

Brendan O'Hara MP
Argyll and Bute



HOUSE OF COMMONS
LONDON SW1A 0AA

The Rt Hon Lord David Cameron
Secretary of State for Foreign, Commonwealth and Development Affairs
Foreign, Commonwealth and Development Office
King Charles Street
London
SW1A 2AH

26 January 2024

Dear Foreign Secretary,

I am writing to you in response to the finding of the International Court of Justice (ICJ) in the case of the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel) which was released on Friday 26th January 2024.

On 29th December, South Africa submitted an application to the ICJ, pursuant to Article 41 of the Statute of the Court, requesting that the Court indicate provisional measures to protect the Palestinian people from acts threatened, taken, and being taken by the Government, and military, of Israel.

Today, the ICJ ordered that Israel must take all measures to prevent acts of genocide in Gaza. Amongst the total of six interim rulings made by the court, the order to prevent the killing of Palestinians or causing serious bodily or mental harm, clearly reinforces the legal and moral urgency which must finally force the UK Government to join with the vast majority of the international community and press for an immediate ceasefire.

In their application, South Africa submitted that “no armed attack on a State’s territory no matter how serious — even an attack involving atrocity crimes can, however, provide any possible justification for, or defence to, breaches of the Genocide Convention whether as a matter of law or morality.”

There should be no question, in Parliament, in a court room, or in the minds of any morally sound individual, that if one state is killing the civilians of another, causing them serious bodily and mental harm, and inflicting on them conditions of life calculated to bring about their physical destruction, that measures must be taken by those able to prevent and protect against further harm.

South Africa simply asked the ICJ, the highest Court of the United Nations, to indicate the measures to be taken by Israel, and other states, in order to prevent and protect civilians in Gaza from suffering further harm. The UK Government, alongside the other 152 states which have signed and ratified the Genocide Convention, are now legally obliged to act.

One could argue that it needn’t take a ruling by a Court to persuade a democratic, or morally sound, nation to take action to prevent genocide.

The Court has now said what many of us have known since the beginning, the actions of the Israeli Government have surpassed a legal, proportionate response. I understand that this provisional ruling is not a determinative ruling on whether genocide has taken place, but the UK Government has now been given an instruction to act in the face of Israel’s failure to prevent acts which may be found to amount to genocide.

I hope that the Secretary of State will not need this letter to serve as a reminder of the legal obligations which now fall on the UK Government, legal obligations which should have been moral obligations three months ago.

8 Colquhoun Square
Helensburgh, G84 8AD
Telephone: 01436 670 587
Email: brendan.ohara.mp@parliament.uk

In your role as the Secretary of State, you have previously said to the Foreign Affairs Committee that you thought the referral to the ICJ by South Africa was “not right, unhelpful”, and that you did not agree with it. In light of the ruling on Friday, these comments raise significant cause for concern that the UK Government does not take their legal obligations, as per the Genocide Convention, seriously.

The ICJ has determined in a previous case (Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) that compliance with provisional measures by State parties creates a legal obligation to which states are required to adhere. As such, this ruling on provisional measures by the ICJ is not dependant on the UK Government’s own legal analysis of the situation in Gaza or the FCDOs own interpretation as to Israel’s actions.

We are past turning a blind eye. We are past continuing to give the Israeli Government a blank cheque. It is time for action. It is time for the UK Government to demonstrate that it values the rule of law, the protection of civilians, and justice for those who suffer the most catastrophic harms.

I urge the UK Government to commit to standing with South Africa, on the right side of history. Today’s ruling will not end this war, but I am asking the UK Government to do what is right and adhere to the provisional measures. The UK Government must act swiftly and firmly to persuade its friend, Israel, to abide by the order and prevent acts of genocide against the Palestinian people.

We reiterate our calls for an immediate ceasefire, the immediate release of Israeli hostages and an end to the collective punishment of the Palestinian people. We equally call for immediate steps to be taken to ensure that the proper and efficient investigation into war crimes committed by Hamas and the Israeli Government can be conducted by the ICC.

We ask the UK Government to urge Israel to lift the blockade of Gaza to allow for critical and lifesaving aid, and, finally, we remind the UK Government that the continuing grant of arms licenses to Israel, at a time when they may be using said weapons to commit breaches of international law, may constitute complicity in war crimes. The UK Government must, as such, revoke all current and future arms licenses granted to Israel.

I look forward to hearing your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Brendan O'Hara', with a long horizontal stroke extending to the right.

Brendan O’Hara MP
Argyll and Bute