



# INTERNATIONAL COURT OF JUSTICE

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## Press Release

Unofficial

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### **Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)**

#### **Request for the indication of provisional measures**

#### **The Court finds that the circumstances do not require the exercise of its power to indicate provisional measures**

THE HAGUE, 30 April 2024. The International Court of Justice today delivered its Order on the [Request for the indication of provisional measures](#) submitted by Nicaragua in the case concerning *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany)*.

Nicaragua requested the Court to indicate provisional measures, pending the Court's determination on the merits of the case, with respect to Germany's "participation in the ongoing plausible genocide and serious breaches of international humanitarian law and other peremptory norms of general international law occurring in the Gaza Strip".

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

"By fifteen votes to one,

*Finds* that the circumstances, as they now present themselves to the Court, are not such as to require the exercise of its power under Article 41 of the Statute to indicate provisional measures.

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

AGAINST: *Judge ad hoc* Al-Khasawneh."

The Court also recalls its [Order of 26 January 2024](#) and [Order of 28 March 2024](#), delivered in the case concerning *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, in which it affirmed that it remains deeply concerned about the situation in Gaza. The Court furthermore considers that it is

“particularly important to remind all States of their international obligations relating to the transfer of arms to parties to an armed conflict, in order to avoid the risk that such arms might be used to violate the [Genocide Convention and the 1949 Geneva] Conventions [on international humanitarian law]”,

and that “all these obligations are incumbent upon Germany as a State party to the said Conventions in its supply of arms to Israel”.

The Court also reaffirms that the decision given in the present proceedings in no way prejudices the question of the jurisdiction of the Court to deal with the merits of the case or any questions relating to the admissibility of the Application or to the merits themselves. It leaves unaffected the right of the Governments of Nicaragua and Germany to submit arguments in respect of those questions.

Finally, the Court finds that, there being no manifest lack of jurisdiction, it cannot accede to Germany’s request to remove the case from the Court’s docket.

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Vice-President SEBUTINDE appends a separate opinion to the Order of the Court; Judge IWASAWA appends a separate opinion to the Order of the Court; Judges CLEVELAND and TLADI append declarations to the Order of the Court; Judge *ad hoc* AL-KHASAWNEH appends a dissenting opinion to the Order of the Court.

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A summary of the Order appears in the document entitled “[Summary 2024/4](#)”, to which summaries of the opinions and declarations are annexed. This summary and the full text of the Order are available on the [case page](#) on the Court’s website.

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

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

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The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law,

legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

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