

Colombia's Withdrawal of Its Intervention before the International Court of Justice**Impact on the Genocide Case and Colombia's Obligations under the Convention**

What Colombia withdrew from was its procedural participation in the interpretation of the Genocide Convention before the Court—not the Genocide Convention itself, not South Africa's case, and not the provisional measures issued against Israel.

23 September 2026**Executive Summary**

On 22 September 2026, the International Court of Justice announced that Colombia had notified the Court, on 18 September 2026, of its decision to withdraw the declaration of intervention that it had submitted on 5 April 2024 under Article 63 of the Statute of the Court in the case brought by South Africa against Israel. The Court's official statement does not refer to Colombia withdrawing from the Genocide Convention, nor to the withdrawal of South Africa's case, nor to the termination of the proceedings; it concerns exclusively the withdrawal of Colombia's declaration of intervention.

The central legal conclusion is that Colombia's withdrawal does not terminate South Africa's case, suspend it, or render it procedurally weaker. Colombia was not the applicant in the case and did not become an original party to it. Article 63 gives a State party to a convention whose interpretation is at issue in a dispute the right to intervene in order to present its position on the interpretation of that convention. The International Court of Justice expressly explains that this form of intervention is available to States that are not parties to the dispute.

The Court's updated case docket also confirms that the proceedings remain ongoing. Among the most recent developments, in addition to the announcement of Colombia's withdrawal, is an Order issued on 21 May 2026 fixing the time-limits for the Reply and Rejoinder. This constitutes clear procedural evidence that consideration of the merits of the case continues following the earlier stages of written pleadings.

The decision likewise does not affect the provisional measures ordered by the Court on 26 January, 28 March, and 24 May 2024. Those measures were issued in the dispute between South Africa and Israel, whereas Colombia's intervention constituted a subsidiary and procedurally separate track. In its Order of 24 May, the Court also reaffirmed its earlier measures and indicated additional measures.

As regards Colombia's obligations under the Genocide Convention, withdrawing a judicial procedural step under Article 63 does not, in itself, amount to withdrawal from the Convention or suspension of Colombia's obligations under it. Article I of the Genocide Convention provides that States parties undertake to prevent and punish the crime of genocide. The United Nations framework likewise recognizes the duty to prevent as a core obligation under the Convention that is not dependent upon a State's participation in any particular case before the Court.

Legal conclusion: What Colombia withdrew from was its procedural participation in the interpretation of the Genocide Convention before the Court—not the Genocide Convention itself, not South Africa's case, and not the provisional measures issued against Israel.

What Did Colombia Actually Decide?

According to International Court of Justice Press Release No. 2026/24, the Court received notification from Colombia on Friday, 18 September 2026, that it had decided to withdraw the declaration of intervention it had previously filed on 5 April 2024. That declaration had been based exclusively on Article 63 of the Statute of the Court. The Court's statement did not say that Colombia had withdrawn its legal support for any particular interpretation of the Genocide Convention, nor did it indicate that the Court had reassessed the merits of the case as a result of Colombia's decision.

When Colombia submitted its declaration in April 2024, it was among the first States to make use of the Article 63 mechanism in this case. The Court's records indicate that South Africa's original application was filed on 29 December 2023 and concerns allegations that Israel violated its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide in relation to Palestinians in the Gaza Strip.

The Difference Between “Intervention” and “Joining as an Applicant”

This distinction is essential to understanding the case. The International Court of Justice distinguishes between two mechanisms:

Article 62 allows a State to request permission to intervene where it considers that it has an interest of a legal nature that may be affected by the Court's decision.

Article 63, by contrast, gives a State party to a convention whose interpretation is in question in a dispute the right to intervene in order to present its position concerning the interpretation of that convention. The Court states that the interpretation adopted in its judgment becomes, within the framework defined by Article 63, binding upon the intervening State as well.

This means that Colombia was not a second South Africa, was not the applicant in the case, and had no authority to withdraw South Africa's application or terminate the dispute merely by ending its own participation. The case originated through South Africa's application against Israel, not through Colombia's declaration of intervention.

The Case Officially Continues

The International Court of Justice's docket as of 23 September 2026 provides the clearest evidence of this. The official case page places “Colombia's withdrawal of its declaration of intervention” under the category of “Intervention”, while at the same time showing that, on 21 May 2026, the Court issued an Order concerning the time-limits for the “Reply and Rejoinder”. This demonstrates that the original proceedings between South Africa and Israel continue independently of third-State interventions.

Colombia's withdrawal also does not eliminate the extensive participation of other States. In its statement of 22 September, the Court listed declarations or applications for intervention submitted by other States or entities, including Libya, Mexico, Palestine, Spain, Türkiye, Chile, the Maldives, Bolivia, Ireland, Cuba, Belize, Brazil, the Comoros, Belgium, Paraguay, the Netherlands, Iceland, Namibia, the United States, Hungary, and Fiji. These interventions do not necessarily reflect identical positions on the case. Article 63 allows States to present their interpretation of the Convention rather than merely politically aligning themselves with one of the parties.

Accordingly, the large number of interventions does not mean that all States choosing to intervene endorse South Africa's arguments. For example, the United States, Hungary, and Fiji submitted declarations of intervention in March 2026 alongside other States. This further demonstrates that Article 63 has become a forum for presenting differing legal interpretations of the Genocide Convention, rather than a mechanism for a political vote on the validity of the allegations.

Legal Effect of Colombia's Withdrawal: No Dismissal of the Case and No Termination of the Court's Jurisdiction

Colombia's withdrawal therefore does not suspend the proceedings initiated by South Africa against Israel before the International Court of Justice, nor does it result in the case being struck from the Court's list. This is consistent with the procedural structure of Article 63 and with the Court's own docket. The withdrawal of an intervening State is not equivalent to the applicant State withdrawing its application, and the Court continues to list the proceedings as South Africa v. Israel and to advance through their procedural stages.

Likewise, Colombia's notification does not, in itself, constitute a new judicial ruling on the Court's jurisdiction. The notice of 22 September concerns the withdrawal of the intervention; it contains no decision by the Court finding that it lacks jurisdiction, accepting a new preliminary objection, or dismissing South Africa's case. It would therefore be legally incorrect to infer from Colombia's withdrawal that the Court has concluded that the case lacks a legal basis.

No Effect on South Africa's Evidence or Written Pleadings

South Africa's written pleadings and evidence form part of the record of the principal proceedings, whereas Colombia's declaration was a separate intervention document. Consequently, the termination of Colombia's participation does not withdraw the submissions filed by South Africa, cancel the evidence submitted by the applicant State, eliminate Israel's defence, or require the Court to disregard the existing record of the proceedings. This follows directly, as a procedural matter, from the separate legal status of the original parties and a State intervening under Article 63.

The Provisional Measures Remain Unaffected

The Court issued Orders on provisional measures on 26 January, 28 March, and 24 May 2024. According to the Court's subsequent statements, the Order of 24 May reaffirmed the earlier measures and indicated additional measures. No decision was issued on 22 September 2026 revoking or modifying those measures as a result of Colombia's withdrawal.

Neither Exoneration of Israel nor Proof of Genocide

Two opposite errors must be avoided:

The first is to claim that Colombia's withdrawal exonerates Israel or means that the genocide allegation has collapsed. Nothing in the Court's statement supports such a conclusion.

The second is to treat the continuation of the case or the existence of provisional measures as though the Court had already issued a final judgment on the merits finding that Israel committed the crime of genocide. As of 23 September 2026, the case remains before the Court, and its docket reflects ongoing procedural steps rather than a final judgment on the merits. Israel, for its part, rejects the allegations of genocide and maintains that its military operations target Hamas. The final judicial determination of State responsibility therefore remains a matter for the Court when it decides the merits of the case.

What Does Colombia Lose by Withdrawing?

The immediate consequence is not the collapse of the case, but Colombia's withdrawal from formal judicial participation in interpreting the Convention in these proceedings. Article 63 was designed to allow States parties to express before the Court their views concerning the interpretation of treaty provisions that are also binding upon them. The Court explains that the interpretation of the Convention adopted in the judgment carries a specific effect for States that have intervened under Article 63.

Accordingly, the significance of Colombia's decision is more political and symbolically legal than determinative of the fate of the case. It removes a State voice that had previously chosen to participate formally in the judicial discussion concerning the scope of the obligations contained in the Genocide Convention, but it does not withdraw the case itself.

Portraying the withdrawal as a judicial decision in Israel's favour would therefore be inaccurate. It is a decision by the government of a State concerning the continuation of its own participation, not a judgment issued by the judges of the Court concerning responsibility, the facts, or the specific intent required for the crime of genocide. The Court's document contains no assessment of the evidence and announces no change in the Court's position regarding the proceedings.

Colombia's withdrawal of its intervention represents a significant change from its previous diplomatic and legal position concerning the accountability process related to Gaza, but it does not constitute a procedural setback that threatens the existence of South Africa's case itself. The principal legal issue following the decision is therefore not whether Colombia remains "inside the case", but whether any shift in its practical policy—particularly in the fields of arms, security, intelligence, technology, and trade—remains compatible with its independent international obligations, including the duty to prevent genocide.

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