

Mr Philippe Gautier
Registrar of the International Court of Justice
The Peace Palace
2517 KJ The Hague
The Netherlands

4 November 2024

Dear Registrar,

Urgent examination of the need for additional provisional measures in the circumstances of 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)* pursuant to Article 75(1) of the Rules of Court

1. We, the undersigned Palestinian human rights and humanitarian organisations, write in the context of the ever-worsening situation in Gaza and respectfully request that the content of this letter be placed before the Court. It concerns Article 75(1) of the Rules of Court and the Court’s power thereunder to examine *proprio motu* whether the circumstances of 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)* require the indication of further provisional measures. Article 75(1) provides that:

“The Court may at any time decide to examine *proprio motu* whether the circumstances of the case require the indication of provisional measures which ought to be taken or complied with by any or all of the parties.”

2. As the Court has previously made clear in the above proceedings,¹ the Court may decide to examine *proprio motu* “if, in the light of the *particular circumstances* of the case, it should make use of the said power”² to indicate such *further* provisional measures as ought to be complied with by Israel, notwithstanding that previous such measures have already been ordered. Moreover, the Court “may, in the event of extreme urgency, proceed without holding oral hearings”.³
3. In taking the unprecedented step of writing this letter, we signatories do not seek to assert standing before the Court,⁴ nor do we seek ourselves to provide information to the Court,⁵ nor otherwise to cut across any course of action by the parties themselves in the proceedings. Rather, in the face of the continuing and intensifying slaughter of the Palestinian people — including our own colleagues, families and friends — we write simply to underscore that the Court will already have judicial notice of widely-reported “particular circumstances” which the Court could decide to examine *proprio motu* so as to determine whether the indication of further provisional measures is required, in addition to those provisional measures previously indicated by the Court in January, March and May 2024 (‘Orders’).⁶
4. The “particular circumstances” of which the Court will be aware include Israel’s intensifying existential assault on the United Nations Relief and Works Agency (‘UNRWA’), notably the widely-reported recent enactment by Israel of legislation in violation of this Court’s Orders and “diametrically opposed” to the

¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, [Decision](#) of the Court on South Africa’s request for additional provisional measures of 16 February 2024.

² *LaGrand (Germany v. United States of America)*, *Provisional Measures*, Order of 3 March 1999, I. C. J. Reports 1999, p. 14, para. 21.

³ *Ibid.*, p. 18, para. 54 (emphasis added here and throughout).

⁴ Per Article 34(1) of the ICJ Statute, which provides that “[o]nly states may be parties in cases before the Court”; also Article 34(2) which makes clear that the organisations which may present information to the Court are “public international organizations”.

⁵ Per Article 34(2) of the ICJ Statute, which makes clear that the organisations which may present information to the Court are “public international organizations”.

⁶ *South Africa v. Israel*, *Provisional Measures*, Order of 26 January 2024; Order of 28 March 2024; and Order of 24 May 2024.

Charter of the United Nations, which “will be deadly” for Palestinians.⁷ In the words of UNRWA’s Commissioner-General, the legislation “denies the protections and means essential for UNRWA to operate” and “risk[s] the collapse of UNRWA’s operations”, with “catastrophic impacts on the international response to the humanitarian crisis in Gaza” and on “any chance of recovery”.⁸ This legislation is being implemented alongside Israel’s ongoing and publicly reported deadly attacks on United Nations premises and staff.

5. The “particular circumstances” also include Israel’s systematic ill-treatment, abuse and torture, including sexual violence, against thousands of Palestinian men, women and children, seized by Israel and disappeared from Gaza since October 2023, which has been extensively documented since the Court’s last Order of 24 May 2024.⁹ They also include Israel’s assault on and destruction of Rafah, and the mass killing, harming, destruction and forced displacement of its inhabitants and other Palestinians who had attempted to find sanctuary there, subsequent to, and in direct violation of, that Order.¹⁰
6. Critically, the “particular circumstances” also include Israel’s current violent onslaught against and the intensification of its siege on the North of Gaza — a “genocide within a genocide”¹¹ — in which thousands of Palestinian men, women and children, including entire family groups, have been killed and maimed, and tens of thousands of others have been forced to flee yet again, with many of those fleeing being killed or abducted, “men and boys... being taken away by the truckload”.¹² The description of the situation as “apocalyptic” by humanitarian chiefs has been widely reported, as has been their warning that “[t]he entire Palestinian population in North Gaza, especially children, is at imminent risk of dying from disease, famine, and the ongoing bombardments”.¹³
7. These “particular circumstances”, which are exceptionally grave in and of themselves, fall to be examined in the context of Israel’s 13 long months of relentless attacks on the Gaza Strip and its people, which have killed or wounded over 151,000 Palestinians, destroyed or damaged 87 percent of Gaza’s buildings, and caused mass forced displacement and widespread “catastrophic hunger” to its civilian population.¹⁴
8. The Court will have notice of the widely-reported identification by the United Nations High Commissioner for Human Rights of Israel’s actions in the North of Gaza as “the darkest moment of the Gaza conflict... where the Israeli military is effectively subjecting an entire population to bombing, siege and risk of starvation”.¹⁵ The Court will be aware that the United Nations Secretary General has himself warned that “the devastation and deprivation resulting from Israel’s military operations in North Gaza are making the *conditions of life untenable* for the Palestinian population there”.¹⁶ Indeed, the United Nations Human Rights Office in Palestine has cautioned in terms that Israel’s conduct of hostilities, its “unlawful interference” with humanitarian assistance and its forced evacuation orders “may be causing *the destruction of the Palestinian population* in Gaza’s northernmost governorate through death and

⁷ UNICEF, [Statement on Israeli Legislation on UNRWA](#) (31 October 2024); UN Secretary General, @antonioguterres, [Tweet](#) (1:58 am, 29 October 2024); [UN News](#), *UNRWA cannot be replaced, say UN top officials in response to Knesset ban* (29 October 2024); Permanent Representative of the State of Israel to the United Nations, @dannydanon, [Tweet](#) 4:18 am, 4 November 2024).

⁸ UNRWA, [Letter from UNRWA Commissioner General to the President of the United Nations General Assembly](#) (29 October 2024).

⁹ UN OHCHR, [Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel](#), A/79/232 (1 September 2024), paras. 48 to 72.

¹⁰ *South Africa v. Israel, Provisional Measures, Order of 24 May 2024*, p. 15, para. 57(2)(a).

¹¹ Deputy Permanent Observer of the State of Palestine to the UN, New York, @majedbamya, [Tweet](#), (3:40 am, 13 October 2024).

¹² UN Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, @JoyceMsuya, [Tweet](#) (9:22 am, 26 October 2024); UNRWA, [Statement](#) by Philippe Lazzarini, Commissioner-General of UNRWA at the High-Level Meeting of the Global Alliance for the Implementation of the Two-State Solution (30 October 2024); UN OCHA, [Statement](#) attributable to the Spokesperson for the Secretary-General on North Gaza (27 October 2024).

¹³ Inter-Agency Standing Committee (“IASC”), [Statement of the Principals of the Inter-Agency Standing Committee](#) (1 November 2024); UNICEF, [Statement](#) by UNICEF Executive Director Catherine Russell (2 November 2024).

¹⁴ UN OCHA, [Humanitarian Situation Update #233 | Gaza Strip](#) (29 October 2024); [Reported Impact Snapshot | Gaza Strip](#) (29 October 2024).

¹⁵ UN OHCHR, *UN Human Rights Chief Türk says world must act as darkest moment of Gaza conflict unfolds* (25 October 2024).

¹⁶ UN Secretary General, @antonioguterres, [Tweet](#) (3:19 pm, 17 October 2024).

displacement”.¹⁷ As the Court will be aware, this echoes the conclusions of the United Nations Independent Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel that “Israel has implemented a concerted policy to destroy the health-care system of Gaza”, and has “deliberately created conditions of life that have resulted in the *destruction of generations of Palestinian children and the Palestinian people* as a group”.¹⁸ It also reflects the conclusions of the United Nations Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, in her recent report entitled ‘Genocide as Colonial Erasure’, of which the Court will be aware.¹⁹

9. The Court will be aware also of the stark call to action over a week ago by the Acting United Nations Humanitarian Chief, decrying that “[w]hat Israeli forces are doing in besieged North Gaza cannot be allowed to continue... Such blatant disregard for basic humanity and for the laws of war must stop”.²⁰ The Court will further be on notice that that call to action is being echoed with ever more urgency by other United Nations humanitarian chiefs — including the heads of the World Health Organisation, the World Food Programme, the International Organization for Migration, the United Nations Development Programme, the United Nations Population Fund, UN Women and UNICEF — who are all demanding that “[a]ttacks against civilians and what remains of civilian infrastructure in Gaza must stop” and that “international humanitarian law, including the rules of distinction, proportionality and precautions, must be respected”. They are united in “call[ing] on the State of Israel to *cease its assault on Gaza* and on the humanitarians trying to help”.²¹
10. As is apparent, and as the United Nations High Commissioner for Human Rights has stated with the utmost clarity, “the international rule of law is being progressively dismantled... Either the world ashamedly fails those who so desperately need help, or *we stand united and put a stop to this*”.²² The very future of international law — and of the institutions established to uphold it — depends on it.
11. Mindful of the objects of the Convention on the Prevention and Punishment of the Crime of Genocide, we signatories stand united with people of conscience around the world in seeking to put a stop to this. We trust that this honourable Court will do what is in its own power to do in the particular circumstances now prevailing in the case, of which it will have judicial cognizance, to attempt to protect those Palestinian men, women and children who have thus far managed to survive the past 13 months of Israel’s assaults on the most basic precepts of humanity. Their “right to be protected from [further] acts of genocide and related prohibited acts identified in Article III” of the Genocide Convention — which the Court has already determined to be plausible and to be at real and imminent risk of irreparable prejudice — *must* be upheld,²³ including through the Court’s consideration of the requirement for the indication of *further* provisional measures.
12. The Court is empowered pursuant to Article 75(1) of the Rules of Court to act *proprio motu* in order to protect the Palestinian people — and the very rule of international law — from destruction. It could decide to use its power under Article 75(1) to indicate further provisional measures, ordering Israel immediately to suspend its military operations in and against Gaza, to withdraw from the territory, to cease all actions which may kill, harm or otherwise inflict on members of the Palestinian group in detention conditions of life that could bring about their physical destruction, and to allow immediate access by the International

¹⁷ UN Human Rights Palestine, @OHCHR_Palestine, [Tweet](#) (8:44 pm, 20 October 2024).

¹⁸ UN Commission of Inquiry Report at fn 9 *supra*, paras. 89 and 96.

¹⁹ UN General Assembly, [Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, Genocide as Colonial Erasure](#), A/79/384 (1 October 2024), e.g., paras. 13, 23 and 84-88.

²⁰ UN Acting Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator’s statement at fn 12 *supra*.

²¹ IASC and UNICEF statements at fn 13, *supra*.

²² UN High Commissioner for Human Rights’ statement at fn 15 *supra*.

²³ *South Africa v. Israel, Provisional Measures, Order of 26 January 2024*, p. 21, para. 66; *Order of 28 March 2024*, p. 10, para. 40; and *Order of 24 May 2024*, p. 13, para. 47.

Committee of the Red Cross to Palestinians detained by Israel. Having regard to the extreme gravity — and depravity — of the prevailing “particular circumstances”, the Court must surely now do so with the utmost urgency.

If not now, when?

13. We have the honour to assure the Registrar and the Court of our highest esteem and consideration.

Yours Sincerely,

Al Mezan Center for Human Rights



Palestinian Centre for Human Rights



Aldameer Association for Human Rights



Gaza Community Mental Health Programme



The Culture and Free Thought Association (CFTA).



Women's Affairs Center



National Society for Rehabilitation



Adalah



Addameer Prisoners' Support and Human Rights Association



Al-Haq Law in the Service of Mankind



Defence for Children International – Palestine



Hurryyat - Centre for Defense of Liberties
and Civil Rights



Jerusalem Center for Legal Aid and Human Rights



Independent Commission for Human Rights
(Ombudsman Office)



Palestinian NGO Network (PNGO)



