



**LPHR statement on the International Court of Justice order of protective measures against Israel to prevent genocide against Palestinians in Gaza**

**26 January 2024**

Today's order of protective measures by the International Court of Justice (ICJ) against Israel to prevent the commission of all genocidal acts against Palestinians in Gaza is a much-needed light in the darkness. It is a historic day for clearly recognising the fundamental human rights of Palestinians, including their fundamental right to life, and an important vindication of the vital resort to law to uphold fundamental rights.

With clarity and authority, the ICJ placed due primacy on the current "extreme vulnerability" of Palestinians in Gaza – whilst also importantly recognising the plight of Israeli hostages and calling for their immediate and unconditional release – in support of its determination that the conditions for ordering protective measures were satisfied.

The court subsequently ordered the following provisional measures of protection against Israel:

- prevent all acts under article 2 of the Genocide Convention (15 votes to 2);
- ensure that its military does not commit any acts of genocide (15 votes to 2);
- prevent and punish incitement to commit genocide (16 votes to 1);
- take immediate and effective measures to ensure provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in Gaza (16 votes to 1);
- take effective measures to prevent the destruction and ensure the preservation of evidence related to alleged acts within articles 2 and 3 of the Genocide Convention (15 votes to 2);
- report to the Court on its implementation of the order within one month (15 votes to 2).

The order is legally binding on Israel. Under article 41(2) of the ICJ Statute, the court's provisional measures orders are automatically sent to the UN Security Council. All governments and UN bodies should take tangible action to ensure that Israel complies with the order.

As the Court reaffirmed, the order does not prejudge the question of the court's jurisdiction to deal with the merits of the case, the admissibility of the application before the court, or the merits of South Africa's allegation that Israel has violated provisions of the Genocide Convention. The case will likely take several years to reach its conclusion.

Whilst this historic legal case takes its course, we strongly re-emphasise that it remains deeply imperative that all diplomatic measures be urgently exercised to deliver an immediate ceasefire. The ICJ order of provisional measures of protection for Palestinians in Gaza is crucially important, but will not, on its own, end their extreme human suffering and acute struggle for survival.

Finally, the clarity of today's ICJ order serves to further underscore the imperative of securing legal accountability for atrocity crimes that continue to very deeply shock the conscience of humanity.