
From: DFAT Talking Points s22
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To: s22
Subject: DFAT Talking Points - Hamas-Israel Conflict - v15 [SEC= ~~OFFICIAL Sensitive~~]

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Australian Government
Department of Foreign Affairs and Trade

MEDIA TALKING POINTS DISTRIBUTION: CRISIS

Topic: POLITICAL-ECONOMIC
Subject: Hamas-Israel Conflict

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Talking Points

Headline Statements

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If raised: Reaction to ICJ ruling of provisional measures in South Africa's case at the International Court of Justice?

- *Australia is aware of the ICJ's ruling on provisional measures.*
- *We note decisions of the ICJ are binding on the parties to a case.*
- *We respect the independence of the ICJ and the critical role it plays in upholding international law and the rules based order.*
- *We expect Israel to act in accordance with the ICJ's ruling, including to enable the provision of basic services and humanitarian assistance.*

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- *Throughout this crisis, Australia's position has been clear and consistent.*
- *We have consistently urged all parties to the conflict to respect international humanitarian law.*
- *We have consistently said civilians must be protected.*
- *We have consistently called for the release of all hostages.*
- *We have consistently called for safe, unimpeded and sustained humanitarian access.*
- *And we voted at the UN for an immediate humanitarian ceasefire.*
- *We see that as a critical step on the path to a sustainable and permanent ceasefire, which like any ceasefire can't be one-sided.*
- *Australia will continue to work for a just and enduring peace between Israelis and Palestinians.*

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- *This is an interim decision - it is not a final determination on the merits of the case.*
- *Australia is not a party to the case.*

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Background

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On 26 January 2024, the International Court of Justice handed down provisional measures to be undertaken by Israel in the case South Africa brought against Israel under the Genocide Convention. The court ruled that some of the allegations presented by South Africa were “plausible”. The provisional measures set by

the court are that Israel, in relation to Palestinians in Gaza, take all measures within its power to prevent: (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; and (d) imposing measures intended to prevent births within the group. The court also ruled that Israel must prevent and punish the direct and public incitement to commit genocide in relation to the Palestinian group in the Gaza Strip and take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to the Gaza Strip. The court ruled Israel must submit a report on the actions it has undertaken within one month from the date of the order.

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