operate in close proximity to humanitarian routes used by civilians.

10. In order to allow evacuation, as well as to allow the civilians that remain outside the humanitarian area to gather necessary humanitarian aid, tactical pauses continue to be implemented in relevant areas almost daily, as previously presented in Israel's submissions.

11. The Civilian Harm Mitigation Unit in the IDF's Southern Command is in charge of providing warnings to civilians and monitoring the movement of the civilian population. This unit, together with COGAT, helps efforts to track the location of the civilian population in Gaza in real time and to mitigate the risk to such civilians, as far as possible in the circumstances, from the dangers of active hostilities.

12. It should be noted that while a majority of civilians who have evacuated by now have indeed moved to the designated evacuation areas, other civilians chose to evacuate to other areas. Moreover, in some cases, civilians have evacuated from places in Rafah with respect to which the IDF did not issue a specific evacuation warning. However, according to Israel's assessment, the majority of the relevant population has evacuated to the humanitarian area.

13. According to Israel's assessment, approximately 500,000 civilians have evacuated the Rafah area to date following sectoral warnings issued by the IDF. Approximately 300,000 more civilians have evacuated on their own initiative from areas in Rafah that did not receive evacuation warnings. This brings the total number of evacuees to approximately 800,000.

Provision of humanitarian aid to the humanitarian area

14. As noted above, movement within the humanitarian area does not require prior coordination with Israel. The newly constructed temporary pier (JLOTS), which began operating yesterday, is located to the north of the humanitarian area, and routes leading to and from the pier pass through the humanitarian area, making it possible to deliver aid from the JLOTS as well to the humanitarian area. As Israel has told the Court, the pier is expected to enable the delivery of approximately 2.2 million food portions per day by the World Food Programme.

15. As for the supply of humanitarian aid to the humanitarian area via land crossings, convoys making their way to the humanitarian area do not require prior coordination, unless they pass directly through Rafah or other active fighting areas. At present, convoys headed to the humanitarian area do not require passing through areas of active fighting.

16. Since the evacuation of Rafah began, movement of trucks from Kerem Shalom to west Rafah has been possible on a southern route that runs along the Gazan side of the border with Egypt, in coordination with the IDF. From west Rafah, the Coastal Road to the humanitarian area is accessible and can be used by aid organizations without prior coordination with the IDF.

17. Should the need arise, land routes from Israel into northern Gaza can also be utilized to provide humanitarian aid to the humanitarian area.

18. Israel continues to facilitate the movement of UN organizations and NGOs that does require coordination, and will continue such coordination of convoys and aid workers to the humanitarian area.

19. **Food.** As previously presented to the Court in detail in the Report of 26 February 2024 and Report of 28 April 2024, Israel has been facilitating the entry of more and more food, as well as other humanitarian consignments, since the early phases of the conflict.¹ The international organizations operating in the Gaza Strip distribute the food based on their evaluation of the population's needs.

20. International organizations operating in Gaza have food storage warehouses located at some distance from where ground operations are currently taking place. The need to coordinate the movement of international organizations towards the humanitarian area has not yet risen, due to the distance of the area from the ground operations. Israel is prepared to coordinate the movement of aid workers and convoys to and from warehouses to the humanitarian area if circumstances so require.

21. In addition, there are currently four private sector bakeries operating in the humanitarian area, producing 1,375,000 pitas per day.

22. **Water.** As stated by Israel in previous submissions, Israel has by now repaired the three water lines that provide water from Israel to the Gaza Strip, which were damaged as a result of the hostilities, particularly during Hamas's attack on 7 October 2023. Of these, the Bani Suheila water line, which is now fully operational, reaches the humanitarian area, including Al-Mawasi. Israel recently facilitated the repairs of this waterline in cooperation with the Palestinian Water Authority (PWA) on the Palestinian side, specifically in order to help expand the distribution of water throughout Gaza, particularly to the humanitarian area. This waterline is also connected to two larger water tanks located in the Al-Mawasi area, which allow the storage of water. This waterline enables the entry of 15,000 cubic

¹ Since the beginning of the current conflict, 18,577 trucks carrying 399,580 tons of food have entered the Gaza Strip.

meters of water per day, of which at least 2,000 cubic meters reach the Al-Mawasi area per day.

23. An additional waterline from Israel that provides water to the northern part of the humanitarian area is Birkat Sa'eed. This waterline is fully operational, and allows the entry into Gaza of 11,500 cubic meters per day.

24. In addition to pipelines, Israel continues to facilitate the entry of bottled water into the Gaza Strip through the various land crossings.² Similarly to food, water is distributed by international organizations in accordance with their evaluation of the population's needs.

25. Israel is also facilitating the entry of fuel, in coordination with the UN, so as to enable the operation of, *inter alia*, water pumps in the humanitarian area. This enables the continued use of 32 wells and six desalination plants that operate in the area.

26. **Shelter.** Israel has been working in cooperation with a range of international actors to establish shelter complexes in Gaza.³ Once the establishment of a shelter complex and its location are coordinated with the relevant organization, the necessary equipment is delivered to it, including tents, generators and other resources essential for its establishment and operation.

27. This also applies to establishing compound shelters specifically in the humanitarian area. Israel itself recently purchased 40,000 tents (which can accommodate up to 320,000 people), intended to establish additional shelter compounds in the humanitarian area. Seven thousand of these tents have already entered Gaza.

28. Additional designated shelter complexes have also been set up in the humanitarian area in coordination with Egypt. The establishment of a compound for the Rahma organization, an Egyptian aid organization, was also recently approved, and progress is underway as the organization prepares the area and assembles the tents.

29. As regards UN shelter complexes, the UN generally does not coordinate the location of its shelters in advance with Israel. The UN typically sets up shelters independently, and subsequently dispatches a deconfliction request to the IDF. The majority of these shelters are actually various UN facilities, such as warehouses or schools, repurposed as shelters.

² Since the beginning of the current conflict, 1,701 trucks carrying 33,920 tons of water have entered the Gaza Strip.

³ Annex C: Map of Shelter Complex in Gaza. Since the beginning of the current conflict, 4,186 trucks carrying 59,660 tonnes of shelter equipment have entered the Gaza Strip.

30. The IDF maintains ongoing communication with international organizations concerning shelter complexes. For instance, on 30 April 2024, IDF officers convened a meeting with a senior official from the Office for the Coordination of Humanitarian Affairs (OCHA), during which an initial assessment of potential shelter locations was presented in anticipation of the population evacuation from Rafah.

31. The total amount of shelter equipment that has entered Gaza until today can be used to provide shelter to up to 1.85 million people.

32. **Healthcare.** Further to the information presented by Israel during the oral hearing, six of the eight field hospitals in Gaza are located in the humanitarian area, with two of these located in Al-Mawasi area just outside of the humanitarian area. Mobile clinics continue to operate in the Al-Mawasi area, too. The clinics and field hospitals located outside the humanitarian area remain accessible. One more field hospital to be operated by Rahma is due to open later this month in the Al-Mawasi area.

33. Israel reiterates and reaffirms its commitment to acting in accordance with all of its international legal obligations, including under international humanitarian law, not least those that bear on the protection of the civilian population and addressing its needs. In keeping with this commitment, Israel has been facilitating a scale-up of humanitarian assistance, improved deconfliction measures to ensure the safety of humanitarian personnel, facilitated the repair and operation of critical infrastructure, and encourages the evacuation of civilians for their safety. Israel will be defending itself in accordance with international law.

34. The Prime Minister of Israel expressed this very sentiment on numerous recent occasions. On 22 March 2024, for example, he said that "... We recognize the need to evacuate the civilian population from areas of war and of course to take care also of the humanitarian needs, and we are operating accordingly".⁴ This remains equally true today.

⁴ Prime Minister of Israel on X (3:41PM, 22 March 2024), https://x.com/IsraeliPM_heb/status/1771170449570865594.