

# Paraguay Files a Declaration of Intervention in South Africa v Israel

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## INTRODUCTION

On Tuesday, 3 March 2026, Paraguay filed a **Declaration of Intervention** in the proceedings under Article 63 of the Statute of the International Court of Justice. This makes Paraguay the 16th State to intervene in the matter of **Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)** advancing notable arguments in support of its participation in the proceedings. This article seeks to provide a brief analysis of the role of the International Court of Justice, a history of the proceedings initiated by South Africa and the submissions provided by Paraguay for their intervention under Article 63.

## THE ROLE OF THE INTERNATIONAL COURT OF JUSTICE

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges who are elected by the Security Council and the General Assembly of the United Nations and serve for a nine-year term.

The Court has a twofold role:

1. **Contentious Jurisdiction:** The Court presides over and settles legal disputes submitted to it by States in accordance with international law.
2. **Advisory Jurisdiction:** The Court may also give advisory opinions on legal questions referred to it by duly authorised United Nations organs and specialised agencies

## HISTORY OF THE PROCEEDINGS

On 29 December 2023, South Africa filed an Application instituting proceedings against Israel concerning alleged violations by Israel of its obligations under the 1948 Genocide Convention in relation to Palestinians in the Gaza Strip.

The Convention, under Article II, defines genocide as follows:

*“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:*

- a. *Killing members of the group;*
- b. *Causing serious bodily or mental harm to members of the group;*
- c. *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- d. *Imposing measures intended to prevent births within the group;*
- e. *Forcibly transferring children of the group to another group.”*

Contained in the Application was a request for the indication of provisional measures in terms of Article 41 of the Statute of the Court and Articles 73, 74 and 75 of the Rules of Court (which relates to interim protection). On 26 January 2024, the Court delivered its Order on South Africa’s request.

On 6 March 2024, South Africa submitted a further request for the indication of additional provisional measures and/or the modification of the Court’s Order of 26 January 2024. Subsequently, on 28 March 2024, the Court indicated additional provisional measures.

Thereafter, on 10 May 2024, South Africa submitted an additional request for the modification and the indication of provisional measures. By an Order dated 24 May 2024, the Court reaffirmed its previous provisional measures and indicated new provisional measures.

## INTERVENTION BY STATES UNDER ARTICLES 62 AND 63 OF THE STATUTE OF THE COURT

Under Article 62 of the Statute, a State is entitled to seek permission to intervene in proceedings between other States, when it believes that the outcome of such proceedings will affect its legal interests.

Furthermore, Article 63 affords States who are not parties to a dispute the right to intervene when that case concerns the interpretation of a convention to which they are also parties. The Court's interpretation of the relevant parts of that convention will then be equally binding on those States.

To date, 15 States have filed an application for permission to intervene under Article 62 of the Statute or a declaration of intervention under Article 63 of the Statute which list exhaustively includes:

1. Colombia
2. Libya
3. Mexico
4. Palestine
5. Spain
6. Türkiye
7. Chile
8. the Maldives
9. Bolivia
10. Ireland
11. Cuba
12. Belize
13. Brazil
14. the Comoros
15. and Belgium

#### PARAGUAY'S REASONS FOR INTERVENTION

The submissions presented by Paraguay in their Declaration are threefold:

Firstly, they submit that the crime of genocide must be interpreted strictly in line with the object and purpose of the Convention and the Court's established jurisprudence. It argues that expanding the definition to encompass other violations of international law would dilute the gravity of the offence, undermine legal certainty, and risk the Convention's instrumentalization. It further emphasizes that alleged breaches of international humanitarian law or other legal regimes fall outside the scope of the Genocide Convention.

Secondly, they argue that the established jurisprudence regarding the threshold of intent and the strict standard required under the Genocide Convention should be maintained. Any expansion or reinterpretation of this threshold would undermine the Convention's integrity and normative framework and depart from the intention of its drafters.

Lastly, they submit that particular caution should be applied when assessing the evidentiary value of reports or materials produced by international organisations or other external bodies. That this necessitates apt scrutiny of the methodology, sources, scope, and extent of verification to ensure that only evidence meeting the rigorous standard required for a finding of genocide is relied upon.

#### CONCLUSION

The submissions made by States that have subsequently joined the proceedings contribute to the ongoing international discourse on the contemporary legal understanding of genocide. As geopolitical tensions persist across various regions, the importance of international collaboration has become imperative. This significance is reflected in the purport of the International Court of Justice as well as the Statute and Rules of the Court.



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