



JURDI's diplomatic appeal for collective action before the ICJ against manifest violations of *erga omnes* obligations

On this historic day of July 15, 2025, on the occasion of the emergency summit convened in Bogotá, Colombia, by The Hague Group, co-chaired by Colombia and South Africa, and bringing together over thirty States, the French association JURDI solemnly calls for a coherent and coordinated mobilization of all States present to translate the fundamental principles of international law into concrete, immediate and bold measures.

Subject : *Imperative obligations and State responsibility - Immediate need for a collective referral to the ICJ in the face of inaction by certain States complicit in serious violations of international law in Gaza*

I. The law is clear. The silence of States is not.

1. The International Court of Justice, in its Order of April 30, 2024 (*Nicaragua v. Germany*), among others, recalled that all States, without exception, are bound to actively prevent acts of genocide, to ensure respect for the Geneva Conventions in all circumstances, and to refrain from any transfer of armaments likely to contribute to international crimes.
2. These *erga omnes* obligations, based on *jus cogens*, apply to all States in all circumstances, whether or not they are parties to a conflict.

No exception of strategic, commercial or diplomatic interest can justify their violation.
3. Yet states such as France, Italy, Greece and Hungary continue to transfer arms, open their airspace or suspend humanitarian aid, in the full knowledge that these acts facilitate or aggravate extremely serious crimes.
4. Internal mechanisms are blocked. All national and European legal remedies have been neutralized or ignored, or almost:
 - refusal to suspend the transit of weapons via "référés-liberté",
 - refusal to transmit administrative documents on military overflights,
 - inertia in the face of repeated reports to customs authorities,
 - tolerance of public display of weapons used in international crimes.

This widespread failure calls into question the credibility of the rule of law and the multilateral system as a whole.



This summit, of unprecedented scope within the global South, recalls historic precedents in the fight against impunity, such as the anti-apartheid movement, and reaffirms the role of coalitions of states in enforcing international law. The measures announced by several governments - blocking ships, breaking off diplomatic ties, supporting arrest warrants - must be part of a systematic legal approach based on the United Nations Charter, the Geneva Conventions and recent ICJ rulings.

II. This summit cannot end with a simple declaration

JURDI solemnly calls on the States present to put an end to ambiguities, and to commit themselves without delay to three concrete actions:

1. Launch a **collective action before the ICJ against States** violating their obligations *erga omnes*

- There can be no international justice without inter-state recourse when states flout so gravely violate the most fundamental norms.
- Articles IX of the Genocide Convention and common to the Geneva Conventions authorize each State party to take legal action against any other State failing to meet its obligations.
- If only one State, like Nicaragua, has had the courage to take the matter to the ICJ, the silence of the rest of the international community becomes unbearable.

As a reminder, this Wednesday, July 17, 2025, the JURDI association is filing an action against the European Commission and the Council of the European Union before the Court of Justice of the European Union in Luxembourg, for failure to act and considering their serious violations of international law and European treaties, and even their complicity.

2. Demand an immediate moratorium on all high-risk arms exports to conflict zones in Gaza.

- It is no longer acceptable for certain states to continue arming or supporting military campaigns whose plausible risk of genocide has been recognized by the ICJ itself (*South Africa v. Israel*, orders of January, March and May 2024).

3. Set up a multilateral control mechanism for sensitive transfers

- It is time to coordinate upstream risk assessments, establish common legal traceability of exported equipment, and collectively sanction any violations found.



III. Political responsibility is now shared

Every day that passes without action perpetuates crimes and feeds a two-tier international system.

By refusing to act, States become accomplices, not only morally, but also legally.

JURDI calls on the States present at this summit to :

- Break their silence, abandon half-measures, and restore the authority of international law.
- Announce publicly, at the close of the summit, their willingness to bring proceedings before the ICJ against states that flout their obligations under *jus cogens*.
- Assume their collective duty of prevention and reaction, as set out in the UN Charter and the ICJ's established case law.

There will be no excuses based on ignorance.

There will be no future for international law without political courage today.

The Bogotá summit represents a unique opportunity to demonstrate that States united by law can still stand in the way of the logic of unbridled power.

JURDI calls for political courage, historical memory and loyalty to the law.

History will judge inaction harshly, but it will recognize the value of the concrete actions taken today in the cause of justice.

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