

ICJ calls for compliance to protect civilians in Rafah

The International Court of Justice (ICJ) has demanded that Israel implement the provisional measures indicated by the Court in its Order of 26 January 2024, but has not approved South Africa's request for additional emergency measures.



Image source: [@CJ ICJ](#)

This comes after the South African Government urgently appealed to the ICJ last Monday, 12 February, to assess Israel's recent declaration to expand its military presence in Rafah.

In its statement on Friday, the ICJ said that the “perilous situation” in Rafah “demands immediate and effective implementation of the provisional measures indicated by the Court in its Order of 26 January 2024, which are applicable throughout the Gaza Strip, including in Rafah”.

The Court, however, went on to say it “does not demand the indication of additional provisional measures”.

Despite this, the South African Presidency on Friday welcomed the ruling: “The court affirms our view that the perilous situation demands immediate and effective implementation of the provisional measures indicated by the Court in its Order of 26 January 2024, which are applicable throughout the Gaza Strip, and has clarified that this includes Rafah.”

Last month, the United Nations (UN) top court ordered Israel to, among others, take all measures within its power “to prevent and punish the direct and public incitement to commit genocide” and to immediately ensure that Palestinians have access to basic services and humanitarian assistance.



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Nellie Peyton 13 Feb 2024



“The court decision has noted the ‘that the most recent developments in the Gaza Strip, and in Rafah in particular,’ would exponentially increase what is already a humanitarian nightmare with untold regional consequences”, as stated by the United Nations Secretary-General (Remarks to the General Assembly on priorities for 2024 - 7 February 2024).

“The court has unequivocally explained that compliance with the existing provisional measures requires Israel to ensure the safety and security of all Palestinians in the Gaza Strip,” the SA Presidency said.

“Any decision by Israel to engage in military activities against Palestinians in the current circumstances is a violation of the order of the International Court of Justice.”

The Court states in terms: “The Court emphasises that the State of Israel remains bound to fully comply with its obligations under the Genocide Convention and with the said Order, including by ensuring the safety and security of the Palestinians in the Gaza Strip.”

The Presidency said South Africa would continue to use existing channels such as the United Nations Security Council to ensure full and effective implementation of the existing provisional measures.

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