



ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

WITH LAWYERS
IN 22 COUNTRIES

Equality Privacy Social Rights
No Racism Peace No Torture No War
Self-Determination of Peoples Civil Rights Democracy
Human Rights Rights of Migrants

Bologna, Donostia, Düsseldorf, Vienna, 11 December 2023

ELDH Appeal for compliance with the ICJ ruling of May 24, 2024 (RAFA)

ELDH welcomes the decision by the International Court of Justice (ICJ) on 24 March 2024 modify its decision set out in its Order for Interim Measures in South Africa v Israel, of 28 March 2024.

The ICJ

- 1) reaffirmed the provisional measures against Israel indicated in its Orders of 26 January 2024 and 28 March 2024, which should be immediately and effectively implemented.
- 2) ordered that Israel in conformity with its obligations under the Genocide Convention, and in view of the worsening conditions of life faced by civilians in the Rafah Governorate must:
 - a. 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;
 - b. maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance;
 - c. take effective measures to ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide.
- 3) ordered that Israel shall submit a report to the Court on all measures taken to give effect to this Order, within one month as from the date of this Order.

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Co-President: Urko Aiartza (lawyer), Donostia, Basque Country

Co-President: Barbara Spinelli (lawyer) Bologna

Co-Secretary General: Thomas Schmidt (lawyer), Düsseldorf | E-Mail: Thomas.schmidt@eldh.eu | Phone +49 (0)172 68 10 888

Co-Secretary General: Serife Ceren Uysal (lawyer), Vienna | E-Mail: serifecerenuysal@gmail.com | Phone +43 664 4853347

Postal address: ELDH | Thomas Schmidt | Platanenstrasse 13 | D – 40233 Düsseldorf (Germany)

Website: www.eldh.eu

The Court found that the current situation arising from Israel's military offensive in Rafah entails a further risk of irreparable prejudice to the plausible rights claimed by South Africa and that there is urgency, in the sense that there exists a real and imminent risk that such prejudice will be caused before the Court gives its final decision.

The Court further found that, on 7 May 2024, Israel began a military offensive in Rafah, following weeks of intensified bombardment, and that, as a result, approximately 800,000 Palestinians were displaced from Rafah as at 18 May 2024. It notes that senior United Nations officials have consistently underscored the immense risks associated with a military offensive in Rafah. It further noted that United Nations sources indicate that the above-mentioned risks have started to materialize and will intensify even further if the operation continues. On the basis of the information before it, the Court was not convinced that the evacuation efforts and related measures that Israel affirmed to have undertaken to enhance the security of civilians in the Gaza Strip, and in particular those recently.

In response, Netanyahu's office rejected South Africa's accusation of genocide as "false, outrageous and disgusting", adding: "Israel has not and will not carry out a military campaign in the Rafah area that creates living conditions that could lead to the destruction of the Palestinian civilian population, in whole or in part."

Israel's national security minister, Itamar Ben-Gvir, accused the court of being "antisemitic" and, quoting Israel's first PM, David Ben-Gurion, said on X: "Our future is not dependent on what the gentiles will say but rather what the Jews will do!"

The UN Security Council should fulfil its role by adopting the necessary measures to make Israel comply with the ICJ's orders. If the UN Security Council does not fulfil its task or cannot fulfil it due to a veto, the ELDH demands that refusal by Israel to comply with the orders of the ICJ should result in the imposition of effective sanctions on Israel by all members of the United Nations, in particular the EU and its member states, and the USA and UK.

ELDH also welcomes the decision of Ireland, Norway and Spain to recognise the State of Palestine, and demands that all other European states should follow their example.