



**State of Palestine**  
**Ministry of Foreign Affairs and Expatriates**

31 May 2024

**Declaration Recognizing the Competence of the International Court of Justice**

Convention on the Prevention and Punishment of the Crime of Genocide

Pursuant to Security Council Resolution 9 (1946) of 15 October 1946, which provide the conditions under which the Court shall be open to States not parties to the Statute of the International Court of Justice, adopted by virtue of its powers under Article 35 (2) of the Statute of the International Court of Justice, the State of Palestine hereby declares that it accepts with immediate effect the competence of the International Court of Justice for the settlement of all disputes that may arise or that have already arisen covered by Article IX of the Convention on the Prevention and Punishment of the Crime of Genocide (1948), to which the State of Palestine acceded on 2 April 2014.

In doing so, the State of Palestine declares that it accepts all the obligations of a Member of the United Nations under Article 94 of the Charter of the United Nations.

**Ambassador Ammar Hijazi**

**Assistant Minister of Foreign Affairs and Expatriates**

**For Multilateral Affairs**

## **REQUEST FOR INTERVENTION AND DECLARATION OF INTERVENTION OF THE STATE OF PALESTINE**

1. The State of Palestine seeks to intervene in the case brought before the Court on 29 December 2023 by South Africa on two separate grounds:

- The State of Palestine first applies for permission to intervene under Article 62 of the Statute of the International Court of Justice (the Court). This application relates to the phase of the merits (and, if need be, also to the preliminary objections phase). Indeed, the legal interests of the State of Palestine are very directly concerned by the case submitted by South Africa and may be affected by the decision in the case.
  
- Second, the State of Palestine exercises its right to intervene under Article 63 of the Statute and requests that the Court recognise the admissibility of its intervention. The State of Palestine notes that South Africa's Application relates to the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948 to which the State of Palestine is a Party having acceded to the Convention on 2 April 2014, without any reservations. On 6 February 2024, the Registrar of the Court notified States Parties to the Convention, including the State of Palestine, that the construction of the Genocide Convention would be in question in the case filed by South Africa against Israel. The Registrar confirmed that the Convention was invoked both as a basis for the Court's jurisdiction pursuant to Article IX, and as a substantive basis of the Applicant's claims on the merits, with specific reference to Articles I, III, IV, V and VI.

2. These requests for intervention are cumulative and alternative. They are examined separately below since they raise in part different legal issues.

## A. THE FACTS

3. The State of Palestine welcomes the proceedings initiated by South Africa in defence of the Palestinian people, the law, and the legal interests of both South Africa and the State of Palestine. The State of Palestine hereby associates itself with South Africa's Application, as was illustrated, for example, by the presence of high ranking Palestinian officials on South Africa's delegation during the oral hearings held on 11-12 January 2024 and the oral hearings held on 16-17 May 2024.
4. The State of Palestine considers that the facts relevant for the purposes of the present case were ably set out in South Africa's Application at the time it was made,<sup>1</sup> as well as in South Africa's subsequent submissions during the oral hearing on 11 January 2024,<sup>2</sup> in its Request for additional measures, dated 12 February 2024,<sup>3</sup> in its Request for the indication of provisional measures and modification of prior orders, dated 6 March 2024,<sup>4</sup> its Request for the indication of additional provisional measures and the modification of measures previously ordered by the Court, dated 10 May 2024,<sup>5</sup> as well as its oral submissions on these requests.
5. As the Court is aware, the humanitarian situation in the Gaza Strip is "disastrous" and continues to deteriorate as the Court itself noted in paragraph 28 of its Order of 24 May 2024. It is estimated that Israel has killed over 36,000 Palestinians, at least 15,000 of them children, in addition to wounding approximately 81,000 since its onslaught against Gaza began in October 2023.<sup>6</sup> These are conservative estimates. The numbers continue to increase not only because Israel's genocidal acts, including starvation, are

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<sup>1</sup> See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, mainly Section III, paras. 18-109.

<sup>2</sup> See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, pp. 33-34, Verbatim Record, CR 2024/1, 11 January 2024,

<sup>3</sup> See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Request for additional measures under Article 75(1) of the Rules of the Court submitted by South Africa, 12 February 2024.

<sup>4</sup> See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Request by South Africa for the indication of provisional measures and modification of the Court's previous provisional measures, 6 March 2024.

<sup>5</sup> See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Request by South Africa for the indication of provisional measures and modification of the Court's previous provisional measures, 10 May 2024

<sup>6</sup> Hostilities in the Gaza Strip and Israel - reported impact, Day 236, 29 May 2024: <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-236>. For a continuous updating, see OCHA, Reported Impact since 7 October 2023, available at: <https://www.ochaopt.org>.

ongoing and escalating but also because of the discovery of mass graves.<sup>7</sup> Volker Türk, the United Nations High Commissioner for Human Rights, said he was “horrified” by reports of mass graves containing hundreds of bodies, including women and children, at the Al Nasser Medical Complex and Al Shifa Medical Complex, two of Gaza’s largest hospitals.<sup>8</sup> Since then, as the Court also noted, “[t]he 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 of 18 May 2024.<sup>9</sup> At the time when the present Request for intervention is drafted the Court’s decision which it indicated in its Order of 24 May 2024 is that, “[t]he State of Israel shall [...] 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”<sup>10</sup> remains a dead letter.

6. The Israeli onslaught has obliterated and damaged, beyond recognition, Gaza’s hospitals, mosques, churches, universities, schools, homes, shops, and infrastructure, as part of a systematic effort to wipe Palestinian society and its culture and social institutions from the map. In violation of the Court’s Orders and its obligations under the Genocide Convention, Israel continues with its genocidal acts including deliberately and systematically impeding humanitarian aid, resulting in an intentionally engineered situation of starvation and a creeping famine that is increasingly imminent as noted by the IPC Global Initiative.<sup>11</sup> The concerns of imminent famine were also noted by the Court in its Order of 28 March 2024, in which the Court observed that Palestinians in Gaza are no longer facing only a risk of famine, as noted in the Order

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<sup>7</sup> See e.g. UN News, “Mass graves in Gaza show victims’ hand were tied”, says UN rights office, 23 April 2024, available at: <https://news.un.org/en/story/2024/04/1148876>. See also ‘Rule 115. The dead must be disposed of in a respectful manner and their graves respected and properly maintained’, in Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law, Volume I: The Rules*, Cambridge University Press: Cambridge, 2005, pp. 414-420.

<sup>8</sup> Press release, “UN Human Rights Chief deplores harrowing killings of children and women in Rafah”, 24 April 2024 (<https://www.ohchr.org/en/press-releases/2024/04/un-human-rights-chief-deplores-harrowing-killings-children-and-women-rafah>).

<sup>9</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order by the ICJ, 24 May 2024, p. 12 paras. 43 and 46.

<sup>10</sup> *Ibid.*, para. 57(2)

<sup>11</sup> IPC Global Initiative-Special Brief, Gaza Strip, 18 March 2024, available at: [https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_Feb\\_July\\_2024\\_Special\\_Brief.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_Feb_July_2024_Special_Brief.pdf).

of 26 January 2024 and its Order of 24 May 2024, but that famine is setting in.<sup>12</sup> Barring serious intervention, there is no prospect of ameliorating the desperate situation of Gaza's population. Citing projections by UN agencies, Special Rapporteur Francesca Albanese said that lack of hygiene and overcrowded shelters could cause more deaths than bombings, and that a quarter of Gaza's population could die from preventable health conditions within a year.<sup>13</sup> In January, the Court already noted that the prospect of a genocide against the Palestinian people in Gaza was "plausible". Today, as the cumulative effect of "unprecedented levels of food insecurity" that this Court has already recognized and Israel's relentless and ongoing military campaign have rendered the situation "apocalyptic".<sup>14</sup> Today, genocide is a reality.

7. According to the Director of Coordination of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), "[m]ilitary operations, insecurity and extensive restrictions on the entry and delivery of essential goods have decimated food production and agriculture".<sup>15</sup> Indeed, the harm to the Palestinian people in certain aspects already has reached the point of no return, including notably the long-term effect of severe malnutrition on children. On 20 May 2024, the UN Office for the Coordination of Humanitarian Affairs told the Security Council, "[w]e are running out of words to describe what is happening in Gaza. We have described it as a catastrophe, a nightmare, as hell on earth. It is all of these, and worse. And living conditions continue to deteriorate."<sup>16</sup>
8. The State of Palestine wishes to underscore the urgency of these proceedings which seek nothing less than protecting the survival of the Palestinian people at a time when their existence is under threat. It is precisely for such perilous situations that the

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<sup>12</sup> See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order by the ICJ, 28 March 2024, p. 7 para.21.

<sup>13</sup> Anatomy of a Genocide, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, A/HRC/55/73, para. 26, citing Crisis in Gaza: Scenario-based Health Impact Projections Report One: 7 February to 6 August 2024.

<sup>14</sup> CARE International, Statement from CARE International Secretary General Sofia Sprechmann Sineiro on Rafah Ground Offensive, 10 May 2024, available at: <https://www.care.org.au/media/media-releases/statement-from-care-international-secretary-general-sofia-sprechmann-sineiro-on-rafah-ground-offensive>. For a description of the situation regarding the aggravation of that situation since then, see *ibid.*, para. 45. tion as of the first week of May – that is before the Israeli offensive on Rafah see *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order by the ICJ, 28 March 2024, p. 12 para. 44.

<sup>15</sup> Security Council Report, 9560<sup>th</sup> Meeting, S/PV.9560, 27 February 2024, p. 2.

<sup>16</sup> Briefing to the Security Council on the humanitarian situation in Rafah, 20 May 2024: <https://www.ochaopt.org/content/briefing-security-council-humanitarian-situation-rafah>

Convention on the Prevention and Punishment of the Crime of Genocide was adopted seventy-five years ago. The Convention provides the basis for South Africa's Application.

9. Israel's conduct is an attack on the very foundations of the international legal order. It has refused to comply with resolutions of the United Nations Security Council, Orders of this Court, and binding legal obligations set forth both in treaties and by customary international law, including the Charter of the United Nations, the Geneva Convention relative to the Protection of Civilian Persons in Time of War and the two Additional Protocols. It also continues to violate the inalienable right of the Palestinian people to self-determination, which is a norm of *jus cogens*.
10. As the Court has noted, the purpose of the Genocide Convention is to "safeguard the very existence of human groups" and "to confirm and endorse the most elementary principles of morality".<sup>17</sup> Yet despite this Court's orders of 26 January, 28 March and 24 May 2024, Israel's genocidal war continues. At the same time, Israel is deliberately blocking desperately needed humanitarian assistance and is starving the Palestinian people in Gaza, including children, and depriving the population of life-saving medicine, including antibiotics, insulin, oxygen canister, and anaesthetics.<sup>18</sup> On 28 May 2024, twenty aid and human rights organizations warned of "an acceleration in deaths from starvation, disease and denied medical assistance, while land and sea entry points remain effectively shut to meaningful humanitarian assistance, most desperately fuel, and attacks in areas sheltering civilians intensify."<sup>19</sup>
11. On 5 January 2024, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Martin Griffiths stated that "Gaza has simply become uninhabitable".<sup>20</sup> Israel continues to hold up trucks poised to enter through the Rafah

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<sup>17</sup> *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide*, Advisory Opinion, *I.C.J. Reports 1951*, at 23.

<sup>18</sup> CNN investigation, updated on 2 March 2024 "Anesthetics, crutches, dates. Inside Israel's ghost list of items arbitrarily denied entry into Gaza", available at: <https://edition.cnn.com/2024/03/01/middleeast/gaza-aid-israel-restrictions-investigation-intl-cmd/index.html>

<sup>19</sup> Statement by 20 aid agencies on 28 May 2024, "New crossing points and 'floating dock' are cosmetic changes, as humanitarian access disintegrates in Gaza", available at: <https://www.amnesty.org/en/latest/news/2024/05/new-crossing-points-and-floating-dock-are-cosmetic-changes-as-humanitarian-access-disintegrates-in-gaza-warn-aid-agencies/>

<sup>20</sup> OCHA, "UN relief chief: The war in Gaza must end, Statement by Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator", 5 January 2024, available at: <https://www.unocha.org/news/un-relief-chief-war-gaza-must-end>.



Crossing from Egypt and to access Northern Gaza.<sup>21</sup> Subsequently, on more than one occasion, when aid was at last permitted at homeopathic doses into the besieged enclave, Israeli forces fired on Palestinians desperate to reach it, killing dozens of desperate and starved civilians, and injuring many more.<sup>22</sup> Systematically and in parallel, since 7 May 2024, Israeli forces have occupied the Rafah crossing, effectively shutting down the transfer of aid into Southern Gaza, to which the majority of the population has been forcibly displaced. Concurrently, Israeli forces and police have allowed mobs not only to impede the flow of aid but to also attack aid convoys from Jordan, ransack their contents, and burn the trucks transporting said aid.<sup>23</sup>

12. On 25 March 2024, the Security Council adopted Resolution 2728 by a vote of 14-0, with the United States abstaining. The Resolution expressed “deep concern for the catastrophic humanitarian situation in the Gaza Strip” and demanded, *inter alia*, “an immediate ceasefire during the month of Ramadan by all parties, leading to a sustainable ceasefire” and the “lifting of all barriers to the provision of humanitarian assistance at scale”. Israel has not only violated both the letter and the spirit of Security Council Resolution 2728, it also attacked and killed a number of humanitarian workers, including seven foreign aid workers employed by the World Central Kitchen with multiple direct and targeted airstrikes.<sup>24</sup>

13. Israel’s violations of binding international instruments are not an anomaly. On the contrary, in addition to State policies, statements made by Israeli senior officials demonstrate the deliberate decision to violate international legal obligations including orders and decisions of the International Court of Justice. Israeli officials are also

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<sup>21</sup> UN News, “UN continues to face aid access denials in Gaza”, 9 April 2024, available at: <https://news.un.org/en/story/2024/04/1148386>; UN, Humanitarian Needs and Response Update | 16-22 April 2024 – OCHA Update, available at: <https://www.un.org/unispal/document/humanitarian-needs-and-response-update-16-22-april-2024-ocha-update/>.

<sup>22</sup> U. Siddiqui, Israel’s war on Gaza updates: 23 killed in air strikes on food-aid workers, Aljazeera, 19 March 2024, available at: <https://www.aljazeera.com/news/liveblog/2024/3/19/israels-war-on-gaza-live-israel-holds-al-jazeera-reporter-for-12-hours>; Le Monde, Gaza aid delivery turns deadly after gunfire and stampede, say medics, 30 March 2024, available at: [https://www.lemonde.fr/en/international/article/2024/03/30/gaza-aid-delivery-turns-deadly-after-gunfire-and-stampede-say-medics\\_6666818\\_4.html#:~:text=Israel%2DHamas%20war-,Gaza%20aid%20delivery%20turns%20deadly%20after%20gunfire%20and%20stampede%2C%20say,and%20other%20food%20on%20Saturday.](https://www.lemonde.fr/en/international/article/2024/03/30/gaza-aid-delivery-turns-deadly-after-gunfire-and-stampede-say-medics_6666818_4.html#:~:text=Israel%2DHamas%20war-,Gaza%20aid%20delivery%20turns%20deadly%20after%20gunfire%20and%20stampede%2C%20say,and%20other%20food%20on%20Saturday.)

<sup>23</sup> See above footnote **Error! Bookmark not defined.**. See also Reuters, Jordan says Israel settlers attack aid convoy on its way to Erez crossing, 7 May 2024, available at: <https://www.reuters.com/world/middle-east/jordan-says-israel-settlers-attack-aid-convoy-its-way-erez-crossing-2024-05-07/>; Human Rights Watch, Gaza: Israelis Attacking Known Aid Worker Locations, 14 May 2024, available at: <https://www.hrw.org/news/2024/05/14/gaza-israelis-attacking-known-aid-worker-locations>.

<sup>24</sup> 7 WCK team members killed in Gaza, press release by the World Central Kitchen, 2 April 2024, available at: <https://wck.org/news/gaza-team-update>

relentlessly attacking international institutions whenever they are called upon to respect international law. Ahead of the Order by the Court on 26 January 2024, Israel's Prime Minister declared that Israel is "continuing the war, until the end, until absolute victory - the elimination of Hamas, the return of our hostages, and a promise that Gaza will never again pose a threat to our citizens... No one will stop us: Not the Hague, not the axis of evil, and no one else".<sup>25</sup> Similarly, Israel's National Security Minister accused the Court of "anti-Semitism", adding that the Court's "Decisions that endanger the continued existence of the State of Israel must not be listened to... [Israel] must continue defeating the enemy until complete victory".<sup>26</sup> More recently, Israel's Permanent Representative to the United Nations shredded the UN Charter while addressing the UN General Assembly after its adoption of a resolution opposed by Israel.<sup>27</sup>

14. In her report to the Human Rights Council in late March 2024, Special Rapporteur Francesca Albanese said Israel's heightened blockade of Gaza had caused death by starvation, including 10 children daily, by impeding access to vital supplies.<sup>28</sup> On 6 April 2024, Secretary-General António Guterres noted that in its "speed, scale and inhumane ferocity, the war in Gaza is the deadliest of conflicts". He called for the "delivery of life-saving aid under a UN mechanism".<sup>29</sup>

15. In addition to stopping food and medical supplies from reaching the Gaza Strip, the water supply has been severely affected. Water sanitation is hampered by fuel scarcity, forcing Palestinians to use water contaminated by sewage, solid waste and seawater.<sup>30</sup> Israel has also blocked the delivery of chlorine that could be used to render what water

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<sup>25</sup> PM Netanyahu: The war continues - even the Hague won't stop us, Israel National News, 13 January 2024, available at: <https://www.israelnationalnews.com/news/383525>

<sup>26</sup> Ben Gvir slams ICJ as antisemitic, says Israel should ignore ruling on provisional measures, Times of Israel, 26 January 2024, available at: [https://www.timesofisrael.com/liveblog\\_entry/ben-gvir-slams-icj-as-antisemitic-says-israel-should-ignore-ruling-on-provisional-measures/](https://www.timesofisrael.com/liveblog_entry/ben-gvir-slams-icj-as-antisemitic-says-israel-should-ignore-ruling-on-provisional-measures/)

<sup>27</sup> Israeli ambassador shreds UN document in angry speech, CNN, 11 May 2024, available at: <https://edition.cnn.com/videos/world/2024/05/10/unga-palestinian-membership-israel-ambassador-shredder-sot-digvid.cnn>

<sup>28</sup> Anatomy of a Genocide, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, A/HRC/55/73, para. 26, citing the heads of the World Food Programme (WFP), UNICEF and the World Health Organization (WHO).

<sup>29</sup> UN, Secretary-General's Press Encounter on Gaza, press release, 5 April 2024, available at: <https://www.un.org/sg/en/content/sg/press-encounter/2024-04-05/secretary-generals-press-encounter-gaza-scroll-down-for-arabic>.

<sup>30</sup> Anatomy of a Genocide, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, A/HRC/55/73, para. 42.



is available safe and drinkable, and it is now estimated that Palestinians in the Gaza Strip no longer have any meaningful access to safe and clean drinking water.<sup>31</sup>

16. Israel's onslaught aims to promote and sustain the genocidal policies articulated by Israel's Prime Minister Benjamin Netanyahu, "Defence Minister Yoav Gallant and Major General Ghassan Alian, among others, who invoked the necessity of totally destroying the "Amalekites",<sup>32</sup> referring to Palestinians as "human animals", and stating categorically that they intended to deprive them of all electricity, food, fuel, and water, and other essentials of life.<sup>33</sup> On 26 April 2024, Finance Minister Bezalel Smotrich, who is also a member of the Security Cabinet, called for the "complete destruction" of Gaza.<sup>34</sup> Three days later, he declared: "There are no half measures. [The cities of] Rafah, Deir al-Balah, Nuseirat – total annihilation. 'You will blot out the remembrance of Amalek from under heaven' – there's no place under heaven."<sup>35</sup> Israel took no measures whatsoever in response to Smotrich's remarks, despite the Court's Order of 26 January that it "take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip".<sup>36</sup>

17. The ongoing criminal conduct described in this application and that of South Africa has also been under investigation by the Prosecutor of the International Criminal Court. On 20 May 2024, Mr. Karim Khan asked the Trial Chamber I of that Court to issue 5

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<sup>31</sup> OCHA, "Hostilities in the Gaza Strip and Israel, Flash Update #158", available at: <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-158>; ICRC, "Israel and the occupied territories: Key Facts and Figures from 7 October 2023 to 31 March 2024", 8 April 2024, available at: <https://www.icrc.org/en/document/israel-and-occupied-territories-key-facts-and-figures-october-january-2024>.

<sup>32</sup> The significance of the reference to Amalek was explained by counsel for South Africa in the course of the hearing on provisional measures. See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, pp. 33-34, Verbatim Record, CR 2024/1, 11 January 2024, para. 12.

<sup>33</sup> Address by the Prime Minister of Israel, 28 October 2023, available at: <https://www.youtube.com/watch?v=lIPkoDk6isc>. Translation in, "Israel-Hamas war: 'We will fight and we will win', says Benjamin Netanyahu", Sky News (28 October 2023), available at: <https://news.sky.com/video/israel-hamas-war-we-will-fight-and-we-will-win-says-benjamin-netanyahu-12995212>; Prime Minister's Office in Hebrew, @IsraeliPM\_heb, Tweet (11:43am November 3, 2023), [https://twitter.com/IsraeliPM\\_heb/status/1720406463972004198](https://twitter.com/IsraeliPM_heb/status/1720406463972004198). See also Israel's Far-right Minister Smotrich Calls for 'No Half Measures' in the 'Total Annihilation' of Gaza", Haaretz, 30 April 2024, <https://www.haaretz.com/israel-news/2024-04-30/ty-article/.premium/smotrich-calls-for-no-half-measures-in-the-total-annihilation-of-gaza/0000018f-2f4c-d9c3-abc-f7f7d25460000>.

<sup>34</sup> <https://www.middleeasteye.net/news/israel-far-right-minister-calls-complete-destruction-gaza>.

<sup>35</sup> N. Shpigel, "Israel's Far-right Minister Smotrich Calls for 'No Half Measures' in the 'Total Annihilation' of Gaza", *Haaretz*, 30 April 2024.

<sup>36</sup> See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order by the ICJ, 26 January 2024, P.25.

arrest warrants for war crimes and crimes against humanity, including against Mr Benjamin Netanyahu, the Prime Minister of Israel, and Yoav Gallant, the Israeli Minister of Defence.<sup>37</sup>

18. The facts set out by South Africa in its oral and written submissions are relevant not only to the Gaza Strip, which has been subjected to terrible acts of genocide in the context of a so-called “war of civilization”<sup>38</sup> carried out by Israel in the Gaza Strip, but concern the entirety of the Occupied Palestinian Territory, including East Jerusalem. The relentless nature of the current Israeli campaign gives concrete expression to the genocidal intentions long stated by the Israeli leaders and officials but never before put into practice on such a scale. In examining the case at hand, it should be borne in mind that it is impossible to separate the current situation in the Gaza Strip from that which has long prevailed in the rest of the Occupied Palestinian Territory. As South Africa noted in its application to the Court, genocide is not instantaneous but takes place “on a continuum”.<sup>39</sup> The current situation must be seen in light of the *Nakba* that started in 1948, which resulted in the expulsion of more than 750,000 Palestinians from their homeland in Palestine, and which was followed by 76 years of apartheid, 57 years of occupation, and nearly two decades of blockade of the Gaza Strip.

19. Strikingly, on 22 September 2023, Israel’s Prime Minister displayed to the United Nations General Assembly a map of the “new Middle East” that showed Israel consisting not only of Israel’s territorial boundaries but including all the territory constituting the State of Palestine<sup>40</sup> making explicit what had long been overlooked, namely, that Israel has legislated its denial of the Palestinian people’s inalienable rights, and its refusal to recognize the right of the Palestinian people to exist on their ancestral

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<sup>37</sup> ICC, Statement of ICC Prosecutor Karim A.A. Khan KC: Application for arrest warrants in the situation in the State of Palestine, 20 May 2024, available at: <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>.

<sup>38</sup> See e.g.: Israel Ministry of Foreign Affairs, Statements by PM Netanyahu and U.S. Secretary of Defense Lloyd Austin, 18 December 2023, <https://www.gov.il/en/departments/news/statements-by-pm-netanyahu-and-us-secretary-of-defense-lloyd-austin-18-dec-2023> (<https://www.gov.il/en/departments/news/statements-by-pm-netanyahu-and-us-secretary-of-defense-lloyd-austin-18-dec-2023>) and Christmas message from PM Netanyahu, 24 December 2023, <https://www.gov.il/en/departments/news/christmas-message-from-pm-netanyahu-24-dec-2023>.

<sup>39</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Application instituting proceedings and request for the indication of provisional measures, 29 December 2023, para. 2.

<sup>40</sup> <https://news.un.org/en/story/2023/09/1141302>, minutes 10:12 to 11:53.

lands.<sup>41</sup> It was actually much more than an outrageous denial of the right of the Palestinian people to self-determination. It was a clear manifestation, only weeks before Israel's genocidal war, of its intent to destroy the Palestinian people, in whole or in part.

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<sup>41</sup> See: Basic Law: Israel-The Nation State of the Jewish People, 19 July 2018, available at: <https://main.knesset.gov.il/EN/activity/documents/BasicLawsPDF/BasicLawNationState.pdf>

**B. THE STATE OF PALESTINE’S APPLICATION FOR  
PERMISSION TO INTERVENE UNDER ARTICLE 62 OF THE STATUTE**

20. The present Application for permission to intervene is made in conformity with Article 81 of the Rules of Court which provides:

- “1. An application for permission to intervene under the terms of Article 62 of the Statute, signed in the manner provided for in Article 38, paragraph 3, of these Rules, shall be filed as soon as possible, and not later than the closure of the written proceedings. In exceptional circumstances, an application submitted at a later stage may however be admitted.
2. The application shall state the name of an agent. It shall specify the case to which it relates, and shall set out:
  - (a) the interest of a legal nature which the State applying to intervene considers may be affected by the decision in that case;
  - (b) the precise object of the intervention;
  - (c) any basis of jurisdiction which is claimed to exist as between the State applying to intervene and the parties to the case.
3. The application shall contain a list of the documents in support, which documents shall be attached.”

21. The formalities required by paragraph 1 and the chapeau of paragraph 2 of Article 62 have been duly complied with by the State of Palestine. This Application is also consistent with the amended Article 81 of the Rules of Court, which enters into force on 1 June 2024. The particulars required by sub-paragraphs (a) to (c) of paragraph 2 are given in the following paragraphs of this application.

*The State of Palestine’s interest is of a legal nature  
which may be affected by the Court’s decision*

22. As early as the 1951 Advisory Opinion, the Court addressed the issue of “interest” in the application of the Genocide Convention: “In such a convention the contracting States do not have any interests of their own; they merely have, one and all, a common

interest, namely, the accomplishment of those high purposes which are the *raison d'être* of the convention.”<sup>42</sup>

23. Recently, the Court reaffirmed this statement, noting that

“All 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. As the Court has affirmed, such a common interest implies that the obligations in question are owed by any State party to all the other States parties to the relevant convention; they are obligations *erga omnes partes*, in the sense that each State party has an interest in compliance with them in any given case.”<sup>43</sup>

24. The Court continued, explaining that “[t]he common interest in compliance with the relevant obligations under the Genocide Convention entails that any State party, without distinction, is entitled to invoke the responsibility of another State party for an alleged breach of its obligations *erga omnes partes*. Responsibility for an alleged breach of obligations *erga omnes partes* under the Genocide Convention may be invoked through the institution of proceedings before the Court, regardless of whether a special interest can be demonstrated.”<sup>44</sup> In *Belgium v. Senegal*, the Court confirmed Belgium’s interest based upon the *erga omnes partes* principle. Thus, it concluded that there was no need to rule on whether Belgium had a “special interest”.<sup>45</sup> The Court also endorsed this view in its 2022 judgment rejecting Myanmar’s preliminary objections.<sup>46</sup>

25. If every State Party to the Genocide Convention has a legal interest sufficient to provide it with standing in an application under Article IX of the Convention, then every State Party must also possess the “interest of a legal nature which may be affected by the decision in the case” contemplated by article 62 of the Statute of the International Court of Justice.

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<sup>42</sup> *Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, Advisory Opinion, I.C.J. Reports 1951*, p. 16, at p. 23.

<sup>43</sup> *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. 477, para. 107.

<sup>44</sup> *Ibid.*, para. 108.

<sup>45</sup> *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal), Judgment, ICJ Reports 2012*, p. 422, paras. 68-70.

<sup>46</sup> *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. 477, para. 108.

26. Nevertheless, should the Court be reluctant to confirm this position, the State of Palestine submits that it has a special interest in the current proceedings. As the International Law Commission noted in the commentary on the Articles on State Responsibility, “[e]ven in cases where the legal effects of an internationally wrongful act extend by implication to the whole group of States bound by the obligation or to the international community as a whole, *the wrongful act may have particular adverse effects on one State or on a small number of States*”.<sup>47</sup> The State of Palestine and its people are the immediate victims of the genocide which takes place on its own territory. The Court’s decision at the merits stage will particularly affect the State of Palestine within the meaning of Article 42(b)(i) of the Draft Articles on responsibility of States for Internationally Wrongful Acts.<sup>48</sup>

27. According to the Court, “[t]he State seeking to intervene as a non-party therefore does not have to establish that one of its rights may be affected; it is sufficient for that State to establish that its interest of a legal nature may be affected”<sup>49</sup>. Furthermore,

“Article 62 requires the interest relied upon by the State seeking to intervene to be of a legal nature, in the sense that this interest has to be the object of a real and concrete claim of that State, based on law, as opposed to a claim of a purely political, economic or strategic nature. But this is not just any kind of interest of a legal nature; it must in addition be possible for it to be affected, in its content and scope, by the Court’s future decision in the main proceedings.”<sup>50</sup>

28. This describes very precisely the situation in which the State of Palestine finds itself regarding the Application of South Africa instituting proceedings in the present case. More than a mere possibility, the judgment or judgments that the Court will have to deliver will, in any case, have implications for the interests of the State of Palestine, in both the dispositive and the reasoning of it(s) decision(s).<sup>51</sup>

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<sup>47</sup> Report of the International Law Commission on the work of its fifty-third session (23 April–1 June and 2 July–10 August 2001), A/56/10, p. 119 (emphasis added).

<sup>48</sup> *Ibid.*, p. 117: “Article 42. *Invocation of responsibility by an injured State*: A State is entitled as an injured State to invoke the responsibility of another State if the obligation breached is owed to: (a) that State individually; or (b) a group of States including that State, or the international community as a whole, and the breach of the obligation: (i) specially affects that State;...”

<sup>49</sup> *Territorial and Maritime Dispute (Nicaragua v. Colombia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2011*, p. 348, para. 26

<sup>50</sup> *Ibid.*; *Territorial and Maritime Dispute (Nicaragua v. Colombia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2011*, p. 420, para. 37.

<sup>51</sup> *Sovereignty over Pulau Ligitan und Pulau Sipadan (Indonesia/Malaysia), Application for Permission to Intervene, Judgment, I.C.J. Reports 2001*, p. 575, para. 47.

29. This can be deduced firstly from the way in which the dispute is framed by South Africa. In paragraph 1 of its Application, South Africa wrote: “This Application concerns acts threatened, adopted, condoned, taken and being taken by the Government and military of the State of Israel against the Palestinian people, a distinct national, racial and ethnical group,” Many other parts of the Application make it apparent that South Africa intends to protect the rights of the Palestinian people<sup>52</sup> and to act “to ensure cessation of the breach and reparation in the interest of the injured State or of the beneficiaries of the obligation breached”, in the words of Article 54 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts.<sup>53</sup> Moreover, the genocide that Israel is committing is taking place on the territory, illegally occupied by Israel, of the State of Palestine, which justifies all the more the legal interest of the State of Palestine.
30. During the oral hearing of 12 January 2024, Israel contested the need for the Court to adopt the provisional measures requested by South Africa. However, it did not deny that the dispute concerned the interests of the Palestinian people, including highlighting the “appalling suffering of civilians – both Israeli and Palestinian”<sup>54</sup> and evoked “a(n) humanitarian threat to the Palestinian civilians of Gaza”.<sup>55</sup>
31. The legal interests intended to be protected by the South African Application being those of the Palestinian people, there can be no doubt that the State of Palestine, as a specially affected State,<sup>56</sup> has an interest of a legal nature that not only *may be* affected but *will necessarily and directly* be affected by the Court’s decision. And this is so as early as the provisional measures stage, the purpose of which was “to protect against

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<sup>52</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Application instituting proceedings and request for the indication of provisional measures, 29 December 2023, para. 4. Also *ibid.*, para. 6: “South Africa requests the President of the Court to protect the Palestinian people in Gaza...”; *ibid.*, para. 5: South Africa has “recourse to this Court to ensure the urgent and fullest possible protection for Palestinians in Gaza...”; *ibid.*, para. 115: “Provisional measures are necessary in this case to protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Convention, which continue to be violated with impunity.” See also paras. 133 or 143.

<sup>53</sup> See e.g. *ibid.*, para. 16, in which South Africa explains that its dispute with Israel relates to the interpretation and application of the Genocide Convention, going “to Israel’s compliance with its obligations not to commit genocide and to prevent and punish genocide — including the direct and public incitement to genocide — and to make reparations to its victims and offer assurances and guarantees of non-repetition.” Also, *ibid.*, para. 111.(2), calling upon Israel to perform its “obligations of reparation in the interest of Palestinian victims”.

<sup>54</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Verbatim Record 2024/2, p. 19, para. 38.

<sup>55</sup> *Ibid.*, p. 21, para. 51.

<sup>56</sup> Responsibility of States for Internationally Wrongful Acts, 2001 as it appears in the annex to General Assembly resolution 56/83 of 12 December 2001, and corrected by document A/56/49(Vol. I)/Corr.4, Article 42.



further, severe and irreparable harm [...] the rights of the Palestinian people under the Genocide Convention, which continue to be violated with impunity”, as explained in paragraph 115 of South Africa’s Application.

32. The rights of the Palestinian people, as per the Genocide Convention, are being violated by Israel. The application by the State of Palestine to intervene in the current case is an exercise of its right and duty to protect its people by all lawful means afforded under international law. It is also within the State of Palestine’s legitimate right to make such an intervention in order to join efforts aimed at the prevention and punishment of genocide.

*The precise scope and object of the intervention required*

33. The present Application for which permission to intervene is sought has two complementary purposes:

- *First*, to enable the State of Palestine to inform the Court regarding its legal interest which is at the core of the dispute presented to the Court;
- *Second*, to allow the State of Palestine to protect its interests of a legal nature that will be affected in those proceedings at each stage of the proceedings.

34. Section III.C of South Africa’s Application entitled “Genocidal Acts Committed against the Palestinian People” sets out the claim against Israel for breaches of the Genocide Convention:

“that Israel: (1) is engaged in killing Palestinians in Gaza – including Palestinian children — in large numbers; (2) is causing serious bodily and mental harm to Palestinians in Gaza, including Palestinian children; and is inflicting on them conditions of life intended to bring about their destruction as a group. Those conditions include: (3) expulsions from homes and mass displacement, alongside the large-scale destruction of homes and residential areas; (4) deprivation of access to adequate food and water; (4) deprivation of access to adequate medical care; (5) deprivation of access to adequate shelter, clothes, hygiene and sanitation; and (6) the destruction of the life of the Palestinian

people in Gaza; and (7) imposing measures intended to prevent Palestinian births.”<sup>57</sup>

35. The State of Palestine is aware that, given Israel’s position as the occupying Power of the Occupied Palestinian Territory, including East Jerusalem, Israel is in the best position to provide information revealing these acts. To paraphrase the Court, it is possible to affirm “that the status of [the Palestinian Territory] as an occupied territory has a direct bearing on questions of proof and the requisite causal nexus. As an occupying Power, [Israel] had a duty of vigilance in preventing violations of [the prohibition of genocide] (...) Taking into account this conclusion, it is for [Israel] to establish (...) that a particular injury alleged by [South Africa] in [the Palestinian Territory] was not caused by [Israel’s] failure to meet its obligations as an occupying Power.”<sup>58</sup>

36. However, Israel clearly refuses to cooperate to this end; its conduct shows that it is attempting to mask its activities by methodically targeting journalists in order to prevent them from reporting on the conflict, and, in particular, impede the circulation of any information demonstrating that genocide is taking place.<sup>59</sup> Given Israel’s unquestionable intent to make it difficult for the Court and others to ascertain whether it is meeting its international legal obligations in its conduct of hostilities, particularly as regards its obligation to prevent and not to commit the crime of genocide, this burden necessarily falls to others. The State of Palestine wishes to assure the Court that it will do its utmost to provide the Court with factual elements concerning the genocidal acts of Israel and to address the inadequacies of Israel’s reports to the Court with accurate and verifiable information.

37. Article 62 does not limit intervention to any specific phase of the proceedings. Consistent with the text of Article 62 and in the light of its object and purpose, the procedure should be available at whatever stage a State’s legal interest may be affected by the decision, including preliminary objections should these be raised by Israel. The

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<sup>57</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Application instituting proceedings and request for the indication of provisional measures, 29 December 2023, para. 43.

<sup>58</sup> Cf. *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, Judgment, *I.C.J. Reports 2022*, pp. 44-45, para. 78.

<sup>59</sup> Committee to Protect Journalists, *Journalist casualties in the Israel-Gaza war*, 24 January 2024, available at: <https://cpj.org/2024/01/journalist-casualties-in-the-israel-gaza-conflict/>. See also UN Human Rights Office in Occupied Palestinian Territory, *Killings of journalists and their family members in Gaza*, news release, Ramallah, 14 December 2023.

State of Palestine also wishes to participate as intervenor in any subsequent provisional measures proceedings where issues that concern its interests of a legal nature may arise.

**C. THE STATE OF PALESTINE'S APPLICATION FOR PERMISSION TO  
INTERVENE UNDER ARTICLE 63 OF THE STATUTE**

38. The present Application for permission to intervene is made in conformity with Article 82 of the Rules of Court which provide:

1. A State which desires to avail itself of the right of intervention conferred upon it by Article 63 of the Statute shall file a declaration to that effect, signed in the manner provided for in Article 38, paragraph 3, of these Rules. Such a declaration shall be filed as soon as possible, and not later than the date fixed for the opening of the oral proceedings. In exceptional circumstances a declaration submitted at a later stage may however be admitted.
2. The declaration shall state the name of an agent. It shall 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 the documents in support, which documents shall be attached.
3. Such a declaration may be filed by a State that considers itself a party to the convention the construction of which is in question but has not received the notification referred to in Article 63 of the Statute.

39. The formalities required by Article 63 of the Statute of the Court have been duly complied with by the State of Palestine. This Application is also consistent with the amended Article 82 of the Rules of Court, which enters into force on 1 June 2024. The particulars required by sub-paragraphs (a) to (d) of paragraph 2 are given in the following paragraphs of this application.

40. The State of Palestine acceded to the Convention on the Prevention and Punishment of the Crime of Genocide on 2 April 2014. It made no reservation or interpretative declaration. The Convention entered into force for the State of Palestine in accordance

with Article XIII on 1 July 2014. This information was duly communicated to States Parties to the Convention by the Secretary-General acting as depositary of the treaty.<sup>60</sup>

41. The State of Palestine understands that by availing itself of the right to intervene under Article 63 of the Statute of the Court, the construction of the Genocide Convention given by the judgment in this case will be equally binding upon it. The State of Palestine will submit its written observations, bearing in mind the pleadings of the Parties and the documents annexed.
42. At present, the case may raise issues concerning the construction of Articles I, II, III, IV, V, VI and IX as well as of the Preamble to the Convention. The State of Palestine has views on the interpretation of each of these provisions.
43. The State of Palestine was, of course, not present when the Genocide Convention was being drafted. Nevertheless, it appears that the situation in Palestine was in the minds of the drafters of the Convention. In the Sixth Committee, the Egyptian representative spoke of events in Palestine at the time as an example of the destruction of religious groups.<sup>61</sup> Syria tabled the following amendment: “Imposing measures intended to oblige members of a group to abandon their homes in order to escape the threat of subsequent ill-treatment.”<sup>62</sup> Syria did not refer to Palestine explicitly but the context strongly suggests that its concern was with the Nakba.
44. In its judgment on the merits in *Bosnia v. Serbia*, the International Court of Justice cited the rejection of the Syrian amendment as evidence of the exclusion of so-called “ethnic cleansing” from the scope of the Convention. Nevertheless, in the same paragraph the Court explained that “whether a particular operation described as ‘ethnic cleansing’ amounts to genocide depends on the presence or absence of acts listed in Article II of the Genocide Convention, and of the intent to destroy the group as such... [I]t is clear that acts of ‘ethnic cleansing’ may occur in parallel to acts prohibited by Article II of the Convention and may be significant as indicative of the presence of a specific intent (*dolus specialis*) inspiring those acts.”<sup>63</sup>

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<sup>60</sup> C.N.178.2014.TREATIES-IV.1.

<sup>61</sup> A/C.6/SR.75 (15 October 1948), p. 116. Also A/C.6/SR.79 (20 October 1948), p. 155.

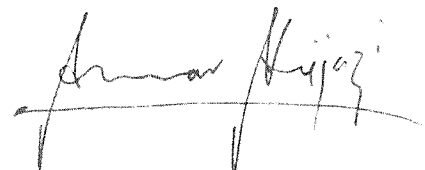
<sup>62</sup> Syria: Amendment to article II, A/C.6/234 (15 October 1948).

<sup>63</sup> *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. 43, para. 190.

45. The Preamble of the Convention asserts that “at all periods of history genocide has inflicted great losses on humanity.” The Convention itself does not apply retroactively and cannot therefore be invoked directly with respect to any of the genocides perpetrated prior to its entry into force.<sup>64</sup> Nevertheless, the history of the Palestinian people, particularly since the end of the British Mandate, informs any interpretation of the Genocide Convention and its application to the events of 2023 and 2024. Any distinction between the notion of “ethnic cleansing” and the legal definition of genocide in Article II of the Convention becomes insignificant when, as in the present case, the occupying Power imposes a siege, depriving the population of food, potable water, medical care and other essentials of life, when it displays maps of the territory that imply the disappearance of an entire people, and when its leaders call for their total destruction.
46. The victims of genocide bring their own experiences of it to the interpretation of the Genocide Convention. Palestine is no exception in this respect. While it may anticipate that the written submissions to be made by South Africa will set out a strong and compelling interpretation of the relevant provisions of the Convention, the State of Palestine also wishes to ensure that its views are fully heard. For this reason, it exercises its right to intervene, and urges the Court to admit this application in accordance with article 86 of the Rules of Court.
47. The State of Palestine has appointed the undersigned as Agent for the purposes of the present Application and Declaration. It is requested that all communications in this case be sent to the following address: Permanent Representation of the State of Palestine to International Organizations in the Netherlands, Nieuwe Parklaan 23, 2597 LA Den Haag.

**Ammar Hijazi, Ambassador  
Agent of the State of Palestine**

31 May 2024



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<sup>64</sup> *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)*, Judgment, I.C.J. Reports 2015, p. 3, para. 95.

## **D. LIST OF ANNEXES**

ANNEX I. Letter No. 161308 from the Registrar to States Parties to the Genocide Convention, sent pursuant to Article 63, paragraph 1, of the Statute of the Court, dated 6 February 2024 – English version.

ANNEX II. Depository Notification confirming the State of Palestine's accession to the Genocide Convention and its entry into force for the State of Palestine, dated 9 April 2014 – English version



## Annex I



**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](http://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.



Philippe Gautier  
Registrar

Annex II

UNITED NATIONS  NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE UNITED NATIONS, N. Y. 10017  
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE UNATIONS NEWYORK

Reference: C.N.178.2014.TREATIES-IV.1 (Depositary Notification)

CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME  
OF GENOCIDE

PARIS, 9 DECEMBER 1948

STATE OF PALESTINE: ACCESSION

The Secretary-General of the United Nations, acting in his capacity as depositary,  
communicates the following:

The above action was effected on 2 April 2014.

The Convention will enter into force for the State of Palestine on 1 July 2014 in accordance  
with the third paragraph of its article XIII, which reads as follows:

"Any ratification or accession effected subsequent to the latter date [the date of deposit of the  
twentieth instrument of ratification or accession] shall become effective on the ninetieth day following  
the deposit of the instrument of ratification or accession."

9 April 2014



Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations  
concerned. Depositary notifications are issued in electronic format only. Depositary notifications are  
made available to the Permanent Missions to the United Nations in the United Nations Treaty  
Collection on the Internet at <http://treaties.un.org>, under "Depositary Notifications (CNs)". In addition,  
the Permanent Missions, as well as other interested individuals, can subscribe to receive depositary  
notifications by e-mail through the Treaty Section's "Automated Subscription Services", which is also  
available at <http://treaties.un.org>.