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For immediate release

Statement by Ms. Alice Wairimu Nderitu, Special Adviser on the Prevention of Genocide, on the situation in the Middle East and on the Order of the International Court of Justice of 26 January 2024, indicating provisional measures in 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)*

New York, 9 February 2024 - The United Nations Under-Secretary-General and Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu, reiterates that she remains horrified at the situation in the Middle East and at the unbearable loss of life in the region, with allegations of violations of international law.

Special Adviser Wairimu Nderitu reiterates her 15 October statement and early warning call – reiterated in several other public engagements – for a humanitarian ceasefire, full compliance with international law and prioritization of protection of civilians and for the intensification of diplomatic efforts to put an end to this crisis. She emphasizes that “civilians should never pay the price of a conflict for which they bear no responsibility. Their most basic rights must be protected and preserved, and their humanitarian needs must be met”.

The Special Adviser echoes the 26 January statement attributable to the Spokesperson for the Secretary-General taking note of the Order of the International Court of Justice of 26 January 2024 indicating provisional measures in 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)*, in which the Court ordered Israel, *inter alia*, in accordance with its obligations under the Genocide Convention, “to take all measures within its power” in relation to Palestinians in Gaza to prevent the commission of acts within the scope of Article II of the Convention, including killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about the group’s destruction and imposing measures intended to prevent births, as well as to “ensure with immediate effect that its military forces do not commit any of the above-described acts”. Furthermore, the Court indicated “that Israel must take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip”. In this connection, neither the Secretary-General nor the Special Adviser take a position in relation to ongoing judicial proceedings before the Court.

Echoing the words of the Secretary-General, the Special Adviser reiterates that violations of international humanitarian law can never justify the collective punishment of the people in Gaza. “Civilians must be protected at all times on both sides,” Special Adviser Wairimu Nderitu reminded.

The Special Adviser also calls all relevant actors to strengthen their resolve to find solutions to end this conflict. This requires first and foremost ensuring the protection of civilians and civilian infrastructures in accordance with international law. And includes the safe return of all hostages still held by Hamas in Gaza as well investigating acts of sexual violence reportedly committed in the context of the attacks of 7 October 2023 and their aftermath.

The Special Adviser also echoes the Secretary-General’s concern over the spillover effects seen in the West Bank and across the region and urges the immediate de-escalation of tensions. “Inflammatory

remarks, dehumanizing rhetoric and hate speech can only contribute to ignite further violence and reduce the space for ending the conflict. Political leaders have a special responsibility to refrain from using such hateful narratives and implement all possible measures to defuse ongoing tensions.”

The Special Adviser also reiterates her concern at the impact this conflict continues to have across the world. “It is essential that all efforts are put in place for communities to co-exist peacefully and for all grievances to be addressed constructively and peacefully, as much in the region itself as in all the countries and regions where the ongoing hostilities continue having an impact.”

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