

CR 2025/3

International Court
of Justice

THE HAGUE

Cour internationale
de Justice

LA HAYE

YEAR 2025

Public sitting

held on Monday 28 April 2025, at 10 a.m., at the Peace Palace,

President Iwasawa presiding,

***on the Obligations of Israel in relation to the Presence and Activities of the United Nations,
Other International Organizations and Third States in and in relation to
the Occupied Palestinian Territory***

(Request for advisory opinion submitted by the General Assembly of the United Nations)

VERBATIM RECORD

ANNÉE 2025

Audience publique

tenue le lundi 28 avril 2025, à 10 heures, au Palais de la Paix,

sous la présidence de M. Iwasawa, président,

***sur les Obligations d'Israël en ce qui concerne la présence et les activités de l'Organisation
des Nations Unies, d'autres organisations internationales et d'États tiers dans
le Territoire palestinien occupé et en lien avec celui-ci***

(Demande d'avis consultatif soumise par l'Assemblée générale des Nations Unies)

Present: President Iwasawa
 Vice-President Sebutinde
 Judges Tomka
 Abraham
 Xue
 Bhandari
 Nolte
 Charlesworth
 Brant
 Gómez Robledo
 Cleveland
 Tladi

Registrar Gautier

Présents : M. Iwasawa, président
M^{me} Sebutinde, vice-présidente
MM. Tomka
Abraham
M^{me} Xue
MM. Bhandari
Nolte
M^{me} Charlesworth
MM. Brant
Gómez Robledo
M^{me} Cleveland
M. Tladi, juges

M. Gautier, greffier

The United Nations is represented by:

Ms Elinor Hammar-skjöld, Under-Secretary-General for Legal Affairs and United Nations Legal Counsel,

Ms Ana Peyró Llopis, Principal Legal Officer, United Nations Office of Legal Affairs,

Mr Francesco Messineo, Legal Officer, United Nations Office of Legal Affairs.

The Government of the State of Palestine is represented by:

HE Mr Riyad Mansour, Minister, Permanent Representative of the State of Palestine to the United Nations,

HE Mr Ammar Hijazi, Ambassador, Permanent Representative of the State of Palestine to International Organizations in the Kingdom of the Netherlands,

HE Mr Omar Awadallah, Ambassador, Assistant Minister for Foreign Affairs for Multilateral Relations,

HE Ms Feda Abdelhady, Ambassador, Deputy Permanent Representative of the State of Palestine to the United Nations,

HE Mr Majed Bamya, Ambassador, Deputy Permanent Representative of the State of Palestine to the United Nations, Senior Legal Adviser,

Mr Alain Pellet, Emeritus Professor, University Paris Nanterre, former Chairperson of the International Law Commission, member and former President of the Institut de droit international,

Mr Paul S. Reichler, Attorney at Law, 11 King's Bench Walk, member of the Bar of the Supreme Court of the United States of America,

Ms Blinne Ní Ghrálaigh, KC, Barrister, Matrix Chambers, member of the Bars of Ireland, Northern Ireland, and England and Wales,

Mr Ardi Imseis, Professor of International Law, Faculty of Law, Queen's University, Canada, Barrister at Law, Law Society of Ontario,

Mr Ahmed Mousa, Deputy Permanent Representative of the State of Palestine to International Organizations in the Kingdom of the Netherlands,

Ms Haya Alfarra, Counsellor, Permanent Mission of the State of Palestine to International Organizations in the Kingdom of the Netherlands,

Mr Arrab Abdoh, Legal Adviser, Permanent Mission of the State of Palestine to International Organizations in the Kingdom of the Netherlands,

Mr Mohammad Ayyad, Legal Adviser, Permanent Mission of the State of Palestine to International Organizations in the Kingdom of the Netherlands,

L'Organisation des Nations Unies est représentée par :

M^{me} Elinor Hammarhjöld, secrétaire générale adjointe aux affaires juridiques et conseillère juridique de l'Organisation des Nations Unies,

M^{me} Ana Peyró Llopis, juriste principale, Bureau des affaires juridiques de l'Organisation des Nations Unies,

M. Francesco Messineo, juriste, Bureau des affaires juridiques de l'Organisation des Nations Unies.

Le Gouvernement de l'État de Palestine est représenté par :

S. Exc. M. Riyad Mansour, ministre, représentant permanent de l'État de Palestine auprès de l'Organisation des Nations Unies,

S. Exc. M. Ammar Hijazi, ambassadeur, représentant permanent de l'État de Palestine auprès des organisations internationales au Royaume des Pays-Bas,

S. Exc. M. Omar Awadallah, ambassadeur, ministre délégué auprès du ministre des affaires étrangères, chargé des relations multilatérales,

S. Exc. M^{me} Feda Abdelhady, ambassadrice, représentante permanente adjointe de l'État de Palestine auprès de l'Organisation des Nations Unies,

S. Exc. M. Majed Bamy, ambassadeur, représentant permanent adjoint de l'État de Palestine auprès de l'Organisation des Nations Unies, conseiller juridique hors classe,

M. Alain Pellet, professeur émérite de l'Université Paris Nanterre, ancien président de la Commission du droit international, membre et ancien président de l'Institut de droit international,

M. Paul S. Reichler, avocat, cabinet 11 King's Bench Walk, membre du barreau de la Cour suprême des États-Unis d'Amérique,

M^{me} Blinne Ní Ghrálaigh, KC, avocate, Matrix Chambers, membre des barreaux d'Irlande, d'Irlande du Nord, et d'Angleterre et du pays de Galles,

M. Ardi Imseis, professeur de droit international à la faculté de droit de la Queen's University, Canada, *barrister at law*, barreau de l'Ontario,

M. Ahmed Mousa, représentant permanent adjoint de l'État de Palestine auprès des organisations internationales au Royaume des Pays-Bas,

M^{me} Haya Alfarra, conseillère, mission permanente de l'État de Palestine auprès des organisations internationales au Royaume des Pays-Bas,

M. Arrab Abdoh, conseiller juridique, mission permanente de l'État de Palestine auprès des organisations internationales au Royaume des Pays-Bas,

M. Mohammad Ayyad, conseiller juridique, mission permanente de l'État de Palestine auprès des organisations internationales au Royaume des Pays-Bas,

Ms Loureen Sayej, Legal Adviser, Permanent Mission of the State of Palestine to the United Nations,

Ms Abeer Abed Alhaq, Legal Adviser, Permanent Mission of the State of Palestine to International Organizations in the Kingdom of the Netherlands,

Ms Marthe De Roos, Media Officer, Permanent Mission of the State of Palestine to International Organizations in the Kingdom of the Netherlands,

Ms Héloïse Bajer-Pellet, member of the Paris Bar, Founding Partner of Far Avocats,

Ms Jasmin Johurun Nessa, Research Associate in International Law, University of Bristol Law School, General Co-Editor for the *Journal on the Use of Force and International Law*,

Mr Ysam Soualhi, PhD candidate, Faculty of Law, University of Angers,

Mr Zachariah Sammour, Barrister, 11 King's Bench Walk, London,

Ms Aliya Al-Yassin, Barrister, 11 King's Bench Walk, London,

Mr Oliver Mills, Barrister, 11 King's Bench Walk, London,

Mr Sam Willis, Barrister, 11 King's Bench Walk, London,

Mr Shawan Jabareen, Director, Al-Haq human rights organization,

Mr Raji Sourani, Director, Palestinian Centre for Human Rights.

The Government of the Arab Republic of Egypt is represented by:

HE Mr Hatem Kamaleldin Abdelkader, Assistant Minister for International Legal Affairs and Treaties, Ministry of Foreign Affairs, Emigration and Egyptian Expatriates,

HE Mr Emad Magdy Hanna, Ambassador of the Arab Republic of Egypt to the Kingdom of the Netherlands,

Ms Jasmine Moussa, PhD, Legal Counsellor, Cabinet of the Minister for Foreign Affairs, Emigration and Egyptian Expatriates, Ministry of Foreign Affairs, Emigration and Egyptian Expatriates,

Mr Mohamed Samir Salem, First Secretary, Embassy of the Arab Republic of Egypt in the Kingdom of the Netherlands,

Mr Kareem Mohamed Hassan, Second Secretary, Embassy of the Arab Republic of Egypt in the Kingdom of the Netherlands.

M^{me} Loureen Sayej, conseillère juridique, mission permanente de l'État de Palestine auprès de l'Organisation des Nations Unies,

M^{me} Abeer Abed Alhaq, conseillère juridique, mission permanente de l'État de Palestine auprès des organisations internationales au Royaume des Pays-Bas,

M^{me} Marthe De Roos, responsable des médias, mission permanente de l'État de Palestine auprès des organisations internationales au Royaume des Pays-Bas,

M^{me} Héloïse Bajer-Pellet, avocate au barreau de Paris, associée fondatrice du cabinet Far Avocats,

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M. Ysam Soualhi, doctorant à la faculté de droit de l'Université d'Angers,

M. Zachariah Sammour, *barrister*, cabinet 11 King's Bench Walk (Londres),

M^{me} Aliya Al-Yassin, *barrister*, cabinet 11 King's Bench Walk (Londres),

M. Oliver Mills, *barrister*, cabinet 11 King's Bench Walk (Londres),

M. Sam Willis, *barrister*, cabinet 11 King's Bench Walk (Londres),

M. Shawan Jabareen, directeur de l'association de défense des droits de l'homme Al-Haq,

M. Raji Sourani, directeur du Centre palestinien pour les droits de l'homme.

Le Gouvernement de la République arabe d'Égypte est représenté par :

S. Exc. M. Hatem Kamaleldin Abdelkader, ministre délégué chargé des affaires juridiques et traités internationaux, ministère des affaires étrangères, de l'émigration et des expatriés égyptiens,

S. Exc. M. Emad Magdy Hanna, ambassadeur de la République arabe d'Égypte auprès du Royaume des Pays-Bas,

M^{me} Jasmine Moussa, PhD, conseillère juridique, cabinet du ministre des affaires étrangères, de l'émigration et des expatriés égyptiens, ministère des affaires étrangères, de l'émigration et des expatriés égyptiens,

M. Mohamed Samir Salem, premier secrétaire, ambassade de la République arabe d'Égypte au Royaume des Pays-Bas,

M. Kareem Mohamed Hassan, deuxième secrétaire, ambassade de la République arabe d'Égypte au Royaume des Pays-Bas.

The Government of Malaysia is represented by:

HE Dato' Sri Azalina Othman Said, Minister, Law and Institutional Reform, Prime Minister's Department,

HE Dato' Umar Saifuddin Jaafar, Solicitor General II, Attorney General's Chambers,

HE Dato' Roseli Abdul, Ambassador of Malaysia to the Kingdom of the Netherlands,

Mr Muhammad Rushdan Mohamed, Deputy Head of International Affairs Division III, Attorney General's Chambers,

Mr Thiyaagu Ganesan, Deputy Director General, Legal Affairs Division, Prime Minister's Department,

Ms Prisheela Prakas Raw, Under-Secretary, Multilateral Political Division, Ministry of Foreign Affairs,

Mr Antonios Tzanakopoulos, Professor of Public International Law, University of Oxford,

Mr Mohd Afiq Hassan Mohd Ayub, Press Secretary to the Minister, Prime Minister's Department,

Mr Mohd Ishrin Mohd Ishak, Minister-Counsellor, Embassy of Malaysia in the Kingdom of the Netherlands,

Ms Nurul Ainy Yahaya, Legal Attaché, Embassy of Malaysia in the Kingdom of the Netherlands,

Mr Muhamad Khairuddin Mohamed Ariffin, Special Officer III to the Minister, Prime Minister's Department,

Mr Ahmad Shukri Al-Hilmi Ahmad Faris, Assistant Secretary, Multilateral Political Division, Ministry of Foreign Affairs.

The Government of the Republic of South Africa is represented by:

Mr Zane Dangor, Director-General, Department of International Relations and Cooperation,

Ms Nokukhanya Jele, Special Adviser to the President of the Republic of South Africa on Legal and International Affairs,

Mr Jaymion Hendricks, State Law Adviser, International Law, Department of International Relations and Cooperation.

The Government of the People's Democratic Republic of Algeria is represented by:

HE Ms Salima Abdelhak, Ambassador of the People's Democratic Republic of Algeria to the Kingdom of the Netherlands,

Ms Maya Sahli-Fadel, Professor of Public International Law,

Le Gouvernement de la Malaisie est représenté par :

- S. Exc. Dato' Sri Azalina Othman Said, ministre du droit et de la réforme institutionnelle, cabinet du premier ministre,
- S. Exc. Dato' Umar Saifuddin Jaafar, *Solicitor General II*, bureau de l'*Attorney General*,
- S. Exc. Dato' Roseli Abdul, ambassadeur de la Malaisie auprès du Royaume des Pays-Bas,
- M. Muhammad Rushdan Mohamed, chef adjoint de la division des affaires internationales III, bureau de l'*Attorney General*,
- M. Thiyagu Ganesan, chef adjoint de la division des affaires juridiques, cabinet du premier ministre,
- M^{me} Prisheela Prakas Raw, sous-secrétaire, division politique multilatérale, ministère des affaires étrangères,
- M. Antonios Tzanakopoulos, professeur de droit international public à l'Université d'Oxford,
- M. Mohd Afiq Hassan Mohd Ayub, secrétaire de presse du ministre, cabinet du premier ministre,
- M. Mohd Ishrin Mohd Ishak, ministre conseiller, ambassade de la Malaisie au Royaume des Pays-Bas,
- M^{me} Nurul Ainy Yahaya, attachée juridique, ambassade de la Malaisie au Royaume des Pays-Bas,
- M. Muhamad Khairuddin Mohamed Ariffin, administrateur spécial III auprès du ministre, cabinet du premier ministre,
- M. Ahmad Shukri Al-Hilmi Ahmad Faris, secrétaire adjoint, division politique multilatérale, ministère des affaires étrangères.

Le Gouvernement de la République sud-africaine est représenté par :

- M. Zane Dangor, directeur général, ministère de la coopération et des relations internationales,
- M^{me} Nokukhanya Jele, conseillère spéciale auprès du président de la République sud-africaine, chargée des affaires juridiques et internationales,
- M. Jaymion Hendricks, conseiller juridique de l'État, droit international, ministère de la coopération et des relations internationales.

Le Gouvernement de la République algérienne démocratique et populaire est représenté par :

- S. Exc. M^{me} Salima Abdelhak, ambassadrice de la République algérienne démocratique et populaire auprès du Royaume des Pays-Bas,
- M^{me} Maya Sahli-Fadel, professeure de droit international public,

Ms Samia Bourouba, Professor of Public Law,

Ms Amina Bokreta, Minister Counsellor.

The Government of the Kingdom of Saudi Arabia is represented by:

HH Prince Jalawi Turki Al Saud, Chargé d'affaires, Embassy of the Kingdom of Saudi Arabia in the Kingdom of the Netherlands,

Mr Mohamed Saud Alnasser, General Director, General Department of Legal Affairs, Ministry of Foreign Affairs,

Mr Yazeed Aldhalaan, Counsellor, Embassy of the Kingdom of Saudi Arabia in the Kingdom of the Netherlands,

Mr Abdullah Shabnan Alshahrani, Legal Adviser, Ministry of Foreign Affairs,

Mr Waleed Abdulwahab Al-Zahrani, Third Secretary, Ministry of Foreign Affairs,

Mr Sultan Masood Almutairi, Attaché, Embassy of the Kingdom of Saudi Arabia in the Kingdom of the Netherlands,

Mr Charles L.O. Buderl, Legal Counsel.

The Government of the Kingdom of Belgium is represented by:

Mr Antoine Misonne, Legal Adviser, Director-General of Legal Affairs, Federal Public Service for Foreign Affairs, Foreign Trade and Development Co-operation,

HE Mr Olivier Belle, Permanent Representative of the Kingdom of Belgium to the International Organizations in the Kingdom of the Netherlands,

Ms Sabrina Heyvaert, General Counsel, Directorate of Public International Law, Federal Public Service for Foreign Affairs, Foreign Trade and Development Co-operation,

Ms Laurence Grandjean, Attaché, Directorate of Public International Law, Federal Public Service for Foreign Affairs, Foreign Trade and Development Co-operation,

Mr Vaios Koutroulis, Counsel, Professor of Public International Law, Faculty of Law and Criminology, Université libre de Bruxelles,

Ms Béatrice Roux, intern, Permanent Representation of the Kingdom of Belgium to the International Organizations in the Kingdom of the Netherlands,

Ms Britt Wambacq, intern, Permanent Representation of the Kingdom of Belgium to the International Organizations in the Kingdom of the Netherlands.

M^{me} Samia Bourouba, professeure de droit public,

M^{me} Amina Bokreta, ministre conseillère.

Le Gouvernement du Royaume d'Arabie saoudite est représenté par :

S. A. R. le Prince Jalawi Turki Al Saud, chargé d'affaires, ambassade du Royaume d'Arabie saoudite au Royaume des Pays-Bas,

M. Mohamed Saud Alnasser, directeur général, département général des affaires juridiques, ministère des affaires étrangères,

M. Yazeed Aldhalaan, conseiller, ambassade du Royaume d'Arabie saoudite au Royaume des Pays-Bas,

M. Abdullah Shabnan Alshahrani, conseiller juridique, ministère des affaires étrangères,

M. Waleed Abdulwahab Al-Zahrani, troisième secrétaire, ministère des affaires étrangères,

M. Sultan Masood Almutairi, attaché, ambassade du Royaume d'Arabie saoudite au Royaume des Pays-Bas,

M. Charles L. O. Buder, conseiller juridique.

Le Gouvernement du Royaume de Belgique est représenté par :

M. Antoine Misonne, juriconsulte, directeur général des affaires juridiques, service public fédéral affaires étrangères, commerce extérieur et coopération au développement,

S. Exc. M. Olivier Belle, représentant permanent du Royaume de Belgique auprès des institutions internationales sises au Royaume des Pays-Bas,

M^{me} Sabrina Heyvaert, conseillère générale, direction du droit international public, service public fédéral affaires étrangères, commerce extérieur et coopération au développement,

M^{me} Laurence Grandjean, attachée, direction du droit international public, service public fédéral affaires étrangères, commerce extérieur et coopération au développement,

M. Vaïos Koutroulis, conseil, professeur de droit international public à la faculté de droit et de criminologie de l'Université libre de Bruxelles,

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M^{me} Britt Wambacq, stagiaire, représentation permanente du Royaume de Belgique auprès des institutions internationales sises au Royaume des Pays-Bas.

The Government of the Republic of Colombia is represented by:

HE Mr Mauricio Jaramillo Jassir, Vice-Minister for Multilateral Affairs,

HE Ms Carolina Olarte Bácares, Ambassador of the Republic of Colombia to the Kingdom of the Netherlands,

Mr Jhon Jairo Camargo Motta, Director of International Legal Affairs, Ministry of Foreign Affairs,

Mr Sergio Andrés Díaz Rodríguez, Head of the Group of Treaties, Department of International Legal Affairs, Ministry of Foreign Affairs,

Mr Marco Alberto Velásquez Ruiz, Counsellor, Embassy of the Republic of Colombia in the Kingdom of the Netherlands,

Mr Raúl Alfonso Simancas Gómez, Second Secretary of Foreign Affairs, Embassy of the Republic of Colombia in the Kingdom of the Netherlands.

The Government of the Plurinational State of Bolivia is represented by:

HE Mr Roberto Calzadilla Sarmiento, Ambassador of the Plurinational State of Bolivia to the Kingdom of the Netherlands,

Ms Fabiola Cruz Moreno, Second Secretary, Embassy of the Plurinational State of Bolivia in the Kingdom of the Netherlands,

Mr Ralph Wilde, Professor of International Law, University College London, University of London,

Mr Niccolò Ridi, Senior Lecturer in Public International Law, King's College London,

Mr Christopher Ward, SC, Barrister, 6 St James Hall Chambers, associate member, 3 Verulam Buildings Barristers, member of the Bar of New South Wales,

Ms Ludovica Chiussi Curzi, Associate Professor of International Law, University of Bologna,

Mr Lorenzo Gasbarri, Assistant Professor of International Law, Sant'Anna School of Advanced Studies, Pisa.

The Government of the Federative Republic of Brazil is represented by:

HE Mr Fernando Simas Magalhães, Ambassador of the Federative Republic of Brazil to the Kingdom of the Netherlands,

Mr Marcelo Marotta Viegas, Director, Department of International Organizations, Ministry of Foreign Affairs,

Mr Juliano Rojas Maia, Minister Counsellor,

Le Gouvernement de la République de Colombie est représenté par :

S. Exc. M. Mauricio Jaramillo Jassir, vice-ministre des affaires multilatérales,

S. Exc. M^{me} Carolina Olarte Bácares, ambassadrice de la République de Colombie auprès du Royaume des Pays-Bas,

M. Jhon Jairo Camargo Motta, directeur des affaires juridiques internationales, ministère des affaires étrangères,

M. Sergio Andrés Díaz Rodríguez, chef du service des traités, département des affaires juridiques internationales, ministère des affaires étrangères,

M. Marco Alberto Velásquez Ruiz, conseiller, ambassade de la République de Colombie au Royaume des Pays-Bas,

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Le Gouvernement de l'État plurinational de Bolivie est représenté par :

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Le Gouvernement de la République fédérative du Brésil est représenté par :

S. Exc. M. Fernando Simas Magalhães, ambassadeur de la République fédérative du Brésil auprès du Royaume des Pays-Bas,

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M. Juliano Rojas Maia, ministre conseiller,

Mr Frederico Bauer, Counsellor,

Mr Gaétan Spielmann Moura, Secretary,

Ms Ana Beatriz Schwanck Fernandes, Legal Assistant.

The Government of the Republic of Chile is represented by:

HE Mr Jorge Carvajal San Martín, Ambassador of the Republic of Chile to the Kingdom of the Netherlands,

Mr Claudio Troncoso Repetto, General Director of Legal Affairs, Ministry of Foreign Affairs, Professor of International Law, University of Chile,

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Ms Paula Monsalve Espinoza, First Secretary and Legal Adviser, Embassy of the Republic of Chile in the Kingdom of the Netherlands.

The Government of the Kingdom of Spain is represented by:

HE Ms María Consuelo Femenía Guardiola, Ambassador of the Kingdom of Spain to the Kingdom of the Netherlands,

Mr Santiago Ripol Carulla, Head of the International Legal Department, Ministry of Foreign Affairs, European Union and Cooperation,

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Mr Juan Almazán Fuentes, Secretary, Embassy of the Kingdom of Spain in the Kingdom of the Netherlands.

The Government of the United States of America is represented by:

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Mr Richard C. Visek, Principal Deputy Legal Adviser, Office of the Legal Adviser, Department of State,

Mr Steven F. Fabry, Deputy Legal Adviser, Office of the Legal Adviser, Department of State,

Ms Mary Mitchell, Assistant Legal Adviser, Office of the Legal Adviser, Department of State,

Ms Maegan Conklin, Assistant Legal Adviser, Office of the Legal Adviser, Department of State,

M. Frederico Bauer, conseiller,

M. Gaétan Spielmann Moura, secrétaire,

M^{me} Ana Beatriz Schwanck Fernandes, assistante juridique.

Le Gouvernement de la République du Chili est représenté par :

S. Exc. M. Jorge Carvajal San Martín, ambassadeur de la République du Chili auprès du Royaume des Pays-Bas,

M. Claudio Troncoso Repetto, directeur général des affaires juridiques, ministère des affaires étrangères, professeur de droit international à l'Université du Chili,

M^{me} Valeria Chiappini Koscina, conseillère juridique en droit international, division des traités et des affaires législatives, ministère des affaires étrangères,

M^{me} Paula Monsalve Espinoza, première secrétaire et conseillère juridique, ambassade de la République du Chili au Royaume des Pays-Bas.

Le Gouvernement du Royaume d'Espagne est représenté par :

S. Exc. M^{me} María Consuelo Femenía Guardiola, ambassadrice du Royaume d'Espagne auprès du Royaume des Pays-Bas,

M. Santiago Ripol Carulla, chef du département des affaires juridiques internationales, ministère des affaires étrangères, de l'Union européenne et de la coopération,

M^{me} Andrea Gavela Llopis, avocate principale de l'État près la Cour de justice de l'Union européenne,

M. Juan Almazán Fuentes, secrétaire, ambassade du Royaume d'Espagne au Royaume des Pays-Bas.

Le Gouvernement des États-Unis d'Amérique est représenté par :

M. Joshua B. Simmons, haut responsable du bureau du conseiller juridique, département d'État,

M. Richard C. Visek, premier conseiller juridique adjoint, bureau du conseiller juridique, département d'État,

M. Steven F. Fabry, conseiller juridique adjoint, bureau du conseiller juridique, département d'État,

M^{me} Mary Mitchell, assistante juridique, bureau du conseiller juridique, département d'État,

M^{me} Maegan Conklin, assistante juridique, bureau du conseiller juridique, département d'État,

Ms Melinda Kuritzky, Special Assistant, Office of the Legal Adviser, Department of State,

Ms Alison Welcher, Legal Counsellor, Embassy of the United States of America in the Kingdom of the Netherlands.

The Government of the Russian Federation is represented by:

Mr Maksim Musikhin, Director, Legal Department, Ministry of Foreign Affairs,

HE Mr Vladimir Tarabrin, Ambassador of the Russian Federation to the Kingdom of the Netherlands,

Mr Ruslan Kantur, Legal Adviser, Permanent Representation of the Russian Federation to the Organisation for the Prohibition of Chemical Weapons,

Ms Victoria Stegny, Deputy Director, Department of International Organizations, Ministry of Foreign Affairs,

Mr Dmitrii Zinchenko, Expert, Legal Department, Ministry of Foreign Affairs.

The Government of the French Republic is represented by:

Mr Diégo Colas, Legal Adviser, Director of Legal Affairs, Ministry for Europe and Foreign Affairs,

HE Mr François Alabrune, Ambassador of the French Republic to the Kingdom of the Netherlands,

Mr Nabil Hajjami, Assistant Director for Public International Law, Directorate of Legal Affairs, Ministry for Europe and Foreign Affairs,

Ms Marion Esnault, Legal Adviser, Directorate of Legal Affairs, Ministry for Europe and Foreign Affairs,

Mr Hervé Ascensio, Professor, University Paris 1 Panthéon-Sorbonne,

Mr Pierre Bodeau-Livinec, Professor, University Paris Nanterre,

Mr Jean-Marc Sorel, Professor, University Paris 1 Panthéon-Sorbonne,

Mr Stéphane Louhaur, Legal Adviser, Embassy of the French Republic in the Kingdom of the Netherlands,

Ms Corinne Balleix, Adviser, Embassy of the French Republic in the Kingdom of the Netherlands,

Ms Ambre Bourdon, Chargé de mission for Legal Affairs, Embassy of the French Republic in the Kingdom of the Netherlands,

Ms Eline Boutoux, intern, Embassy of the French Republic in the Kingdom of the Netherlands.

M^{me} Melinda Kuritzky, assistante spéciale, bureau du conseiller juridique, département d'État,

M^{me} Alison Welcher, conseillère juridique, ambassade des États-Unis d'Amérique au Royaume des Pays-Bas.

Le Gouvernement de la Fédération de Russie est représenté par :

M. Maksim Musikhin, directeur du département juridique, ministère des affaires étrangères,

S. Exc. M. Vladimir Tarabrin, ambassadeur de la Fédération de Russie auprès du Royaume des Pays-Bas,

M. Ruslan Kantur, conseiller juridique de la représentation permanente de la Fédération de Russie auprès de l'Organisation pour l'interdiction des armes chimiques,

M^{me} Victoria Stegnyy, directrice adjointe du département des organisations internationales du ministère des affaires étrangères,

M. Dmitrii Zinchenko, expert, département juridique, ministère des affaires étrangères.

Le Gouvernement de la République française est représenté par :

M. Diégo Colas, juriconsulte, directeur des affaires juridiques, ministère de l'Europe et des affaires étrangères,

S. Exc. M. François Alabrune, ambassadeur de la République française auprès du Royaume des Pays-Bas,

M. Nabil Hajjami, sous-directeur du droit international public, direction des affaires juridiques, ministère de l'Europe et des affaires étrangères,

M^{me} Marion Esnault, conseillère juridique, direction des affaires juridiques, ministère de l'Europe et des affaires étrangères,

M. Hervé Ascensio, professeur à l'Université Paris 1 Panthéon-Sorbonne,

M. Pierre Bodeau-Livinec, professeur à l'Université Paris Nanterre,

M. Jean-Marc Sorel, professeur à l'Université Paris 1 Panthéon-Sorbonne,

M. Stéphane Louhaur, conseiller juridique, ambassade de la République française au Royaume des Pays-Bas,

M^{me} Corinne Balleix, conseillère, ambassade de la République française au Royaume des Pays-Bas,

M^{me} Ambre Bourdon, chargée de mission juridique, ambassade de la République française au Royaume des Pays-Bas,

M^{me} Eline Boutoux, stagiaire, ambassade de la République française au Royaume des Pays-Bas.

The Government of Hungary is represented by:

Mr Gergő Kocsis, Ambassador, Head of the United Nations Department,

HE Mr Dániel Horogszegi Szilágyi-Landeck, Ambassador Extraordinary and Plenipotentiary of Hungary to the Kingdom of the Netherlands,

Ms Enikő Petőházi, Second Counsellor, Embassy of Hungary in the Kingdom of the Netherlands.

The Government of the Republic of Indonesia is represented by:

HE Mr Sugiono, Minister for Foreign Affairs,

Mr Laurentius Amrih Jinangkung, Director General for Legal and Treaty Affairs, Ministry of Foreign Affairs,

HE Mr Mayerfas, Ambassador of the Republic of Indonesia to the Kingdom of the Netherlands,

Mr Rolliansyah Soemirat, Chief of Staff of the Office of the Minister, Ministry of Foreign Affairs,

Ms Mariska Dwianti Dhanutirto, Deputy Chief of Mission, Embassy of the Republic of Indonesia in the Kingdom of the Netherlands,

Mr Febrizki Bagja Mukti, Minister Counsellor, Embassy of the Republic of Indonesia in the Kingdom of the Netherlands,

Mr Andrea Albert Stefanus, Counsellor, Embassy of the Republic of Indonesia in the Kingdom of the Netherlands,

Mr Aloysius Selwas Taborat, Legal Counsel and Coordinator for Defence and Security Treaties, Ministry of Foreign Affairs,

Mr Rahmat Kurniawan, First Secretary, Office of the Director General for Legal and Treaty Affairs, Ministry of Foreign Affairs,

Ms Indira Kirana Dewi, Attaché, Office of the Foreign Minister,

Mr Teguh Arif Wiyono, Personal Secretary to the Minister for Foreign Affairs.

The Government of the Republic of Türkiye is represented by:

HE Mr Nuh Yılmaz, Deputy Minister for Foreign Affairs,

HE Mr Selçuk Ünal, Ambassador of the Republic of Türkiye to the Kingdom of the Netherlands,

Le Gouvernement de la Hongrie est représenté par :

M. Gergő Kocsis, ambassadeur, chef du département des Nations Unies,

S. Exc. M. Dániel Horogszegi Szilágyi-Landeck, ambassadeur extraordinaire et plénipotentiaire de la Hongrie auprès du Royaume des Pays-Bas,

M^{me} Enikő Petőházi, deuxième conseillère, ambassade de Hongrie au Royaume des Pays-Bas.

Le Gouvernement de la République d'Indonésie est représenté par :

S. Exc. M. Sugiono, ministre des affaires étrangères,

M. Laurentius Amrih Jinangkung, directeur général des affaires juridiques et relatives aux traités, ministère des affaires étrangères,

S. Exc. M. Mayerfas, ambassadeur de la République d'Indonésie auprès du Royaume des Pays-Bas,

M. Rolliansyah Soemirat, directeur du cabinet du ministre, ministère des affaires étrangères,

M^{me} Mariska Dwianti Dhanutirto, cheffe de mission adjointe, ambassade de la République d'Indonésie au Royaume des Pays-Bas,

M. Febrizki Bagja Mukti, ministre conseiller, ambassade de la République d'Indonésie au Royaume des Pays-Bas,

M. Andrea Albert Stefanus, conseiller, ambassade de la République d'Indonésie au Royaume des Pays-Bas,

M. Aloysius Selwas Taborat, conseiller juridique, coordinateur pour les traités de défense et de sécurité, ministère des affaires étrangères,

M. Rahmat Kurniawan, premier secrétaire, bureau du directeur général des affaires juridiques et relatives aux traités, ministère des affaires étrangères,

M^{me} Indira Kirana Dewi, attachée, cabinet du ministre des affaires étrangères,

M. Teguh Arif Wiyono, secrétaire personnel du ministre des affaires étrangères.

Le Gouvernement de la République de Türkiye est représenté par :

S. Exc. M. Nuh Yılmaz, vice-ministre des affaires étrangères,

S. Exc. M. Selçuk Ünal, ambassadeur de la République de Türkiye auprès du Royaume des Pays-Bas,

Mr Cüneyt Yüksel, Chairman of the Justice Commission of the Turkish Grand National Assembly, Member of Parliament,

Mr Emirhan Yorulmazlar, Head of Department, Ministry of Foreign Affairs,

Mr İsmail Emrah Karayel, Co-Chair of the Türkiye and European Union Joint Parliamentary Commission of the Grand National Assembly of Türkiye, Member of Parliament,

Mr Cahit Özkan, member of the Constitutional Commission of the Grand National Assembly of Türkiye, Member of Parliament,

Ms Gül Etkin, Chief of Section, Ministry of Foreign Affairs,

Mr Abdullah Ömeroğlu, Justice Counsellor, Embassy of the Republic of Türkiye in the Kingdom of the Netherlands,

Mr Sadık Can Perinçek, Third Secretary, Embassy of the Republic of Türkiye in the Kingdom of the Netherlands,

Mr Mehmet Tuncer, Attaché, Embassy of the Republic of Türkiye in the Kingdom of the Netherlands.

The Government of the Islamic Republic of Iran is represented by:

HE Mr Kazem Gharibabadi, Deputy Foreign Minister for Legal and International Affairs, Ministry of Foreign Affairs,

HE Mr Hadi Farajvand, Ambassador of the Islamic Republic of Iran to the Kingdom of the Netherlands,

Mr Abbas Bagherpour Ardakani, Director General for International Legal Affairs, Ministry of Foreign Affairs,

Mr Hamid Ebrahimi, Counsellor, Embassy of the Islamic Republic of Iran in the Kingdom of the Netherlands,

Mr Ali Garshasbi, Legal Expert, Department of International Legal Affairs, Ministry of Foreign Affairs.

The Government of the Hashemite Kingdom of Jordan is represented by:

Mr Marcelo Kohen, Emeritus Professor of International Law, Geneva Graduate Institute of International and Development Studies, titular member of the Institut de droit international,

Mr Eirik Bjorge, Professor of Law, University of Bristol,

Mr Alfredo Crosato Neumann, Assistant Professor of International Law, Kadir Has University, Istanbul, member of the Lima Bar,

Mr Omar Masalha, Counsellor, Deputy Head of Mission, Embassy of the Hashemite Kingdom of Jordan in the Kingdom of the Netherlands.

M. Cüneyt Yüksel, président de la commission de la justice de la Grande Assemblée nationale turque, membre du Parlement,

M. Emirhan Yorulmazlar, chef de département, ministère des affaires étrangères,

M. İsmail Emrah Karayel, coprésident de la commission parlementaire mixte de la Türkiye et de l'Union européenne de la Grande Assemblée nationale turque, membre du Parlement,

M. Cahit Özkan, membre de la commission constitutionnelle de la Grande Assemblée nationale turque, membre du Parlement,

M^{me} Gül Etkin, cheffe de service, ministère des affaires étrangères,

M. Abdullah Ömeroğlu, conseiller sur les questions de justice, ambassade de la République de Türkiye au Royaume des Pays-Bas,

M. Sadık Can Perinçek, troisième secrétaire, ambassade de la République de Türkiye au Royaume des Pays-Bas,

M. Mehmet Tuncer, attaché, ambassade de la République de Türkiye au Royaume des Pays-Bas.

Le Gouvernement de la République islamique d'Iran est représenté par :

S. Exc. M. Kazem Gharibabadi, vice-ministre des affaires étrangères chargé des affaires juridiques et internationales, ministère des affaires étrangères,

S. Exc. M. Hadi Farajvand, ambassadeur de la République islamique d'Iran auprès du Royaume des Pays-Bas,

M. Abbas Bagherpour Ardakani, directeur général des affaires juridiques internationales, ministère des affaires étrangères,

M. Hamid Ebrahimi, conseiller, ambassade de la République islamique d'Iran au Royaume des Pays-Bas,

M. Ali Garshasbi, expert juridique, département des affaires juridiques internationales, ministère des affaires étrangères.

Le Gouvernement du Royaume hachémite de Jordanie est représenté par :

M. Marcelo Kohen, professeur émérite de droit international à l'Institut de hautes études internationales et du développement de Genève, membre titulaire de l'Institut de droit international,

M. Eirik Bjorge, professeur de droit à l'Université de Bristol,

M. Alfredo Crosato Neumann, professeur adjoint de droit international à l'Université Kadir Has d'Istanbul, membre du barreau de Lima,

M. Omar Masalha, conseiller, chef de mission adjoint de l'ambassade du Royaume hachémite de Jordanie au Royaume des Pays-Bas.

The Government of the State of Kuwait is represented by:

HE Mr Abdullah AlShaheen, Ambassador of the State of Kuwait to the French Republic,

Mr Ibrahim Al-Dai, First Secretary, Chargé d'affaires, Embassy of the State of Kuwait in the Kingdom of the Netherlands,

Mr Jaber Al-Sabah, Third Secretary, Embassy of the State of Kuwait in the Kingdom of the Netherlands.

The Government of the Grand Duchy of Luxembourg is represented by:

Mr Tobias Schell, Legal Adviser, Head of the Legal Service, Ministry of Foreign and European Affairs, Defence, Co-operation and Foreign Trade,

HE Mr Mike Hentges, Ambassador of the Grand Duchy of Luxembourg to the Kingdom of the Netherlands,

Ms Elma Baković, Counsel, Legal Adviser, Legal Service, Ministry of Foreign and European Affairs, Defence, Co-operation and Foreign Trade,

Ms Charlotte Touzeau-Menoni, Counsel, Legal Adviser, Embassy of the Grand Duchy of Luxembourg in the Kingdom of the Netherlands.

The Government of the Republic of Maldives is represented by:

HE Mr Ahmed Usham, Attorney General,

Ms Amy Sander, Barrister, Essex Court Chambers, member of the Bar of England and Wales,

Ms Naomi Hart, Barrister, Essex Court Chambers, member of the Bar of England and Wales,

Ms Faena Fayyaz, Senior State Counsel, Attorney General's Office.

The Government of the United Mexican States is represented by:

HE Ms Carmen Moreno Toscano, Ambassador of the United Mexican States to the Kingdom of the Netherlands,

Mr Pablo Arrocha Olabuenaga, Legal Adviser, Ministry of Foreign Affairs,

HE Mr Joel Hernández García, Ambassador, Special Adviser to the Legal Adviser's Office, Ministry of Foreign Affairs,

Ms Alicia Patricia Perez Galeana, Head of Multilateral Legal Affairs, Embassy of the United Mexican States in the Kingdom of the Netherlands,

Mr Max Orlando Benítez Rubio, Director of International Tribunals and Organizations, Legal Adviser's Office, Ministry of Foreign Affairs.

Le Gouvernement de l'État du Koweït est représenté par :

S. Exc. M. Abdullah AlShaheen, ambassadeur de l'État du Koweït auprès de la République française,

M. Ibrahim Al-Dai, premier secrétaire, chargé d'affaires, ambassade de l'État du Koweït au Royaume des Pays-Bas,

M. Jaber Al-Sabah, troisième secrétaire, ambassade de l'État du Koweït au Royaume des Pays-Bas.

Le Gouvernement du Grand-Duché de Luxembourg est représenté par :

M. Tobias Schell, juriste, chef du service juridique, ministère des affaires étrangères et européennes, de la défense, de la coopération et du commerce extérieur,

S. Exc. M. Mike Hentges, ambassadeur du Grand-Duché de Luxembourg auprès du Royaume des Pays-Bas,

M^{me} Elma Baković, conseil, conseillère juridique au service juridique, ministère des affaires étrangères et européennes, de la défense, de la coopération et du commerce extérieur,

M^{me} Charlotte Touzeau-Menoni, conseil, conseillère juridique à l'ambassade du Grand-Duché de Luxembourg auprès du Royaume des Pays-Bas.

Le Gouvernement de la République des Maldives est représenté par :

S. Exc. M. Ahmed Usham, *Attorney General*,

M^{me} Amy Sander, *barrister*, Essex Court Chambers, membre du barreau d'Angleterre et du pays de Galles,

M^{me} Naomi Hart, *barrister*, Essex Court Chambers, membre du barreau d'Angleterre et du pays de Galles,

M^{me} Faena Fayyaz, conseillère d'État principale, bureau de l'*Attorney General*.

Le Gouvernement des États-Unis du Mexique est représenté par :

S. Exc. M^{me} Carmen Moreno Toscano, ambassadrice des États-Unis du Mexique auprès du Royaume des Pays-Bas,

M. Pablo Arrocha Olabuenaga, conseiller juridique, ministère des affaires étrangères,

S. Exc. M. Joel Hernández García, ambassadeur, conseiller spécial auprès du bureau du conseiller juridique, ministère des affaires étrangères,

M^{me} Alicia Patricia Perez Galeana, cheffe des affaires juridiques multilatérales, ambassade des États-Unis du Mexique au Royaume des Pays-Bas,

M. Max Orlando Benítez Rubio, directeur du service des organisations et tribunaux internationaux, bureau du conseiller juridique, ministère des affaires étrangères.

The Government of the Republic of Namibia is represented by:

HE Ms Mekondjo Kaapanda-Girnus, Ambassador of the Republic of Namibia to the Kingdom of Belgium, the Kingdom of the Netherlands, the Grand Duchy of Luxembourg and Mission to the European Union,

Ms Gladice Pickering, Executive Director, Office of the Prime Minister,

Ms Hilleni Tangi Shikongo, Chief Legal Officer, Office of the Attorney General,

Ms Brona Okwara, Chief Foreign Relations Officer, Ministry of International Relations and Trade,

Ms Salmi Kapena, Legal Officer, Ministry of Justice and Labour Relations,

Ms Phoebe Okowa, Professor of Public International Law, Queen Mary University of London, member of the International Law Commission, Advocate, High Court of Kenya,

Mr Miles Jackson, Associate Professor of Law, University of Oxford, member of the Bars of England and Wales and the State of New York,

Mr Icarus Chan, member of the Bar of the State of New York, Solicitor of the Senior Courts of England and Wales,

Ms Blanche Engelbrecht, Second Secretary, Political Affairs, Embassy of the Republic of Namibia in the Kingdom of Belgium, the Kingdom of the Netherlands, the Grand Duchy of Luxembourg and Mission to the European Union.

The Government of the Kingdom of Norway is represented by:

Mr Andreas Motzfeldt Kravik, State Secretary, Ministry of Foreign Affairs,

Mr Kristian Jervell, Director General, Legal Affairs Department, Ministry of Foreign Affairs,

HE Mr Rolf Einar Fife, *ambassadeur en mission spéciale*, Ministry of Foreign Affairs,

HE Mr Erling Rimestad, Ambassador of the Kingdom of Norway to the Kingdom of the Netherlands and the Grand Duchy of Luxembourg,

Ms Kristin Hefre, Minister Counsellor for Legal and Multilateral Affairs, Embassy of the Kingdom of Norway in the Kingdom of the Netherlands,

Mr Simon Torp, Adviser, Section for Treaty Law, Environmental Law and Law of the Sea, Legal Affairs Department, Ministry of Foreign Affairs,

Ms Emilie Borgen Hermann, intern, Legal and Multilateral Affairs, Embassy of the Kingdom of Norway in the Kingdom of the Netherlands.

Le Gouvernement de la République de Namibie est représenté par :

S. Exc. M^{me} Mekondjo Kaapanda-Girrus, ambassadrice de la République de Namibie auprès des Royaumes de Belgique et des Pays-Bas, du Grand-Duché de Luxembourg et de la mission auprès de l'Union européenne,

M^{me} Gladice Pickering, directrice exécutive, cabinet du premier ministre,

M^{me} Hilleni Tangi Shikongo, juriste en chef, bureau de l'*Attorney General*,

M^{me} Brona Okwara, chargée des relations extérieures, ministère des relations internationales et du commerce,

M^{me} Salmi Kapena, juriste, ministère de la justice et du travail,

M^{me} Phoebe Okowa, professeure de droit international public à l'Université Queen Mary de Londres, membre de la Commission du droit international, avocate, Haute Cour du Kenya,

M. Miles Jackson, professeur associé de droit à l'Université d'Oxford, membre des barreaux d'Angleterre et du pays de Galles, ainsi que de l'État de New York,

M. Icarus Chan, membre du barreau de l'État de New York, *Solicitor* près les juridictions supérieures d'Angleterre et du pays de Galles,

M^{me} Blanche Engelbrecht, deuxième secrétaire, affaires politiques, ambassade de la République de Namibie aux Royaumes de Belgique et des Pays-Bas, et au Grand-Duché de Luxembourg, et mission auprès de l'Union européenne.

Le Gouvernement du Royaume de Norvège est représenté par :

M. Andreas Motzfeldt Kravik, secrétaire d'État, ministère des affaires étrangères,

M. Kristian Jervell, directeur général du département des affaires juridiques, ministère des affaires étrangères,

S. Exc. M. Rolf Einar Fife, ambassadeur en mission spéciale, ministère des affaires étrangères,

S. Exc. M. Erling Rimestad, ambassadeur du Royaume de Norvège auprès du Royaume des Pays-Bas et du Grand-Duché de Luxembourg,

M^{me} Kristin Hefre, ministre conseillère aux affaires juridiques et multilatérales, ambassade du Royaume de Norvège au Royaume des Pays-Bas,

M. Simon Torp, conseiller, section du droit des traités, du droit de l'environnement et du droit de la mer, département des affaires juridiques, ministère des affaires étrangères,

M^{me} Emilie Borgen Hermann, stagiaire, affaires juridiques et multilatérales, ambassade du Royaume de Norvège au Royaume des Pays-Bas.

The Government of the Islamic Republic of Pakistan is represented by:

HE Mr Syed Haider Shah, Ambassador of the Islamic Republic of Pakistan to the Kingdom of the Netherlands,

Mr Syed Azmat Babar, Associate Lawyer, Office of the Attorney General,

Mr Cameron Miles, Legal Counsel, Barrister at Law,

Mr Jamal Nasir, Deputy Head of Mission, Embassy of the Islamic Republic of Pakistan in the Kingdom of the Netherlands,

Mr Muhammad Junaid, First Secretary, Embassy of the Islamic Republic of Pakistan in the Kingdom of the Netherlands,

Mr Muhammad Adeel, Administrative Official, Embassy of the Islamic Republic of Pakistan in the Kingdom of the Netherlands,

Mr Jiries Saadeh, Legal Counsel.

The Government of the Republic of Panama is represented by:

HE Ms Sally Loo Hui, Ambassador of the Republic of Panama to the Kingdom of the Netherlands,

Mr Fernando Gómez Arbeláez, Director of International Legal Affairs and Treaties, Ministry of Foreign Affairs,

Mr Jorge F. Corrales H., Attaché, Multilateral Affairs,

Mr Eduardo Carreño, Attaché.

The Government of the Republic of Poland is represented by:

HE Ms Margareta Kassangana, Ambassador of the Republic of Poland to the Kingdom of the Netherlands,

Mr Artur Harazim, Director, Legal and Treaty Department, Ministry of Foreign Affairs,

Mr Łukasz Kułaga, Counsellor, Legal and Treaty Department, Ministry of Foreign Affairs, Professor, Cardinal Stefan Wyszyński University,

Ms Paulina Dudzik, First Secretary and Legal Adviser, Embassy of the Republic of Poland in the Kingdom of the Netherlands,

Ms Patrycja Grzebyk, Professor, University of Warsaw.

Le Gouvernement de la République islamique du Pakistan est représenté par :

S. Exc. M. Syed Haider Shah, ambassadeur de la République islamique du Pakistan auprès du Royaume des Pays-Bas,

M. Syed Azmat Babar, avocat adjoint, bureau de l'*Attorney General*,

M. Cameron Miles, conseiller juridique, *Barrister at Law*,

M. Jamal Nasir, chef de mission adjoint, ambassade de la République islamique du Pakistan au Royaume des Pays-Bas,

M. Muhammad Junaid, premier secrétaire, ambassade de la République islamique du Pakistan au Royaume des Pays-Bas,

M. Muhammad Adeel, agent administratif, ambassade de la République islamique du Pakistan au Royaume des Pays-Bas,

M. Jiries Saadeh, conseiller juridique.

Le Gouvernement de la République du Panama est représenté par :

S. Exc. M^{me} Sally Loo Hui, ambassadrice de la République du Panama auprès du Royaume des Pays-Bas,

M. Fernando Gómez Arbeláez, directeur des affaires juridiques internationales et des traités internationaux, ministère des affaires étrangères,

M. Jorge F. Corrales H., attaché aux affaires multilatérales,

M. Eduardo Carreño, attaché.

Le Gouvernement de la République de Pologne est représenté par :

S. Exc. M^{me} Margareta Kassangana, ambassadrice de la République de Pologne auprès du Royaume des Pays-Bas,

M. Artur Harazim, directeur du département du droit et des traités, ministère des affaires étrangères,

M. Łukasz Kułaga, conseiller, département du droit et des traités, ministère des affaires étrangères, professeur à l'Université Cardinal Stefan Wyszyński,

M^{me} Paulina Dudzik, première secrétaire et conseillère juridique, ambassade de la République de Pologne au Royaume des Pays-Bas,

M^{me} Patrycja Grzebyk, professeure à l'Université de Varsovie.

The Government of the State of Qatar is represented by:

HE Mr Mutlaq Al-Qahtani, Ambassador of the State of Qatar to the Kingdom of the Netherlands,

Ms Hanadi Al-Shafai, Minister Plenipotentiary,

Mr Saad Al-Mana, First Secretary,

Ms Alanoud Al-Mohammadi, Second Secretary,

Mr Jaber Al-Kuwari, Third Secretary,

Mr Omar Nasef, Political Adviser.

The Government of the United Kingdom of Great Britain and Northern Ireland is represented by:

Ms Sally Langrish, Legal Adviser and Director General, Legal, Foreign, Commonwealth and Development Office,

HE Ms Joanna Roper, CMG, Ambassador of the United Kingdom of Great Britain and Northern Ireland to the Kingdom of the Netherlands,

Sir Michael Wood, KCMG, KC, Twenty Essex, London, member of the Bar of England and Wales,

Mr Eran Sthoeger, Litigator and Consultant in International Law, Adjunct Professor of Law, Brooklyn Law School, Lecturer in International Environmental Law, Columbia University School of Professional Studies,

Mr Jason Pobjoy, KC, Barrister, Blackstone Chambers,

Mr Edward Haxton, Legal Adviser, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands,

Ms Lucinda Stallard, Assistant Legal Adviser, Foreign, Commonwealth and Development Office,

Ms Palika Bhasin, Second Secretary, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands,

Ms Laura Grant, Policy Adviser, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands,

Ms Pauline Pfaff, Policy Adviser, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands,

Mr Jack Andrews, Support Officer, Embassy of the United Kingdom of Great Britain and Northern Ireland in the Kingdom of the Netherlands.

Le Gouvernement de l'État du Qatar est représenté par :

S. Exc. M. Mutlaq Al-Qahtani, ambassadeur de l'État du Qatar auprès du Royaume des Pays-Bas,

M^{me} Hanadi Al-Shafai, ministre plénipotentiaire,

M. Saad Al-Mana, premier secrétaire,

M^{me} Alanoud Al-Mohammadi, deuxième secrétaire,

M. Jaber Al-Kuwari, troisième secrétaire,

M. Omar Nasef, conseiller politique.

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord est représenté par :

M^{me} Sally Langrish, conseillère juridique et directrice générale, département des affaires juridiques, bureau des affaires étrangères, du Commonwealth et du développement,

S. Exc. M^{me} Joanna Roper, CMG, ambassadrice du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord auprès du Royaume des Pays-Bas,

Sir Michael Wood, KCMG, KC, cabinet Twenty Essex (Londres), membre du barreau d'Angleterre et du pays de Galles,

M. Eran Sthoeger, avocat-conseil et consultant en droit international, professeur adjoint de droit à la Brooklyn Law School, chargé de cours en droit international de l'environnement à la faculté d'études professionnelles de l'Université Columbia,

M. Jason Pobjoy, KC, *barrister*, Blackstone Chambers,

M. Edward Haxton, conseiller juridique, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas,

M^{me} Lucinda Stallard, assistante juridique, ministère des affaires étrangères, du Commonwealth et du développement,

M^{me} Palika Bhasin, deuxième secrétaire, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas,

M^{me} Laura Grant, conseillère politique, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas,

M^{me} Pauline Pfaff, conseillère politique, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas,

M. Jack Andrews, chargé de l'appui, ambassade du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord au Royaume des Pays-Bas.

The Government of the People's Republic of China is represented by:

HE Mr Xinmin Ma, Legal Adviser, Ministry of Foreign Affairs, member of the International Law Commission,

Mr Liang He, Division Director, Department of Treaty and Law, Ministry of Foreign Affairs,

Mr Xin Wei, Deputy Division Director, Department of Treaty and Law, Ministry of Foreign Affairs,

Mr Zhiyuan Cai, Attaché, Department of Treaty and Law, Ministry of Foreign Affairs,

Mr Li Chen, Professor, Fudan University,

Mr Qiang Li, Associate Professor, China University of Political Science and Law,

Ms Ni Tian, Legal Adviser, Embassy of the People's Republic of China in the Kingdom of the Netherlands,

Ms Linqi Zhang, Third Secretary, Embassy of the People's Republic of China in the Kingdom of the Netherlands,

Mr Hao Huang, Third Secretary, Embassy of the People's Republic of China in the Kingdom of the Netherlands.

The Government of the Republic of Senegal is represented by:

HE Ms Ramatoulaye Ba Faye, Ambassador of the Republic of Senegal to the Kingdom of the Netherlands,

HE Mr Coly Seck, Ambassador, Permanent Representative of the Republic of Senegal to the United Nations,

HE Ms Dieynaba Touré Bathily, Ambassador, Director of Legal and Consular Affairs, Ministry of African Integration and Foreign Affairs,

Mr Julien Ngane Ndour, Director of Human Rights, Ministry of Justice,

Mr Amadou Mbaye Guisse, Judicial Agent of the State,

Mr Makane Moïse Mbengue, Professor, Specialist in Public International Law,

Mr Jean-Marc Thouvenin, Professor, Specialist in Public International Law,

Mr Khalifa Aboubacar Diouf, First Counsellor, Embassy of the Republic of Senegal in the Kingdom of the Netherlands,

Le Gouvernement de la République populaire de Chine est représenté par :

- S. Exc. M. Xinmin Ma, conseiller juridique, ministère des affaires étrangères, membre de la Commission du droit international,
- M. Liang He, directeur de service, département des traités et du droit, ministère des affaires étrangères,
- M. Xin Wei, directeur de service adjoint, département des traités et du droit, ministère des affaires étrangères,
- M. Zhiyuan Cai, attaché, département des traités et du droit, ministère des affaires étrangères,
- M. Li Chen, professeur à l'Université de Fudan,
- M. Qiang Li, professeur associé à la China University of Political Science and Law,
- M^{me} Ni Tian, conseillère juridique, ambassade de la République populaire de Chine au Royaume des Pays-Bas,
- M^{me} Linqi Zhang, troisième secrétaire, ambassade de la République populaire de Chine au Royaume des Pays-Bas,
- M. Hao Huang, troisième secrétaire, ambassade de la République populaire de Chine au Royaume des Pays-Bas.

Le Gouvernement de la République du Sénégal est représenté par :

- S. Exc. M^{me} Ramatoulaye Ba Faye, ambassadrice de la République du Sénégal auprès du Royaume des Pays-Bas,
- S. Exc. M. Coly Seck, ambassadeur, représentant permanent de la République du Sénégal auprès des Nations Unies,
- S. Exc. M^{me} Dieynaba Touré Bathily, ambassadrice, directrice des affaires juridiques et consulaires, ministère de l'intégration africaine et des affaires étrangères,
- M. Julien Ngane Ndour, directeur des droits humains, ministère de la justice,
- M. Amadou Mbaye Guisse, agent judiciaire de l'État,
- M. Makane Moïse Mbengue, professeur, spécialiste en droit international public,
- M. Jean-Marc Thouvenin, professeur, spécialiste en droit international public,
- M. Khalifa Aboubacar Diouf, premier conseiller, ambassade de la République du Sénégal au Royaume des Pays-Bas,

Mr Alioune Touré Seck, First Counsellor, Permanent Representation of the Republic of Senegal to the United Nations,

Mr Henry Pierre Sarr, First Secretary, Embassy of the Republic of Senegal in the Kingdom of the Netherlands.

The Government of the Republic of Slovenia is represented by:

Mr Marko Rakovec, Director-General for International Law, Ministry of Foreign and European Affairs,

HE Mr Jožef Drofenik, Ambassador of the Republic of Slovenia to the Kingdom of the Netherlands,

Mr Daniel Müller, Partner, FAR Avocats, member of the Paris Bar,

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The Government of the Republic of the Sudan is represented by:

Ms Omaina Alsharief, Chargé d'affaires a.i., Embassy of the Republic of the Sudan in the Kingdom of the Netherlands,

Mr Marwan A.M. Khier, Deputy Head of Mission, Embassy of the Republic of the Sudan in the Kingdom of the Netherlands,

Mr Fabián Raimondo, Associate Professor of Public International Law, Maastricht University, member of the List of Counsel before the International Criminal Court, member of the Bar of the City of La Plata, Argentina, Counsel and Advocate,

Mr Mena Magdi Mena, Legal Adviser.

The Government of the Swiss Confederation is represented by:

Mr Franz Xaver Perrez, Head of the Directorate of International Law, Federal Department of Foreign Affairs,

Mr Clément Marquet, Legal Adviser, Directorate of International Law, Federal Department of Foreign Affairs,

Ms Sandra Caluori, Chargé d'affaires a.i., Embassy of the Swiss Confederation in the Kingdom of the Netherlands,

Mr Gian Clavadetscher, Legal Adviser, Embassy of the Swiss Confederation in the Kingdom of the Netherlands,

Ms Dorotea Avedisian, trainee, Embassy of the Swiss Confederation in the Kingdom of the Netherlands.

M. Alioune Touré Seck, premier conseiller, représentation permanente de la République du Sénégal auprès des Nations Unies,

M. Henry Pierre Sarr, premier secrétaire, ambassade de la République du Sénégal au Royaume des Pays-Bas.

Le Gouvernement de la République de Slovénie est représenté par :

M. Marko Rakovec, directeur général du droit international, ministère des affaires étrangères et européennes,

S. Exc. M. Jožef Drogenik, ambassadeur de la République de Slovénie auprès du Royaume des Pays-Bas,

M. Daniel Müller, associé au cabinet FAR Avocats, membre du barreau de Paris,

M. Helmut Hartman, conseiller juridique.

Le Gouvernement de la République du Soudan est représenté par :

M^{me} Omaila Alsharif, chargée d'affaires par intérim, ambassade de la République du Soudan au Royaume des Pays-Bas,

M. Marwan A.M. Khier, chef de mission adjoint, ambassade de la République du Soudan au Royaume des Pays-Bas,

M. Fabián Raimondo, professeur associé de droit international public à l'Université de Maastricht, membre de la liste des conseils auprès de la Cour pénale internationale, membre du barreau de la ville de La Plata (Argentine), conseil et avocat,

M. Mena Magdi Mena, conseiller juridique.

Le Gouvernement de la Confédération suisse est représenté par :

M. Franz Xaver Perrez, directeur de la direction du droit international public, département fédéral des affaires étrangères,

M. Clément Marquet, conseiller juridique, direction du droit international public, département fédéral des affaires étrangères,

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M. Gian Clavadetscher, conseiller juridique, ambassade de la Confédération suisse au Royaume des Pays-Bas,

M^{me} Dorotea Avedisian, stagiaire, ambassade de la Confédération suisse au Royaume des Pays-Bas.

The Government of the Union of the Comoros is represented by:

HE Mr Youssouf Mondoha Assoumani, Ambassador of the Union of the Comoros to the Federal Democratic Republic of Ethiopia, Permanent Representative to the African Union,

Mr Ali Mohamed Djounaid, Public Prosecutor of the Union of the Comoros,

Mr Guy-Fleury Ntwari, Doctor of Law, Consultant and former Legal Adviser to the African Union,

Ms Kiara Neri, Professor of International Law, Director of the Centre for International Law, Jean Moulin Lyon 3 University,

Mr Pierre-François Laval, Professor of Public Law, Centre for International Law, Jean Moulin Lyon 3 University,

Mr Zied Ayari, Lecturer, University of Tunis Carthage,

Ms Ali Halidi Natidja, Legal Assistant, Embassy of the Union of the Comoros in the Federal Democratic Republic of Ethiopia,

Mr Izdine Mohamed, Legal Assistant, Embassy of the Union of the Comoros in the Federal Democratic Republic of Ethiopia,

Mr Guy Bucumi, Associate Professor, Université de Sherbrooke, Assistant Professor, Royal Military College Saint-Jean, Lawyer, member of the Bar of Quebec,

Mr Criss-Dess Bienvenue, Doctor of Law, Researcher at the Centre for International Law, Jean Moulin Lyon 3 University,

Mr Hugo Peter, Doctor of Law, Researcher at the Centre for International Law, Jean Moulin Lyon 3 University,

Ms Liliana Haquin, Doctor of Law, Researcher at the Centre for International Law, Jean Moulin Lyon 3 University,

Mr Olivier Afogo, PhD candidate, Centre for International Law, Jean Moulin Lyon 3 University and Université de Montréal,

Ms Anna Pedrajas, PhD candidate, Centre for International Law, Jean Moulin Lyon 3 University,

Ms Constance Barrière, PhD candidate, Centre for International Law, Jean Moulin Lyon 3 University,

Mr Millian Portet, PhD candidate, Centre for International Law, Jean Moulin Lyon 3 University,

Mr Guillaume Garnier, PhD candidate, Centre for International Law and for Constitutional Law, Jean Moulin Lyon 3 University,

Ms Sarra Sfaxi, PhD candidate, Centre for International Law, Jean Moulin Lyon 3 University and University of Sousse,

Le Gouvernement de l'Union des Comores est représenté par :

S. Exc. M. Youssouf Mondoha Assoumani, ambassadeur de l'Union des Comores auprès de la République fédérale démocratique d'Éthiopie et représentant permanent auprès de l'Union africaine,

M. Ali Mohamed Djounaid, procureur général de l'Union des Comores,

M. Guy-Fleury Ntwari, docteur en droit, consultant et ancien conseiller juridique de l'Union africaine,

M^{me} Kiara Neri, professeure de droit international, directrice du centre de droit international de l'Université Jean Moulin Lyon 3,

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M. Izdine Mohamed, assistant juridique, ambassade de l'Union des Comores de la République fédérale démocratique d'Éthiopie,

M. Guy Bucumi, professeur associé à l'Université de Sherbrooke, professeur adjoint au Collège militaire royal Saint-Jean, avocat, barreau du Québec,

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M. Millian Portet, doctorant au centre de droit international de l'Université Jean Moulin Lyon 3,

M. Guillaume Garnier, doctorant au centre de droit international et de droit constitutionnel de l'Université Jean Moulin Lyon 3,

M^{me} Sarra Sfaxi, doctorante au centre de droit international de l'Université Jean Moulin Lyon 3 et à l'Université de Sousse,

Mr Thierry Abessolo Oyono, PhD candidate, Centre for International Law, Jean Moulin Lyon 3 University,

Ms Valeryia Bichun, Jean Moulin Lyon 3 University,

Ms Lou Boudet, Jean Moulin Lyon 3 University,

Ms Ambrine El Fathi, Jean Moulin Lyon 3 University,

Ms Zourha Jadwa, Jean Moulin Lyon 3 University.

The Government of the Republic of Tunisia is represented by:

HE Mr Skander Denguezli, Ambassador of the Republic of Tunisia to the Kingdom of the Netherlands,

Ms Hanin Ben Jrad, Minister Plenipotentiary, Director of International Peace and Security, Ministry of Foreign Affairs,

Ms Nabila Rezgui, Minister Plenipotentiary, Embassy of the Republic of Tunisia in the Kingdom of the Netherlands,

Ms Aicha Ayari, Foreign Affairs Counsellor, Embassy of the Republic of Tunisia in the Kingdom of the Netherlands.

The Government of the Republic of Vanuatu is represented by:

Mr Arnold Kiel Loughman, Attorney General,

Ms Lee-Anne Sackett, Director of International Legal Affairs, Climate Justice Program, member of the Permanent Court of Arbitration,

Mr Dreli Solomon, First Secretary, Chargé d'affaires, Mission of the Republic of Vanuatu to the European Union, the Kingdom of Belgium and the United Kingdom of Great Britain and Northern Ireland,

Ms Margaretha Wewerinke-Singh, Counsel, Professor, University of Amsterdam, University of Fiji, member of the Permanent Court of Arbitration.

The League of Arab States is represented by:

Mr Abdel Hakim El Rifai, Minister Plenipotentiary,

Mr Mutassemlah Alshawwa, Palestine Desk Officer,

Mr Mohamed Helal, Counsellor and Legal Adviser.

M. Thierry Abessolo Oyono, doctorant au centre de droit international de l'Université Jean Moulin Lyon 3,

M^{me} Valeryia Bichun, Université Jean Moulin Lyon 3,

M^{me} Lou Boudet, Université Jean Moulin Lyon 3,

M^{me} Ambrine El Fathi, Université Jean Moulin Lyon 3,

M^{me} Zourha Jadwa, Université Jean Moulin Lyon 3.

Le Gouvernement de la République tunisienne est représenté par :

S. Exc. M. Skander Denguezli, ambassadeur de la République tunisienne auprès du Royaume des Pays-Bas,

M^{me} Hanin Ben Jrad, ministre plénipotentiaire, directrice de la paix et de la sécurité internationales, ministère des affaires étrangères,

M^{me} Nabila Rezgui, ministre plénipotentiaire, ambassade de la République tunisienne auprès du Royaume des Pays-Bas,

M^{me} Aicha Ayari, conseillère des affaires étrangères, ambassade de la République tunisienne auprès du Royaume des Pays-Bas.

Le Gouvernement de la République de Vanuatu est représenté par :

M. Arnold Kiel Loughman, *Attorney General*,

M^{me} Lee-Anne Sackett, directrice des affaires juridiques internationales, programme relatif à la justice climatique, membre de la Cour permanente d'arbitrage,

M. Dreli Solomon, premier secrétaire, chargé d'affaires, mission de la République de Vanuatu auprès de l'Union européenne, du Royaume de Belgique et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord,

M^{me} Margaretha Wewerinke-Singh, conseil, professeure à l'Université d'Amsterdam et à l'Université des Fidji, membre de la Cour permanente d'arbitrage.

La Ligue des États arabes est représentée par :

M. Abdel Hakim El Rifai, ministre plénipotentiaire,

M. Mutassembelah Alshawwa, spécialiste de la Palestine,

M. Mohamed Helal, conseil et conseiller juridique.

The Organisation of Islamic Cooperation is represented by:

HE Mr Samir Bakr, Assistant Secretary-General for Palestine and Al-Quds Affairs,

HE Mr Abdulkhaleq Al Yafei, Permanent Observer of the Organisation of Islamic Cooperation to the European Union, Brussels,

HE Mr Ali Goutali, Adviser to the Secretary-General for Palestine and Al-Quds Affairs,

Ms Monique Chemillier-Gendreau, Legal Counsel,

Ms Raphaëlle Nollez-Goldbach, Legal Counsel,

Ms Juliette Chemillier, Assistant to Legal Counsel.

The African Union is represented by:

Ms Hajer Gueldich, Legal Counsel,

Mr Mamadou Hébié, Associate Professor of International Law, Leiden University, member of the Permanent Court of Arbitration, member of the Bar of the State of New York,

Mr Olatoundji Francis Adanlao, Legal Officer,

Ms Meseret Fassil Assefa, Associate Legal Officer,

Mr Sâ Benjamin Traoré, Associate Professor of Public Law, Faculty of Governance, Economics and Social Sciences, Mohamed VI Polytechnic University, Rabat,

Mr Idriss Paul-Armand Fofana, Assistant Professor of Law, Harvard Law School, member of the Bar of the State of New York,

Mr Icarus Chan, member of the Bar of the State of New York, Solicitor of the Senior Courts of England and Wales.

L'Organisation de la coopération islamique est représentée par :

S. Exc. M. Samir Bakr, secrétaire général adjoint pour les affaires de la Palestine et d'Al-Qods,

S. Exc. M. Abdulkhaleq Al Yafei, observateur permanent de l'Organisation de la coopération islamique auprès de l'Union européenne, Bruxelles,

S. Exc. M. Ali Goutali, conseiller du secrétaire général pour les affaires de la Palestine et d'Al-Qods,

M^{me} Monique Chemillier-Gendreau, conseillère juridique,

M^{me} Raphaëlle Nollez-Goldbach, conseillère juridique,

M^{me} Juliette Chemillier, assistante des conseillers juridiques.

L'Union africaine est représentée par :

M^{me} Hajer Gueldich, conseillère juridique,

M. Mamadou Hébié, professeur associé de droit international à l'Université de Leyde, membre de la Cour permanente d'arbitrage, membre du barreau de l'État de New York,

M. Olatoundji Francis Adanlao, juriste,

M^{me} Meseret Fassil Assefa, juriste adjointe,

M. Sâ Benjamin Traoré, professeur associé de droit public à la faculté de gouvernance, sciences économiques et sociales de l'Université Mohamed VI Polytechnique, Rabat,

M. Idriss Paul-Armand Fofana, professeur adjoint de droit à la faculté de droit de l'Université de Harvard, membre du barreau de l'État de New York,

M. Icarus Chan, membre du barreau de l'État de New York, *Solicitor* près les juridictions supérieures d'Angleterre et du pays de Galles.

The PRESIDENT: Please be seated. The sitting is open.

For reasons duly made known to me, Judges Yusuf and Aurescu will not be sitting in these proceedings.

With this morning's sitting, the Court begins one week of hearings on the request for an advisory opinion submitted to it by the General Assembly of the United Nations on the question of the *Obligations of Israel in relation to the Presence and Activities of the United Nations, Other International Organizations and Third States in and in relation to the Occupied Palestinian Territory*.

I shall now recall the principal steps in the present advisory proceedings.

On 19 December 2024, by resolution 79/232, the General Assembly of the United Nations decided to request an advisory opinion from the Court. The text of the resolution was transmitted to the Court by a letter from the Secretary-General of the United Nations dated 20 December 2024 and received in the Registry on 23 December 2024. I shall ask the Registrar to read the question on which the Court is asked to render an advisory opinion.

The REGISTRAR:

“What are the obligations of Israel, as an occupying Power and as a member of the United Nations, in relation to the presence and activities of the United Nations, including its agencies and bodies, other international organizations and third States, in and in relation to the Occupied Palestinian Territory, including to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance, for the benefit of the Palestinian civilian population, and in support of the Palestinian people's right to self-determination?”

The PRESIDENT: In accordance with Article 66, paragraph 1, of the Statute, the Registrar gave notice of the request for an advisory opinion to all States entitled to appear before the Court.

By an Order dated 23 December 2024, the President of the Court decided that the United Nations and its Member States, as well as the observer State of Palestine, were likely to be able to furnish information on the question submitted to the Court for an advisory opinion, and fixed 28 February 2025 as the time-limit within which written statements on the question might be presented to the Court, in accordance with Article 66, paragraph 2, of the Statute.

Pursuant to Article 65, paragraph 2, of the Statute, on 30 January 2025, the Secretariat of the United Nations communicated to the Court a dossier of documents likely to throw light upon the question formulated by the General Assembly. Additional documents were transmitted to the Court under the same provision on 10 February 2025, 20 February 2025 and 19 March 2025. The complete dossier has been published on the Court's website.

Ruling on requests from the Organisation of Islamic Cooperation, the League of Arab States and the African Union, the Vice-President, Acting President, decided, in accordance with Article 66 of the Statute, that those three international organizations were likely to be able to furnish information on the request submitted to the Court. They were therefore authorized to submit written statements within the time-limits fixed by the President of the Court and participate in the oral proceedings. They were also informed that the dossier of documents communicated by the Secretariat of the United Nations had been posted on the Court's website.

By communications dated 6 February 2025, the Registry informed the United Nations, its Member States and the observer State of Palestine, as well as the international organizations authorized to participate in the proceedings, that the Court had decided to hold public hearings on the request for an advisory opinion, which would open on 28 April 2025. The addressees were further invited to inform the Registry, by 17 March 2025, if they intended to take part in those hearings.

Within the time-limit of 28 February 2025, written statements were filed in the Registry by 41 States, the United Nations and two other international organizations. In addition, the Court decided, on an exceptional basis, to authorize the filing of the written statement of the African Union after the expiry of the relevant time-limit.

The United Nations, its Member States, the observer State of Palestine, as well as the organizations authorized to participate in the proceedings, were duly informed of the list of participants having filed written statements and provided with a link to a web portal managed by the Registry from where those documents could be downloaded.

The list of participants in the oral proceedings and the schedule of those hearings were communicated to the States and international organizations taking part in them. The participants were also informed of certain practical arrangements relating to the organization of the oral proceedings.

The schedule for the hearings was also transmitted to the Member States of the United Nations which were not taking part in the hearings, and subsequently posted on the Court's website.

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This morning, the Court will hear a 30-minute presentation by the United Nations. This will be followed by the first part of Palestine's oral statement. Palestine will complete its oral statement this afternoon and will be followed by Egypt and Malaysia. Palestine has been allocated a total of three hours of speaking time, Egypt 45 minutes, and all the other participants will speak for a maximum of 30 minutes each.

Before inviting the first delegation to address the Court, I would add that, in accordance with Article 106 of the Rules of Court, the Court has decided to make the written statements submitted to it accessible to the public after the opening of the oral proceedings. The written statements of States not taking part in the oral proceedings will be made accessible to the public on the first day of the oral proceedings. The written statements of States and organizations taking part in the oral proceedings will be made accessible at the end of the day on which they present their oral statements. The written statements in question will be posted on the Court's website.

Let me also take this opportunity to explain the procedure that will be followed in the event of questions being put by Members of the Court to participants in these proceedings. Such questions will be asked at the close of the hearings, on the afternoon of Friday 2 May 2025, after the last delegation has completed its presentation. The written text of such questions will be transmitted to the participants by the Registrar. Written replies should be provided by Wednesday 7 May 2025, at 6 p.m. No written comments on these replies are envisaged.

I now give the floor to the United Nations and I invite Ms Elinor Hammar skjöld, Legal Counsel of the United Nations, to the podium. Madam, you have the floor.

Ms HAMMARSKJÖLD:

**STATEMENT ON BEHALF OF THE SECRETARY-GENERAL
OF THE UNITED NATIONS**

1. Thank you, Mr President. Mr President, Members of the Court, it is a great honour for me to appear in front of you on behalf of the Secretary-General of the United Nations in the context of this request for an advisory opinion.

2. At the outset, I want to underline that the Secretary-General is making every effort to alleviate and bring to an end the ongoing and persistent human suffering of the population in Israel and the Occupied Palestinian Territory, including the hostages and their families and all those affected by the ongoing armed conflict. There is an urgent need to return to a ceasefire, and for the parties to respect their obligations under international law.

3. The Secretary-General has consistently reiterated his strong and unequivocal condemnation of the abhorrent acts of terror by Hamas and other Palestinian armed groups on 7 October 2023. He has also repeatedly called for all the hostages to be released immediately and unconditionally.

4. No humanitarian aid or commercial goods have been allowed into Gaza since 2 March, which has devastating humanitarian consequences in the Gaza Strip. The Secretary-General continues to call for humanitarian aid to reach all people in need.

5. As I stand before you, 295 United Nations personnel have died in Gaza since 7 October 2023.

6. Mr President, the request in General Assembly resolution 79/232 that the Court render an advisory opinion focuses on the obligations of the State of Israel. This statement will therefore do likewise. Before doing so, I want to reiterate that all parties to a conflict must comply with all their obligations under international law, including international humanitarian law and international human rights law, at all times. In the context of the situation in Israel and the Occupied Palestinian Territory, Israel, the State of Palestine and non-State actors, including Palestinian armed groups such as Hamas, have obligations under international law that must be observed.

7. Monsieur le président, Mesdames et Messieurs les juges, l'objectif de cet exposé oral est d'assister la Cour dans le cadre de la présente procédure consultative portant sur les obligations d'Israël, en tant que puissance occupante et Membre des Nations Unies, en ce qui concerne la

présence et les activités des Nations Unies dans le Territoire palestinien occupé et en lien avec celui-ci.

8. Les Nations Unies ont un intérêt spécial et direct dans cette procédure.

9. Des informations détaillées ont déjà été fournies dans l'exposé écrit sur la présence et les activités des 13 entités des Nations Unies¹ qui se trouvent sur le Territoire palestinien occupé ; je ne répéterai donc pas cette information aujourd'hui. Je me limiterai à rappeler que toutes ces entités sont des organes subsidiaires des Nations Unies au sens de la Charte, ou font partie du Secrétariat des Nations Unies. Je souligne à cet égard que le statut de ces entités est irréfutable.

10. Ces entités sont engagées dans la « fourniture sans entrave d'articles de première nécessité essentiels à la survie de la population civile palestinienne ». Aussi, dans certains cas, ces entités sont engagées dans la fourniture de « services de base et d'une aide humanitaire et d'une aide au développement, dans l'intérêt de la population civile palestinienne et à l'appui du droit du peuple palestinien à l'autodétermination ».

11. Aujourd'hui, mes propos seront exposés de la manière suivante :

- En premier lieu, je me référerai aux obligations d'Israël en tant que puissance occupante.
- En second lieu, je me référerai aux obligations d'Israël en tant que Membre des Nations Unies.

I. Legal obligations of Israel as the occupying Power

12. Mr President, Members of the Court, I will now elaborate on the obligations of Israel as an occupying Power. After making initial preliminary remarks, I will turn to three specific issues: (1) the scope of relief schemes under the Fourth Geneva Convention; (2) the limitations on the authority of the occupying Power to administer an occupied territory; and (3) the protection of humanitarian, medical and United Nations personnel in general.

¹ The thirteen entities are: the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Human Settlements Programme (UN-Habitat), the United Nations Mine Action Service (UNMAS) of the Department of Peace Operations, the United Nations Office for Project Services (UNOPS), the United Nations Office on Drugs and Crime (UNODC), the United Nations Population Fund (UNFPA), the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Special Coordinator for the Middle East Process (UNSCO), and the World Food Programme (WFP).

13. Israel has several obligations in relation to the presence and activities of the United Nations in the Occupied Palestinian Territory by virtue of its status as the occupying Power. These obligations include the following obligations under international humanitarian law:

- the overarching obligation to administer the territory for the benefit of the local population;
- the obligation to agree to and facilitate relief schemes;
- the obligation to facilitate the proper working of all institutions devoted to the care and education of children; and
- the obligation to maintain the medical and hospital establishments and services, including those set up by United Nations entities.

14. In the specific context of the current situation in the Occupied Palestinian Territory, these obligations entail allowing and facilitating all relevant United Nations entities to carry out those activities for the benefit of the local population.

15. In addition to international humanitarian law obligations, international human rights law obligations are also applicable to the conduct of Israel with regard to the Occupied Palestinian Territory. This includes respecting the decisions of the representative of the Palestinian people to receive basic goods and services from the United Nations entities in order to fully enjoy their right to self-determination. Israel is bound to respect the decision of the Palestinian people on the manner in which the dependence of the West Bank, including East Jerusalem, and Gaza on Israel for the provision of basic goods and services should be reduced. Israel has the obligation to render assistance to such activities of the United Nations.

16. Mr President, Members of the Court, against this background of an overarching framework, I would like now to more specifically address three points of international humanitarian law.

17. First, I would like to address the scope of relief schemes under Article 59 of the Fourth Geneva Convention. I recall that, under Article 59, the occupying Power is required to agree to relief schemes and facilitate them, if the whole or part of the population of an occupied territory is inadequately supplied.

18. Article 59 refers to “relief schemes” in general.

19. The plain terms of Article 59 do not limit relief schemes to objects that are urgently needed for the survival of the civilian population.

20. Article 59, paragraph 2, specifically refers to foodstuffs, medical supplies and clothing. These are examples of relief supplies, and do not constitute an exhaustive list of objects that constitute relief schemes.

21. The content of relief schemes depends on the needs of the population of an occupied territory. The legal obligation covers those needs that have to be addressed immediately. For example, when a large number of a population is displaced due to military operations, relief schemes would comprise items that are essential to address their immediate needs, such as food, water, shelter and hygiene facilities.

22. The definition should also be understood to cover needs which may be more long-term, in particular in cases of prolonged occupation. For example, relief schemes to address long-term needs may include items that are essential for the construction and repair of certain infrastructures, including medical and sanitation facilities, and items and services to eradicate poverty.

23. Therefore, the needs of the population in an occupied territory could evolve depending on the nature and duration of the occupation. And relief schemes need to be adapted to the evolving needs. The occupying Power must agree to such relief schemes, as adapted, and facilitate them.

24. Second, the authority of the occupying Power to administer an occupied territory must be exercised in a manner that is consistent with international humanitarian law.

25. Any measures taken by the occupying Power to ensure its security must be exercised in a manner that would not deny impartial humanitarian organizations such as the United Nations the ability to carry out relief schemes, while part of the population of an occupied territory continues to be inadequately supplied.

26. In instances where the occupying Power has concerns with the impartiality of a humanitarian organization, the occupying Power may not unilaterally declare that such humanitarian organization is not impartial, and deny its relief schemes. Such concerns must be addressed in consultation with the humanitarian organization concerned. I will elaborate on this point later.

27. Third, under international law, including international humanitarian law, humanitarian relief personnel, medical personnel and United Nations personnel must be respected and protected.

28. As such, attacks may not be directed against such personnel, as long as they are entitled to the protection given to civilians under international humanitarian law.

29. At every stage of the conduct of military operations, all feasible precautions must be taken to avoid, and in any event to minimize, incidental casualties to humanitarian, medical and United Nations personnel.

30. They must be treated humanely and must not be subjected to harassment or intimidation.

31. They are also protected by international human rights law. As such, they must not be subjected to arbitrary arrest or detention.

32. United Nations personnel, including those who carry out humanitarian and medical work for the United Nations, are also accorded particular status under the Charter of the United Nations and the Convention on the Privileges and Immunities of the United Nations, to which Israel is a party. Consistently with their status as United Nations officials or experts, United Nations personnel may not be attacked, arrested or detained or subjected to any form of legal process in connection with their official functions.

33. Privileges and immunities are granted to United Nations personnel in the interests of the Organization. Interference with their functions impedes the activities of the United Nations as an Organization.

II. Legal obligations of Israel as a Member of the United Nations

34. Mr President, Members of the Court, I will now move on to the second part of my statement, which concerns Israel's obligations as a Member of the United Nations.

35. I will start by recalling the unlawfulness of Israel's continued presence in the Occupied Palestinian Territory and the relevance of this to the present proceedings.

36. I will then recall the general obligations arising from the Charter and the 1946 Convention on the Privileges and Immunities of the United Nations, which I shall refer to in my statement as the "General Convention".

37. I will then specifically discuss (1) the inviolability of United Nations premises, (2) the general obligation of co-operation with the United Nations, and (3) the issue of the impartiality of certain United Nations entities.

38. Mr President, Members of the Court, I will now turn to the first point: the unlawfulness of Israel's continued presence in the Occupied Palestinian Territory and the relevance of this to the present proceedings.

39. Under international law, States, including Members of the United Nations, are prohibited from acquiring territory by force. In the Advisory Opinion of 19 July 2024, this Court concluded that Israel's assertion of sovereignty over and its annexation of certain parts of the Occupied Palestinian Territory constitute a violation of the prohibition of the acquisition of territory by force. On this basis, the Court has authoritatively determined that Israel is not entitled to sovereignty over or to exercise sovereign powers in any part of the Occupied Palestinian Territory on account of its occupation.

40. The enactment of the "Law to Cease UNRWA Operations" and of the "Law to Cease UNRWA Operations in the Territory of the State of Israel" by the Knesset of Israel on 28 October 2024 appears to constitute an extension of sovereignty over — or exercise sovereign powers in — the Occupied Palestinian Territory, including East Jerusalem.

41. The same can be stated regarding any measures taken on the basis of those laws and other applicable Israeli law in the Occupied Palestinian Territory, including East Jerusalem.

42. They are, as such, inconsistent with Israel's obligations under international law.

43. In so far as the "Law to Cease UNRWA Operations in the Territory of the State of Israel", among other effects, prevents UNRWA operations in East Jerusalem, which Israel considers to be part of the territory of the State of Israel, the enactment and implementation of this law is also inconsistent with the international legal status of East Jerusalem.

44. I will now turn to certain general obligations under the Charter.

45. The present proceedings are crucial because they will afford the opportunity to clarify certain fundamental elements of the legal framework applicable to the United Nations.

46. The status of Israel as a Member of the United Nations entails several legal obligations concerning the presence and activities of the United Nations in and in relation to the Occupied Palestinian Territory. These obligations are all essential for the Organization to properly function and perform the mandates it has been entrusted by its Member States.

47. The “exclusively international character” of these functions and mandates is enshrined in Article 100 of the Charter. When the basic elements of this legal framework are not observed, the very nature of the work of the Organization on behalf of its Member States is in jeopardy.

48. The basic elements of the legal framework of the United Nations include:

- general principles of good faith and co-operation with the Organization;
- obligations concerning the safety and security of United Nations premises, property, assets and personnel; and
- more specifically, obligations concerning the privileges and immunities of the United Nations and its premises, property, assets and personnel.

49. Regarding these, I wish to note that the Charter confers certain privileges and immunities to the Organization so that it may fulfil its purposes, as Article 105 of the Charter makes clear. Such privileges and immunities are applicable to all entities that are integral to the United Nations, including its subsidiary organs such as UNRWA, which was established by the General Assembly as its subsidiary organ.

50. In the written statement of the Secretary-General, the obligations stemming from the Charter and from the General Convention were elaborated in detail.

51. These principles are well set in law and practice. In this regard, I welcome the fact that a clear majority of Member States having submitted written statements appear to agree on the importance of the privileges and immunities of the Organization and its personnel.

52. Today, I wish to underline, before turning to certain specific points, the importance for United Nations operations of the obligation to uphold the immunity from legal process of the United Nations and its personnel, irrespective of which United Nations entity they may be assigned to.

53. Equally important is the obligation to facilitate the movement of supplies, goods and equipment of the United Nations and the freedom of movement of its personnel.

54. Particularly since the end of January this year, United Nations operations on the ground, specifically for UNRWA, have faced increasingly difficult conditions. Following the enactment and implementation of the Knesset Laws, the issuance of visas to United Nations personnel has been further denied or restricted, and actions have been taken against UNRWA personnel in connection

with their duties for the Organization, there has been unauthorized entry into UNRWA schools and orders for their closure have been issued, notwithstanding the ongoing mandate for UNRWA activities.

55. In this regard, it is necessary to uphold the privileges and immunities of the United Nations and its personnel. As set out in documents contained in the dossier provided to the Court, violations of these obligations have occurred². Differences arising out of the interpretation or application of the General Convention may result in a situation in which a difference under the General Convention has arisen between the United Nations and Israel.

56. Mr President, Members of the Court, I would like now to elaborate more specifically on three points.

57. First, I wish to emphasize the absolute and mandatory obligation to respect the inviolability of United Nations premises, property and assets at all times, including during armed conflict, in accordance with international law.

58. Article II, Section 3, of the General Convention provides that the “premises of the United Nations shall be inviolable”; also, that the “property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action”.

59. Consistently with this provision, inviolability entails that State agents may not enter or otherwise physically penetrate or physically interfere with the United Nations premises without the prior consent of the United Nations. It also entails a duty on the part of the State to take all appropriate measures to prevent the United Nations premises being entered or otherwise physically penetrated, damaged or interfered with by other actors.

60. State officials, including members of the armed forces and domestic law enforcement authorities, may not enter United Nations premises without authorization by the United Nations. Any other form of interference is also prohibited by Article II, Section 3, of the General Convention.

² For instance, dossier Nos. N295, N296, N298, N299, N303, N305, N309, N310 and N311.

61. These obligations therefore also prohibit any State authorities, including a State's armed forces or security forces, from hitting, damaging or attacking United Nations premises, property and assets. There are no stated qualifications to, or limitations on, inviolability in the General Convention and other relevant agreements. There is no reference to inviolability being merely "functional" in nature, as is the case for certain other provisions in the General Convention; nor is there any reference in the General Convention to situations of armed conflict, civil unrest or other emergency situations as constituting possible limitations on such inviolability.

62. The respect for the inviolability of United Nations premises, property and assets is an indispensable precondition for the Organization to be able to implement its mandated activities all over the world, including in the Occupied Palestinian Territory.

63. Serious breaches of international law have been committed by parties to the ongoing conflict. But a breach by one party does not excuse breaches by other parties.

64. I will now refer to the second point: the general principles that enshrine obligations of co-operation with the United Nations.

65. It is from the Preamble of the Charter that we derive the notion that Member States have committed to "combin[ing] [their] efforts" to accomplish the aims of the Organization. Among the Principles set out in Article 2 of the Charter is that "[a]ll Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter".

66. Another of the Principles is set out in Article 2, paragraph 5, of the Charter, which requires, in its first part, that "[a]ll Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter".

67. Consistently with the Court's interpretation of Article 2, paragraph 5, of the Charter in its Advisory Opinion concerning *Reparation for Injuries Suffered in the Service of the United Nations*, in the practice of the Secretariat, Article 2, paragraph 5, of the Charter has generally been interpreted as meaning that Member States are required to provide every assistance to United Nations entities to ensure the effective implementation of their mandates. In this context, it has been generally relied upon when calling upon States to comply with their obligations under Article 105 of the Charter and the General Convention.

68. In the present case, the United Nations “action” consists of the activities carried out by a number of United Nations entities in the Occupied Palestinian Territory. Such activities are carried out consistent with resolutions of the Security Council and the General Assembly and with mandates provided by various United Nations bodies, in a context in which this Court has authoritatively held that Israel is not entitled to sovereignty or to exercise sovereign powers. In these circumstances, Article 2, paragraph 5, of the Charter is directly relevant in the context of Israel’s responsibilities vis-à-vis the presence and activities of the United Nations in and in relation to the Occupied Palestinian Territory, in accordance with international law, including other provisions of the Charter.

69. Finally, my third point, referred to in certain written submissions, relates to allegations that have been raised as to the impartiality of certain United Nations entities.

70. The United Nations considers very seriously any credible allegations against the Organization, including those involving its personnel or misuse of its premises. Any such concerns must be brought to the attention of the Organization so that the matter may be considered by the United Nations in accordance with its legal framework, including the privileges and immunities of the Organization and its personnel.

71. The Organization has established a framework to address and investigate specific allegations of incidents brought to its attention, which is in line with the status, privileges and immunities of the United Nations. With regard to allegations against United Nations personnel, the regulatory frameworks of the United Nations require such allegations to be confirmed through an internal administrative investigation, which may include referring the allegations to the Office of Internal Oversight Services (OIOS) for investigation³.

72. The ability of the United Nations to further inquire into allegations depends on the full co-operation of Member States, including the provision of relevant documents and materials, without which the Organization may not have sufficient basis to take further action in specific cases.

73. Where concerns relate to broader issues, the Organization has taken further steps to review the matter. For example, following allegations that have been raised against UNRWA and its personnel, UNRWA and OIOS have taken steps to investigate those allegations in line with the

³ The Office of Internal Oversight Services (OIOS) is the internal oversight body of the United Nations. It was established by General Assembly resolution 48/218 B, adopted on 29 July 1994.

Organization's regulatory framework and continue to do so. In response to Israel's concerns regarding the neutrality of UNRWA personnel more broadly, the Secretary-General appointed the former Foreign Minister of France, Catherine Colonna, to lead an independent review to assess whether UNRWA was doing everything within its power to ensure neutrality and respond to allegations of serious neutrality breaches when they are made. The Secretary-General and UNRWA have expressed their commitment to fully implementing the review's recommendations, with the support of Member States. We note that such steps have been welcomed by the General Assembly⁴ and by a number of Member States in their written submissions for these proceedings.

74. Monsieur le président, Mesdames et Messieurs les juges, je conclus, en rappelant qu'Israël continue à lancer des frappes dévastatrices sur Gaza, des frappes qui continuent d'emporter la vie de nombreux civils, y compris du personnel des Nations Unies. En outre, aucune aide humanitaire n'a été autorisée à rentrer dans la bande de Gaza depuis début mars.

75. En conséquence, le Secrétaire général a pris la décision difficile de réduire la présence de l'Organisation dans la bande de Gaza, alors même que les besoins humanitaires augmentent massivement et que notre inquiétude par rapport à la protection des civils croît.

76. L'Organisation des Nations Unies est déterminée à exercer ses mandats dans le Territoire palestinien occupé, y compris Gaza, notamment en fournissant aux civils l'aide dont ils ont besoin afin d'assurer leur survie.

77. Pour que les entités des Nations Unies puissent exercer leurs fonctions, toutes les parties au conflit doivent pleinement respecter leurs obligations en vertu du droit international, y compris l'obligation de protéger l'inviolabilité absolue des locaux des Nations Unies et l'obligation de garantir le respect de l'indépendance et du statut du personnel des Nations Unies.

78. À cet égard, le respect par Israël de ses obligations en vertu du droit international est indispensable pour l'exercice par les entités des Nations Unies de leurs mandats dans le Territoire palestinien occupé et en lien avec celui-ci.

⁴ General Assembly resolution ES-10/25, 11 December 2024, para. 17.

79. Un tel respect du droit international est tout aussi indispensable pour la protection des civils et pour que les collègues des Nations Unies continuent à travailler pour sauver la vie de civils sans faire face à des risques intolérables.

80. Le respect du droit international par toutes les parties prenantes demeure la seule option possible pour une paix durable, ainsi que pour la sécurité et la justice des Israéliens et des Palestiniens.

81. Monsieur le président, Mesdames et Messieurs les juges, je vous remercie pour votre attention.

The PRESIDENT: I thank Ms Elinor Hammarhjöld. I now invite the next participating delegation, Palestine, to address the Court and I call His Excellency Ambassador Ammar Hijazi to the podium. You have the floor, Excellency.

Mr HIJAZI:

1. OPENING STATEMENT

1. Mr President, Members of the Court, it is an honour for me to present Palestine today and its proud people in these proceedings at a time of existential crisis for the Palestinian people and for the rule of international law. On behalf of Palestine's delegation, I wish to congratulate you, Mr President, on your election as President of the Court, and to wish you success in your tenure.

2. Allow me also to express our gratitude to the Court for holding these hearings on an expedited basis.

3. As I address you today, the Palestinian people are being starved, bombed and forcibly displaced by Israel, their unlawful occupier. Israel has not allowed food, water, medicine, and medical supplies or fuel into Gaza for the past two months — a policy supported by the highest court in Israel, which rejected petitions to allow aid into Gaza on several occasions.

4. This man-made catastrophe of unprecedented proportions targets life itself. Death looms large, including by starvation — which has already claimed the lives of 59 Palestinian children.

5. The UN Secretary-General has described “Gaza as a killing field [where] civilians are in an endless death loop”⁵.

6. Mr President, we are here today because the General Assembly asked the Court to determine the legal obligations of Israel in relation to the provision of urgently needed humanitarian assistance by the United Nations, other international organizations and third States; and in relation to the exercise of the right of Palestinian people to self-determination.

7. This request was provoked by the international community’s outrage at Israel’s methodical targeting, banning and obstructing of said parties, including its legislation banning the United Nations Relief and Works Agency for Palestine Refugees — UNRWA — from fulfilling its United Nations mandate in the Occupied Palestinian Territory, including East Jerusalem.

8. There can be no doubt about the Court’s jurisdiction in these proceedings. The question raised by the General Assembly is plainly a legal one. It specifically asks the Court to advise on Israel’s legal obligations under international law and other rules of international law. Nor is there any reason, let alone a compelling one, for the Court to decline to answer it as the Court has already determined in two prior advisory opinions — the question of Palestine is fundamental to the United Nations and its mandate in this case.

9. During this presentation, the State of Palestine will present evidence on the devastating immediate, intermediate and long-term consequences of this unlawful Israeli policy on Palestine and its people; on every aspect of their fundamental rights and continued existence.

10. The State of Palestine will also present to the Court how Israel’s prohibited conduct extends to the occupied West Bank, including East Jerusalem — because the target of these actions — by admission of top Israeli leaders — is the permanent annexation of the Palestinian territory and the ethnic cleansing of Palestinians. It is a self-incriminating admission that debunks the security sham they used to justify their genocide as we will also demonstrate in our presentation.

11. Mr President, Members of the Court, before I go any further, allow me to first address the context in which these deliberations are happening.

12. This legal and moral crisis is not 18 months old.

⁵ United Nations, Secretary-General’s Press Encounter, 8 April 2025 (<https://www.un.org/sg/en/content/sg/press-encounter/2025-04-08/secretary-generals-press-encounter-gaza-scroll-down-for-arabic>).

13. Israel has been systemically dispossessing, uprooting, slaughtering and imprisoning Palestinians in absolute, flagrant disregard for international law and the inalienable rights of the Palestinian people for 80 years now. It has done so with the intent to destroy our people and to thwart their realization of self-determination in their homeland.

14. To implement this policy, Israel has waged a relentless campaign of erasure against the Palestinian people, their demography, their material presence, their national identity, their history and heritage, and their very humanity. This campaign of erasure was a central hallmark of the Nakba that started in 1947, and whose darkest chapter yet is unfolding before our eyes, and yours.

15. On three separate occasions in the past years, the Court issued provisional measures ordering Israel, among other things, to ensure and facilitate the unimpeded flow of humanitarian assistance into Gaza. Israel did not comply.

16. On 19 July 2024, this Court also ruled that Israel's presence in and control over the Occupied Palestinian Territory is unlawful and must come to an end.

17. The Court also ruled that despite the illegality of the occupation régime, Israel was still bound by its obligations under international law as an occupying Power. These obligations include ensuring the welfare of the protected civilians.

18. Israel defied this ruling and the rule of law, brazenly declaring instead its official policy of annexing the Occupied Palestinian Territory, forcibly displacing Palestinian people, weaponizing food and humanitarian aid, and negating the refugee issue and their rights, including by banning UNRWA.

19. On 21 November 2024, the International Criminal Court issued arrest warrants for the Prime Minister of Israel and now his former minister of war, in part because they intentionally deprived the civilian population in Gaza of food, water, medicine and other essentials⁶.

20. To summarize: Israel is an unlawful occupying Power, standing trial for genocide; its Prime Minister is wanted by the ICC. It is attempting to destroy Palestinian people and erase

⁶ International Criminal Court, "Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel's challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant", Press Release, 21 November 2024 (<https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>).

Palestine, including by barring and obstructing humanitarian organizations, thus also violating its obligations under the United Nations Charter and other instruments of international law.

21. *That* is the context of the question before you.

22. Mr President, Members of the Court, UNICEF says Israel's onslaught has killed and injured 100 Palestinian children in Gaza every day since 18 March 2025⁷. This is in addition to the more than 15,000 children Israel has killed since the onset of the genocide and the thousands who are still missing under tons of piling rubble of what was once their schools and their homes⁸.

23. Israel's genocidal campaign has turned Gaza into the home of the largest cohort of child amputees per capita in the world⁹. Their limbs are amputated without proper medicine or care — sometimes without so much as a painkiller. Many do not survive, like baby Sham Muhareb, whose arm was amputated following a strike on her home 18 days ago.

24. Israel's genocidal campaign has also targeted UN and other humanitarian workers and organizations in Gaza, killing over 408 UN workers, among them almost 300 UNRWA staff. They have also killed 27 Palestine Red Crescent Society paramedics in Gaza¹⁰, and 113 civil defence first responders¹¹.

25. These killings are deliberate, not accidental.

26. This was proven repeatedly, including in January 2024, when Israeli soldiers killed six-year-old Hind Rajab and her relatives, then murdered the Palestine Red Crescent paramedic who received permission to rescue Hind while she was still alive¹². It was proven once more last March, when Israeli soldiers ambushed and killed 14 paramedics and humanitarian heroes. The soldiers then

⁷ Post of the Commissioner-General of UNRWA, Philippe Lazzarini, @UNLazzarini, 3:42 pm, 4 April 2025 (<https://x.com/unlazzarini/status/1908153313054294261>).

⁸ OCHA, Reported impact snapshot | Gaza Strip (22 April 2025) (<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-22-april-2025>).

⁹ "Emergency Response, UNICEF Delivers Wheelchairs for Gaza's Children", 22 January 2025 (<https://www.unicefusa.org/stories/unicef-delivers-wheelchairs-gazas-children>).

¹⁰ UNRWA, UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (17 April 2025) (<https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>); UN Office for the Coordination of Humanitarian Affairs (UN OCHA), Humanitarian Situation Update #280 | Gaza Strip (15 April 2024) (<https://www.ochaopt.org/content/humanitarian-situation-update-280-gaza-strip>).

¹¹ State of Palestine, Palestinian Central Bureau of Statistics (https://www.pcbs.gov.ps/site/lang_en/1405/default.aspx?lang=en).

¹² Forensic Architecture, "The Killing of Hind Rajab" (<https://forensic-architecture.org/investigation/the-killing-of-hind-rajab>).

buried the bodies in a shallow mass grave, alongside their crushed ambulances and emergency vehicles, in an attempt to hide their crimes while top Israeli officials lied to the world about the murders¹³.

27. This is the jarring equation prompting our appeals to the Court in these proceedings. Israel is starving, killing and displacing Palestinians while also targeting and blocking humanitarian organizations trying to save their lives.

28. These grave crimes aim to hasten the forcible transfer and destruction of the Palestinian people in the immediate term. They will also ensure that our children will suffer irreparable damage and harm, placing an entire generation at grave risk.

29. Already, experts have concluded that life expectancy in Gaza has been slashed in half since the onset of the genocide¹⁴.

30. Mr President, Members of the Court, this targeting of life in the Gaza Strip has been ongoing for years, in grave violation of Israel's legal obligations as an occupying Power and as a Member of the United Nations.

31. Israel began engineering food deprivation in Gaza 19 years ago, making the majority of the civilian population dependent on food aid to survive. A senior Israeli official then said: "The idea is to put the Palestinians on a diet, but not to make them die of hunger."¹⁵

32. Since October 2023, the blockade has progressively turned into a total siege. The Office of the High Commissioner for Human Rights said this siege is creating conditions that are incompatible with sustaining life or the continued existence of Palestinians in Gaza¹⁶.

33. These are the facts: starvation is here. Humanitarian aid is being used as a weapon of war¹⁷.

¹³ "Two hours of terror: Sky News investigation reveals how Israel's deadly attack on aid workers unfolded", *Sky News*, 22 April 2025 (<https://news.sky.com/story/two-hours-of-terror-sky-news-investigation-reveals-how-israels-deadly-attack-on-aid-workers-unfolded-13348776>).

¹⁴ "Study shows drop in life expectancy in the Gaza Strip", *Penn Today*, 23 January 2025 (<https://penntoday.upenn.edu/news/penn-sociology-study-shows-drop-life-expectancy-gaza-strip>).

¹⁵ "Gaza on brink of implosion as aid cut-off starts to bite", *The Guardian*, 16 April 2006 (<https://www.theguardian.com/world/2006/apr/16/israel>).

¹⁶ Office of the High Commissioner for Human Rights, "Gaza: Increasing Israeli 'evacuation orders' lead to forcible transfer of Palestinians", Press Briefing Notes, 11 April 2025 (<https://www.ohchr.org/en/press-briefing-notes/2025/04/gaza-increasing-israeli-evacuation-orders-lead-forcible-transfer>).

¹⁷ "Secretary-General António Guterres said, 'the humanitarian heroes in Gaza are under fire and yet doing all they can to follow the path they chose — to help people,' reiterating that UN agencies and partners are ready and determined to deliver. UNIFEED" (<https://media.un.org/unifeed/en/asset/d335/d3359354>).

34. All United Nations-supported bakeries in Gaza have been forced to shut their doors¹⁸.

35. Nine of every ten Palestinians have no access to safe drinking water¹⁹.

36. Storage facilities of the United Nations²⁰ and other international agencies are empty.

37. More than 12,500 wounded Palestinians, including thousands of children, now require medical evacuation to have a chance at life. That is in addition to thousands of cancer and other patients dying slowly — dying in agony — and hundreds of thousands of children whose lives are in danger because Israel is denying entry of vaccines.

38. Meanwhile, Israel continues to repeatedly, forcibly displace and starve the Palestinian population in Gaza.

39. This United Nations-produced map illustrates how Israel has squeezed the population into a third of the Gaza Strip that it continues, also, to bomb.

40. UNICEF, for example, has been forced to shut down 21 malnutrition clinics because of these repeated forced displacement orders.

41. Israel has also waged a war on hospitals in Gaza. Bombing them. Laying siege to them. Burning them. Or levelling them to the ground.

42. Israel has bombed and attacked all 36 hospitals in Gaza. The last hospital to be bombed was Gaza's Al-Ahli Baptist Hospital, an institution that has offered healthcare to Palestinians since 1882²¹. This hospital survived two world wars, and many wars after, but Israel decommissioned it twice in the past 18 months.

43. Israeli occupation forces have killed over 1,400 doctors, nurses and other health workers²². Some, like renowned surgeons, Adnan Al-Bursh²³ and Iyad Al-Rantisi²⁴, who were forcibly

¹⁸ World Food Programme, "WFP runs out of food stocks in Gaza as border crossings remain closed", April 2025 (<https://www.wfp.org/news/wfp-runs-out-food-stocks-gaza-border-crossings-remain-closed>).

¹⁹ UNRWA Situation Report #163 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem, 15 March 2025 (<https://www.unrwa.org/resources/reports/unrwa-situation-report-163-situation-gaza-strip-and-west-bank-including-east-jerusalem>).

²⁰ "As Gaza becomes hungry, UNRWA warehouses stand empty amid Israeli closures", *The Newarab*, 25 April 2025 (<https://www.newarab.com/news/israel-makes-gaza-hungry-unrwa-warehouses-stand-empty>).

²¹ Diocese of Jerusalem, Healthcare (<https://j-diocese.org/wordpress/healthcare-3/>).

²² Palestinian Central Bureau of Statistics (https://www.pcbs.gov.ps/site/lang__en/1405/default.aspx?lang=en).

²³ "New report tells chilling details of Israel's torture, killing of Gaza doctor Adnan al-Bursh", *The Newarab*, 15 November 2024 (<https://www.newarab.com/news/report-details-israels-torture-killing-renowned-gaza-doctor>).

²⁴ Gazan family seeks answers after doctor dies in Israeli custody", *Anadolu Agency*, 23 June 2024 (<https://www.aa.com.tr/en/middle-east/gazan-family-seeks-answers-after-doctor-dies-in-israeli-custody/3256176>).

disappeared and tortured to death. Others, like Director of Al-Awda hospital, Dr Ahmad Muhanna²⁵, were forcibly disappeared for over a year now, while Director of Kamal Edwan hospital, Dr Hussam Abu Saffiya²⁶, continues to be unlawfully detained.

44. Only a handful of hospitals continue to barely function thanks to the heroic Palestinian doctors who remain — and the brave international doctors volunteering to assist them — despite the dangers and severe Israeli restrictions.

45. To understand what this means in real, bone-chilling terms, I ask you to hear this brief testimony of Dr Muhamad Mustafa, an Australian doctor who was volunteering in Gaza last March²⁷.

[On screen: video recording by Dr Muhamad Mustafa]

Transcript of a video recording by Dr Muhamad Mustafa

[Transcript provided by the State of Palestine]

We've worked throughout the entire night, we haven't stopped. The bombing has been non-stop. We've run out of ketamine, we've run out of propofol. We've run out of all painkillers. We can't sedate anyone, we can't give them any analgesia. When we intubate people, they wake up and they're choking because we have no sedation. There are seven girls getting their legs amputated, no anesthesia.

The bombing is still going on, the room is still shaking. I haven't slept. We went to bed at about 1 a.m. and at 1.30 a.m. the bombing started. It's about 10 a.m. now. I've just come back to my room. I'm light-headed, I'm dizzy.

It was just mostly women and children, burnt head to toe, limbs missing, heads missing. There's a video I put up on my story of me doing a chest drain. The gentleman that did the chest drain, he died on the way to the CT scan. There's another video of three girls laying on a bed. That's

²⁵ “One year since the abduction of Dr. Ahmed Muhanna, Gaza health workers endure more attacks”, *Peoples Dispatch*, 18 December 2024 (<https://peoplesdispatch.org/2024/12/18/one-year-since-the-abduction-of-dr-ahmed-muhanna-gaza-health-workers-endure-more-attacks/>).

²⁶ “Detained Gaza hospital head Hussam Abu Safiya suffers serious eye injury after Israeli beatings”, *The Newarab*, 23 March 2025 (<https://www.newarab.com/news/dr-hussam-abu-safiya-suffers-eye-injury-after-israeli-beatings>).

²⁷ Dr. Mohammed Mustafa's Instagram account, *Instagram* (<https://www.instagram.com/reel/DHVTB-fTKba/?igsh=NTJvb2tkYmJhOTRp>).

his three girls, who are now orphaned. Their mother didn't even make it into the hospital. She was killed along with their other sister.

I don't know what to tell you. I was here in June. Nothing to this intensity. This is unbelievable. The bombing is still going on. The rooms are still shaking. The screams are everywhere. It's insane.

Mr HIJAZI:

46. Mr President, Members of the Court, the carnage and destruction extends to the West Bank, including East Jerusalem — there, Israel's killing of Palestinian civilians, including children, was record-breaking for three years in a row before 2023.

47. Since the beginning of the year, Israel launched a military assault in the West Bank — unprecedented since 1967²⁸. Israeli occupation forces have demolished, razed and burned the refugee camps in Jenin and Tulkarem — forcibly displacing more than 40,000 Palestinians. And Israel has announced that the displaced will not be allowed to return²⁹.

48. The World Food Programme reports a near 100 per cent increase in Palestinians in need of food aid in the West Bank³⁰.

49. Impeding the presence and activities of the United Nations and international organizations must be viewed in the context of erasure and forced displacement.

50. Mr President, Members of the Court, I stand before you today on behalf of a persecuted people, fighting to survive and to live freely in our land. This is our inalienable and most fundamental right. It is not anyone's to give or withhold — as this Court has repeatedly affirmed.

51. That is really at the heart of why Palestine and over 40 other States are addressing the Court today. It is not about the number of aid trucks Israel is or is not allowing into the Occupied Palestinian Territory, especially Gaza. It is about Israel destroying the fundamentals of life in Palestine while it blocks the United Nations and other humanitarians from providing life-saving aid to the population. It is about Israel unravelling fundamental principles of international law, including

²⁸ Post of UNRWA, @UNWRA, 12:00pm, 4 April 2025 (<https://x.com/unrwa/status/1908097223021273297?s=61>).

²⁹ OHCHR, "Türk warns UN Security Council of increasing risk of atrocity crimes being committed in the Occupied Palestinian Territory", Statements and speeches, 3 April 2025 (<https://www.ohchr.org/en/statements-and-speeches/2025/04/turk-warns-un-security-council-increasing-risk-atrocity-crimes-opt>).

³⁰ OCHA, "Humanitarian Situation Update #279 | West Bank", 10 April 2025 (<https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-279-west-bank-enhe>).

their obligations under the United Nations Charter. It is about Israel turning Palestine, and particularly Gaza, into a mass grave for Palestinians and those coming to their aid³¹.

52. Before I conclude, Mr President, allow me to describe the remainder of Palestine's presentation today. First, Mr Paul Reichler will present Israel's legal obligations under international law and international humanitarian law. Next, Ms Blinne Ní Ghrálaigh will discuss Israel's violation of its legal obligations as a Member of the United Nations. Then, Professor Ardi Imseis will address Israel's legal obligations specifically in relation to UNRWA. He will be followed by Professor Alain Pellet, who will discuss the legal consequences of Israel's violations of its obligations with respect to the provision of humanitarian aid to the Palestinian civilian population and the exercise of their right to self-determination. Finally, Ambassador Riyad Mansour will present the State of Palestine's closing remarks.

53. I thank you for your kind attention, and ask that you call Mr Reichler to the podium.

The PRESIDENT: I thank Ambassador Hijazi. I now give the floor to Mr Paul Reichler. Sir, you have the floor.

Mr REICHLER:

**2. ISRAEL'S LEGAL OBLIGATIONS UNDER INTERNATIONAL HUMANITARIAN LAW
AND THE RULES OF INTERNATIONAL LAW ARTICULATED BY
THE COURT IN ITS 2024 ADVISORY OPINION**

1. Mr President, Members of the Court, it is, as always, an honour for me to appear before you, and it is a privilege to speak on behalf of the State of Palestine. And, on behalf of all of my fellow counsel here as part of the delegation, we are pleased to echo the congratulations that were conveyed to you by our Agent on your election as President.

2. I will address Israel's legal obligations under international humanitarian law concerning the provision of humanitarian assistance to the Palestinian civilian population and then Israel's legal obligations under the rules of international law set out in the Court's Advisory Opinion of 19 July

³¹ Médecins sans frontières (MSF), "Gaza has become a 'mass grave' for Palestinians and those helping them", Press Release, 16 April 2025 (<https://www.msf.org/gaza-has-become-mass-grave-palestinians-and-those-helping-them>).

2024. I will conclude with some observations on Israel's legal obligations under overlapping rules of international humanitarian law and international criminal law.

Israel's obligations under international humanitarian law

3. I begin with an update on the situation on the ground.

4. On 1 March 2025, Israel announced that it would unilaterally end the six-week ceasefire that had prevailed since mid-January, and that it would resume aerial bombardment and other armed attacks against Gaza. On the following day, 2 March 2025, the Office of the Prime Minister made this announcement: "Prime Minister Benjamin Netanyahu has decided that, as of this morning, the entry of all goods and supplies to the Gaza Strip will be halted."³²

5. The Prime Minister's decision immediately cut off all humanitarian assistance to the Palestinian civilian population in Gaza. This was underscored by the Head of Israel's Civil Administration for the Occupied Territory and Minister of Finance, Bezalel Smotrich, in another post on the same day:

"The decision we made last night to completely halt humanitarian aid to Gaza until Hamas is destroyed or completely surrenders and all our hostages are returned is an important step in the right direction. 'The threshold of the gates of Hell.' Now we need to open those gates as quickly and lethally as possible on the cruel enemy, until absolute victory."³³

6. Israel's Minister of Defence, Israel Katz, made clear that the "cruel enemy" was not just Hamas but the entire civilian population of Gaza. He addressed this message specifically to them:

"Citizens of Gaza, this is your last warning . . .

The air force attack against Hamas terrorists was only the first step. The rest will be significantly worse and you will pay the price . . .

Unless all the Israeli hostages are released and Hamas is expelled from Gaza, Israel will act with forces never before seen

The alternative is utter destruction and devastation."³⁴

³² Government of Israel, "Prime Minister's Office Announcement", *gov.il*, 2 March 2025 (<https://www.gov.il/en/pages/spoke-part020325>) [Accessed 1 April 2025].

³³ Bezalel Smotrich, X, 2 March 2025 () [Accessed 1 April 2025] [Unofficial English translation from Hebrew].

³⁴ Israel Katz, X, 19 March 2025 (https://x.com/Israel_katz/status/1902388250053861589) [Accessed 15 April 2025].

7. In keeping with these official Israeli statements, all humanitarian assistance intended for the civilian population of Gaza has been blocked by Israel since 2 March 2025. No food. No water. No medicine. No fuel. No anything. For 57 days and still counting, Israel has prevented all goods and services, of any kind, from entering Gaza. On 9 March 2025, Israel's Energy Minister, Eli Cohen, posted a picture of himself on the social media platform X signing an order to cut off electricity to Gaza. The message accompanying the photo read: "I have now signed an order to cut off electricity to the Gaza Strip immediately. Enough with the talk, it's time for action!"³⁵

8. The impact of this "action" was to shut down the lone desalination plant in Gaza, depriving more than 600,000 Palestinians of their only access to water³⁶.

9. Overall, the consequences for the Palestinian civilian population, especially the deprivation of urgently needed humanitarian assistance, have been as promised by Defence Minister Katz: "utter destruction and devastation". According to the United Nations Under-Secretary-General for Humanitarian Affairs, who briefed the Security Council on 18 March 2025:

"Today, I am distressed to report that, in addition to the intense airstrikes that have resumed, since 2 March, Israeli authorities have cut off the entry of all lifesaving supplies — food, medicines, fuel, cooking gas — for 2.1 million people. . . .

This total blockade of life-saving aid, basic commodities and commercial goods will have a disastrous impact on the people of Gaza who remain dependent on a steady flow of assistance into the Strip. . . .

Blocking food, water and medicine for people who need them is unconscionable. It also goes against international humanitarian law and the provisional orders of the International Court of Justice."³⁷

10. Mr President, Members of the Court, the Under-Secretary-General is plainly right. The facts on which his statement is based are not in dispute. As you have seen, they are admitted — proudly and loudly proclaimed — by Israel's most senior government officials. Nor can there be any

³⁵ Eli Cohen, X, 9 March 2025 (<https://x.com/elico1/status/1898756463222260177>) [Accessed 1 April 2025] [Unofficial English translation].

³⁶ "Israel announces halt to its supply of power to Gaza, in bid to pressure Hamas", *The Times of Israel*, 9 March 2025 (<https://www.timesofisrael.com/israel-stops-electricity-supply-to-gaza-in-bid-to-ratchet-up-pressure-on-hamas/>) [Accessed 1 April 2025]; "Israel halts electricity supply to Gaza in bid to pressure Hamas", *BBC News*, 9 March 2025 (<https://www.bbc.co.uk/news/articles/c1w0l3q4zd0o>) [Accessed 1 April 2025]; "What does Israel cutting off Gaza's electricity mean?", *Al Jazeera*, 10 March 2025 (<https://www.aljazeera.com/news/2025/3/10/what-does-israel-cutting-off-gazas-power-mean>) [Accessed 1 April 2025].

³⁷ Mr Tom Fletcher, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, briefing to the Security Council on the humanitarian situation in the Occupied Palestinian Territory, *ReliefWeb*, 18 March 2025 (<https://reliefweb.int/report/occupied-palestinian-territory/mr-tom-fletcher-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-briefing-security-council-humanitarian-situation-occupied-palestinian-territory-18-march-2025>) [Accessed 1 April 2025].

dispute about the applicable law. In its July 2024 Advisory Opinion, the Court explained that international humanitarian law governs Israel's conduct in the OPT for as long as its occupation continues³⁸.

11. Israel must thus comply with its obligations under the Fourth Geneva Convention, of which it is a State party, and Additional Protocol I, the relevant articles of which are part of customary international law. The indisputable evidence shows that Israel has flagrantly violated these obligations. They include:

- First, the obligation under Article 55 of the Fourth Geneva Convention to ensure “to the fullest extent of the means available” provision of “the food and medical supplies of the population”. Under this Article, Israel has an affirmative duty to “bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate”, which is undeniably the case throughout the Gaza Strip. Article 69 of Additional Protocol I further requires Israel to ensure the provision of “clothing, bedding, means of shelter, other supplies essential to the survival of the civilian population of the occupied territory”.
- Second, Israel has the obligation under Article 56 of the Convention to ensure and maintain, “to the fullest extent of the means available to it”, “the medical and hospital establishments and services, public health and hygiene in the occupied territory”. Article 56 further provides: “Medical personnel of all categories shall be allowed to carry out their duties.”

12. Israel has been blatantly violating these obligations, and not only since 2 March 2025. It has been violating them for many years, most egregiously since October 2023.

13. On 9 October 2023, Israel announced a complete siege of the Gaza Strip, cutting off essential resources and the movement of goods, including food, water, medicines, fuel and electricity. All crossing points between Israel and the Gaza Strip were sealed³⁹. Israel's Defence Minister at the time, Yoav Gallant, described his Government's strategy in these terms: “a complete siege . . . no electricity, no water, no food, no fuel”⁴⁰. The United Nations Independent International Commission

³⁸ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024* (the “2024 Advisory Opinion”), paras. 264 and 272.

³⁹ Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 14 June 2024, A/HRC/56/26, para. 48 (<https://docs.un.org/en/A/HRC/56/26>).

⁴⁰ “We are fighting human animals” said Israeli Defence Minister Yoav Gallant, YouTube, 10 October 2023 (<https://www.youtube.com/watch?v=ZbPdR3E4hCk>) [Accessed 23 April 2025].

of Inquiry found that this was precisely what Israel did: “Throughout the siege on Gaza, Israel has weaponized the withholding of life-sustaining necessities, specifically by cutting off supplies of water, food, electricity, fuel and other essential supplies, including humanitarian assistance.”⁴¹

14. On 6 December 2023, the Secretary-General reported to the Security Council:

“We are facing a severe risk of collapse of the humanitarian system. The situation is fast deteriorating into a catastrophe with potentially irreversible implications for Palestinians as a whole and for peace and security in the region.”⁴²

15. In response, the Security Council adopted resolution 2720 on 22 December 2023, which:

“Recogniz[ed] that the civilian population in the Gaza Strip must have access to sufficient quantities of assistance that they need, including enough food, water, sanitation, electricity, telecommunications and medical services essential for their survival, and that the provision of humanitarian supplies in the Gaza Strip needs to be sufficient to alleviate the massive humanitarian needs of the Palestinian civilian population throughout the Gaza Strip . . .;[and]

Reaffirm[ed] the obligations of the parties to the conflict under international humanitarian law regarding the provision of humanitarian assistance, [and] *demand[ed]* that they allow, facilitate and enable the immediate, safe and unhindered delivery of humanitarian assistance at scale directly to the Palestinian civilian population throughout the Gaza Strip”⁴³.

16. Israel ignored the Security Council’s demand. Just as it disregarded subsequent Security Council resolutions 2728 and 2735 adopted in 2024⁴⁴, and five General Assembly emergency special session resolutions⁴⁵, which called on it again to allow and facilitate urgently needed humanitarian assistance, at scale, to the Palestinian civilian population in Gaza. In fact, Israel did the opposite of what was demanded of it: it continued to impede the provision of humanitarian goods and services indispensable to the survival of the Palestinian people, and it restricted humanitarian access by United Nations agencies, other States and international humanitarian organizations.

⁴¹ Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 14 June 2024, A/HRC/56/26, para. 102 (<https://docs.un.org/en/A/HRC/56/26>).

⁴² Letter from the Secretary-General addressed to the President of the Security Council, 6 December 2023, S/2023/962.

⁴³ Security Council, resolution 2720 (2023), 22 December 2023.

⁴⁴ Security Council, resolution 2728 (2024), 25 March 2024; Security Council, resolution 2735 (2024), 10 June 2024.

⁴⁵ General Assembly, resolution ES-10/21, 27 October 2023; General Assembly, resolution ES-10/22, 12 December 2023; General Assembly, resolution ES-10/24, 18 September 2024; General Assembly, resolution ES-10/25, 11 December 2024; General Assembly, resolution ES-10/26, 11 December 2024.

17. The Court needs no reminding that Israel also disregarded its Orders on provisional measures in the case brought by South Africa, which were issued on 26 January 2024, 28 March 2024 and 24 May 2024. Israel was required by the March Order:

“[to] take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary”⁴⁶.

18. Israel has ignored these obligations and refused to comply. By May 2024, the Court recognized that “the humanitarian situation is now to be characterized as disastrous”⁴⁷.

19. As indeed it was. And the situation grew even worse thereafter.

20. On 28 October 2024, the Commissioner General of UNRWA made this report to the General Assembly:

“The situation in Gaza is beyond the diplomatic vocabulary of the General Assembly. After more than a year of the most intense bombardment of a civilian population since World War II, and the restriction of humanitarian aid far below minimum needs, the lives of Palestinians are shattered . . . The surviving population lives in the greatest indignity. In the North, the population is trapped, awaiting death by airstrikes or starvation.”⁴⁸

21. On 2 December 2024, the Secretary-General reported to the Cairo Ministerial Conference: “[N]othing justifies the collective punishment of the Palestinian people.”⁴⁹

22. Collective punishment is, of course, prohibited by Article 33 of the Fourth Geneva Convention. The Secretary-General continued:

“Yet conditions for Palestinians in Gaza are appalling and apocalyptic . . . Malnutrition is rampant . . . Famine is imminent. Meanwhile, the health system has collapsed . . . What we are seeing may well amount to the gravest international crimes.

⁴⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Request for the modification of the Order of 26 January 2024 indicating provisional measures, Order of 28 March 2024, para. 45.

⁴⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Request for the modification of the Order of 28 March 2024 indicating provisional measures, Order of 24 May 2024, para. 28.

⁴⁸ Letter from Philippe Lazzarini, Commissioner-General of UNRWA, to His Excellency Mr Philémon Yang, President of the General Assembly, 28 October 2024 (<https://www.unrwa.org/newsroom/officialstatements/letter-unrwa-cg-philippe-lazzarini-president-ga-philémon-yang>) [Accessed 23 April 2025].

⁴⁹ Remarks of the United Nations Secretary-General to the Cairo Ministerial Conference to Enhance the Humanitarian Response in Gaza, 2 December 2024 (<https://www.un.org/unispal/document/secretary-generals-remarks-02dec24/>) [Accessed 23 April 2025].

In the face of the gigantic needs, humanitarian aid is — outrageously — being blocked. This flies in the face of the clear requirements under international humanitarian law to respect and to protect civilians and to ensure their essential needs are met. It defies numerous General Assembly and Security Council resolutions demanding a ceasefire and unhindered humanitarian access. And it ignores the International Court of Justice, which issued binding provisional orders that must be complied with.”⁵⁰

23. As “appalling and apocalyptic” as the situation was in December, it is even worse today.

The Secretary-General recognized this in a statement on 8 April:

“More than an entire month has passed without a drop of aid into Gaza. No food. No fuel. No medicine. No commercial supplies. As aid has dried up, the floodgates of horror have re-opened. Gaza is a killing field — and civilians are in an endless death loop . . .

The current path is a dead end — totally intolerable in the eyes of international law and history. And the risk of the occupied West Bank transforming into another Gaza makes it even worse.”⁵¹

24. Mr President, in these circumstances there can be no doubt that Israel is violating its obligations under international humanitarian law, including its obligations under the Fourth Geneva Convention and customary international law, as reflected in Additional Protocol I.

25. In its written statement, Israel argues that its defence and security concerns justify its refusal to allow humanitarian assistance to the Palestinian civilian population no matter how urgently this assistance is needed. This posture is as unlawful as it is inhumane. Under Article 59 of the Fourth Geneva Convention, as pointed out by the distinguished Under-Secretary-General for Legal Affairs earlier this morning, if the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.

26. The ICRC Commentary on Article 59 explains:

“The obligation on the Occupying Power to accept such relief is unconditional. In all cases where occupied territory is inadequately supplied the Occupying Power is bound to accept relief supplies destined for the population . . .

The Convention not only lays down that the Occupying Power must ‘agree’ to relief schemes on behalf of the population, but insists that it must ‘facilitate’ them by all the means at its disposal. The occupation authorities must therefore co-operate wholeheartedly in the rapid and scrupulous execution of these schemes.”⁵²

⁵⁰ *Ibid.*

⁵¹ Secretary-General’s Press Encounter on Gaza, 8 April 2025 (<https://www.un.org/sg/en/content/sg/press-encounter/2025-04-08/secretary-generals-press-encounter-gaza-scroll-down-for-arabic>) [Accessed 13 April 2025].

⁵² ICRC Commentary on GCIV of 1958, Commentary on Article 59 GCIV, para. 1 (p. 320).

27. Article 59 itself further provides: “All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.” The ICRC Commentary explains that these obligations apply to any State that is enforcing a blockade, and it specifies that the consignments “cannot under any circumstances be declared war contraband or be seized as such by those enforcing the blockade”⁵³.

28. Mr President, the question posed by the General Assembly calls for the Court to issue an opinion on Israel’s legal obligations “to ensure and facilitate the unhindered provision of urgently needed supplies essential to the survival of the Palestinian civilian population as well as of basic services and humanitarian and development assistance”. This question assumes that the relief consignments are humanitarian in nature. As such, international humanitarian law does not permit Israel to deprive the Palestinian civilian population of such assistance for any reason, including what it claims are its defence or security requirements.

29. This is the conclusion reached by the ICRC itself. In relation to the current situation in Gaza, the ICRC has stated:

“The suspension of assistance now, including the cessation of power to the only water desalination facility in Gaza, risks plunging Gaza further into an acute humanitarian emergency.

Under international humanitarian law, Israel shall ensure that the basic needs of civilians under its control are met.

The rapid and unimpeded passage of humanitarian assistance must also be allowed and facilitated.”⁵⁴

Israel’s obligations under the Court’s findings in its 2024 Advisory Opinion

30. I now turn to Israel’s legal obligations under the rules of international law applied by the Court in its 2024 Advisory Opinion. I refer specifically to the Court’s determinations that Israel has no sovereignty, and may not exercise sovereign powers, in the Occupied Palestinian Territory, and that its presence there is unlawful, such that it must be terminated as rapidly as possible⁵⁵. I refer, as

⁵³ *Ibid.*, para. 3 (p. 322).

⁵⁴ “Israel and the occupied territories: ICRC warns of worsening humanitarian crisis in Gaza”, ICRC News Release, 10 March 2025 (<https://www.icrc.org/en/news-release/israel-and-occupied-territories-icrc-warns-worsening-humanitarian-crisis-gaza>) [Accessed 14 April 2025]. See also the ICRC’s statement on X (<https://x.com/ICRC/status/1899143583921262978>) [Accessed 14 April 2025].

⁵⁵ 2024 Advisory Opinion, paras. 254 and 267.

well, to the Court's determinations that Israel has an obligation to facilitate, and not to impede, the right of the Palestinian people to self-determination, including the right to a sovereign and independent State in the Occupied Palestinian Territory; and that Israel, by its presence in this territory, its annexations and its settlements, among other actions, has been systematically violating that obligation⁵⁶.

31. The Court further determined that third States and the United Nations are legally obligated not to accept the Israeli presence in the OPT as lawful, or to contribute to its maintenance, and must work to bring it to an end, and that they have an *erga omnes* obligation to support the right of the Palestinian people to self-determination⁵⁷.

32. These determinations by the Court have at least three inevitable consequences for the present proceedings.

33. First, because its presence in the OPT is unlawful, and it lacks sovereign rights or powers within the territory, Israel has no legal authority to impede humanitarian goods and services from entering, or circulating within, the Gaza Strip or any other part of Palestinian territory. The decision to accept and receive humanitarian assistance, and from whom, is an exercise of sovereignty, which, in the case of the Palestinian territory, belongs exclusively to the Palestinian people, who are represented by the State of Palestine.

34. Accordingly, in addition to its obligations to ensure and facilitate the provision of humanitarian assistance to the Palestinian civilian population under international humanitarian law, Israel bears an obligation under general international law not to override the sovereign will of the Palestinian people, expressed through their legitimate governmental representative, to receive in their own territory such urgently needed assistance and services as they may authorize from the United Nations, third States and other trusted organizations.

35. Second, Israel's prevention of humanitarian assistance from entering Gaza also violates its obligation, in the Court's words, "not to impede the Palestinian people from exercising its right to self-determination"⁵⁸. As the Court explained, the right of self-determination includes: the right to

⁵⁶ *Ibid.*, paras. 237 and 267.

⁵⁷ *Ibid.*, paras. 279 and 280.

⁵⁸ *Ibid.*, para. 237.

“territorial integrity”; the right to be “protected against acts aimed at dispersing the population and undermining its integrity as a people”; and the right of the people “freely to determine its political status and to pursue its economic, social and cultural development”, all of which, the Court found, were violated by Israel’s prolonged occupation of Palestinian territory⁵⁹.

36. By preventing humanitarian assistance from entering Palestinian territory, Israel further violates each of these components of the right of self-determination. In particular, Israel’s denial of food, water and other essentials of life to the Palestinian civilian population inevitably impedes their economic, social and cultural development; and it is intended — as Israeli officials themselves proclaim — to displace and disperse the Palestinian population, especially in Gaza, but increasingly in the West Bank, as well, which undermines their integrity as a people. Mr President, I see that the clock is approaching 11.30 a.m. I have somewhere between five and eight more minutes of my speech remaining. If you allow me to continue, I would be happy to do so; if you prefer to take the coffee break, obviously that is fine with us. We are entirely in your hands.

The PRESIDENT: I think we can have coffee after you finish your remarks.

Mr REICHLER: Thank you very much, Mr President.

37. Israel’s prevention of humanitarian assistance also violates the territorial integrity of Palestine, another essential component of self-determination. As shown on this map, in the south-west Gaza borders Egypt. The main border crossing is at Rafah, which is where most humanitarian assistance, before it was blocked by Israel, entered Gaza. Israel enforces its blockade on goods entering here from within Palestinian territory, thus violating its territorial integrity. The situation is similar in the east, where Israeli forces, stationed in the West Bank, including East Jerusalem, prevent or restrict the entry of humanitarian assistance from Jordan via the King Hussein/al-Karama Bridge Crossing, again in violation of Palestinian territorial integrity.

38. As the Secretary-General observed, the humanitarian situation in the West Bank, including East Jerusalem, is also grave, due to Israel’s prevention or restriction of humanitarian assistance to the millions of Palestinians who live there. While Israel has not announced a formal cut-off of

⁵⁹ *Ibid.*, paras. 235-241.

humanitarian assistance to the West Bank, as it has to Gaza, it has imposed major obstacles to the delivery of such assistance, including the arbitrary withdrawal or denial of operating permits for humanitarian organizations. According to the Commissioner-General of UNRWA:

“While a number of International NGOs have already been silenced, there is now a larger, concerted effort in Israel to undermine, or restrict through legislative measures, the operations of international organisations and NGOs . . .

In occupied East Jerusalem, the Agency [that is, UNRWA] is facing increased pressure from the municipality to vacate premises and end service provision. International staff have been effectively expelled from the occupied West Bank due to the lack of valid visas.”⁶⁰

39. The vast majority of the States and international organizations participating in these proceedings agree that Israel’s shutdown of relief operations and denial of urgently needed humanitarian assistance to the Palestinian civilian population violate its duty not to impede the Palestinian people from exercising their right of self-determination. According to the Netherlands, for example:

“In a situation of extreme dependence on relief operations, the occupying Power’s unilateral decision to terminate its agreement and cooperation with a third party responsible for the bulk of the humanitarian assistance, directly and severely affects a people as a whole, frustrating its economic, social and cultural development . . . This has severe negative consequences on the ability of the people concerned to exercise its right of self-determination”⁶¹.

40. The written statement of the Secretary-General explains:

“The obligation of Israel to respect the right of self-determination of the Palestinian people has another important aspect: to respect the decision of the Palestinian people on the manner in which the dependence of the West Bank, including East Jerusalem, and Gaza on Israel for the provision of basic goods and services should be reduced. Therefore, in instances where the representative of the Palestinian people decided to receive basic goods and services from United Nations entities in order to fully enjoy its right of self-determination, Israel is bound to respect that decision.”⁶²

41. The third consequence of the 2024 Advisory Opinion is that Israel’s prevention of humanitarian assistance from other States and the United Nations violates its duty not to prevent them from fulfilling what the Court found to be their *erga omnes* obligations to support and facilitate

⁶⁰ Press remarks by UNRWA Commissioner-General Philippe Lazzarini as Israel banned the entry of humanitarian aid and commercial supplies into the Gaza Strip, 10 March 2025 (<https://www.un.org/unispal/document/press-remarks-by-unrwa-commissioner-general-philippe-lazzarini-as-israel-banned-the-entry-of-humanitarian-aid-and-commercial-supplies-into-the-gaza-strip/>) [Accessed 13 April 2025].

⁶¹ Written statement of the Netherlands, para. 3.5.

⁶² Written statement of the United Nations Secretary-General, para. 146.

the exercise of self-determination by the Palestinian people. Many States and international organizations emphasize this point.

42. The African Union, for example, explains that:

“[A]s a member State of the international community, Israel must cooperate with third States to ensure the effective enjoyment by the Palestinian people of their right to self-determination. It must therefore grant all facilities at its disposal for the provision by third States of the support necessary for the latter to be able to self-determine.”⁶³

Starvation of the civilian population as a method of warfare

43. Mr President, I come now to the final part of my presentation, and the briefest, on Israel's legal obligations under parallel rules of international humanitarian law and international criminal law, particularly those which prohibit starvation of the civilian population as a method of warfare. This practice, which Israel, by admission of its senior government officials, deliberately employs against the Palestinian civilian population in Gaza, is unlawful under both Article 54 (1) of Additional Protocol I, which expressly prohibits it, and the Rome Statute, which provides in Article 8 (2) (b) that “intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies” is a war crime⁶⁴.

44. In fact, starvation of civilians as a method of warfare has been recognized as a war crime at least since the judgment of the Nuremberg Tribunal in 1946⁶⁵.

45. Eight decades later, it is Israel that is deliberately starving more than two million Palestinian civilians in Gaza to achieve its purported war ends, by cutting off all supplies of food, water and other essentials of life. This has led the International Criminal Court to charge Prime Minister Netanyahu and former Defence Minister Gallant with the war crime of starvation. In allowing the prosecution to proceed, the Pre-Trial Chamber of the ICC explained:

⁶³ Written statement of the African Union, para. 192 [unofficial translation].

⁶⁴ Rome Statute, Article 8 (2) (b) (xxv).

⁶⁵ International Military Tribunal (Nuremberg), Judgment of 1 October 1946, p. 116 {498}.

“[T]here are reasonable grounds to believe that both individuals intentionally and knowingly deprived the civilian population in Gaza of objects indispensable to their survival, including food, water, and medicine and medical supplies, as well as fuel and electricity, from at least 8 October 2023 to 20 May 2024.”⁶⁶

46. The distinguished Legal Adviser of Mexico, Pablo Arrocha Olabuenaga, put it eloquently in an article he published last year. Its title is “Starvation is Starvation is Starvation”:

“People in Gaza are being starved to death. And we are all witnessing, if not complicit in, it.

But this human tragedy is a deliberate choice. It is the consequence of a political decision. It is both avoidable and reversible. All of us — as diplomats, international lawyers, humanitarians, but most importantly, as individuals — have the moral obligation to raise our voices in outcry of this catastrophe and in efforts to stop it . . .

Israeli authorities must ensure complete and unfettered access for humanitarian goods throughout Gaza. Human dignity simply cannot be held hostage to conflict. This must stop”⁶⁷.

47. The inhumanity of this Israeli policy is compounded by its unlawful objective: to forever extinguish the right of the Palestinian people to self-determination, including a sovereign and independent State in their own territory, as part of the two-State solution that the international community demands. Mr President, killing and maiming hundreds of thousands, and starving and attempting to displace millions of Palestinians out of Palestine, amounts to no less than destroying them as a group.

48. In conclusion, the State of Palestine respectfully submits that Israel’s unconscionable violations of its legal obligations under international humanitarian law, and under the rules of international law set out in the Court’s 2024 Advisory Opinion, must be called out by the Court in its forthcoming advisory opinion, and they must be stopped. International law, we contend, requires this. Maintaining the credibility of the rules-based international order demands it.

49. Thank you, Mr President and Members of the Court, for your kind courtesy and patient attention and I respectfully request that, after the coffee break, you call my esteemed colleague,

⁶⁶ ICC, “Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel’s challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant”, Press Release, 21 November 2024 (<https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>) [Accessed 23 April 2025].

⁶⁷ Pablo Arrocha Olabuenaga, “Starvation is Starvation is Starvation”, *Just Security* (25 March 2024) (<https://www.justsecurity.org/93864/starvation-is-starvation-is-starvation/>) [Accessed 23 April 2025].

Ms Blinne Ní Ghrálaigh, to the podium. Thank you very much, and thank you very much for permitting me the extra time to complete my speech.

The PRESIDENT: I thank Mr Reichler. Before I give the floor to the next speaker, the Court will observe a coffee break of 15 minutes. The hearing is suspended.

The Court adjourned from 11.40 a.m. to 11.55 a.m.

The PRESIDENT: Please be seated. The sitting is resumed. I now invite Ms Blinne Ní Ghrálaigh to address the Court and continue the presentation of Palestine. You have the floor, Madam.

Ms NÍ GHRÁLAIGH:

3. ISRAEL'S OBLIGATIONS AS A MEMBER OF THE UNITED NATIONS

Introduction

1. Mr President, Members of the Court, it is an honour, as ever, to appear before you. It is also an immense privilege, though a weighty responsibility, to represent the State of Palestine, in such extreme circumstances for the Palestinian people.

2. I will address Israel's relevant obligations as a United Nations Member, focusing on its obligations: one, to co-operate with the United Nations; two, to ensure the privileges, immunities and protection of United Nations staff and property; three, to ensure the fundamental human rights of the Palestinian people; and four, to abide by United Nations resolutions and this Court's orders. Israel's violations of those obligations are egregious and ongoing. They are also in breach of Israel's obligation of good faith under the Charter, which is the fifth issue I will address, and with which I will conclude.

3. I address those legal issues in the context of the almost unimaginable, and yet ever-worsening situation in the Occupied Palestinian Territory, particularly in Gaza.

The United Nations in the Occupied Palestinian Territory

4. On 27 March of this year, the last international staff of the United Nations Relief and Works Agency left Gaza. Given Israel's recently passed anti-UNRWA legislation⁶⁸, no further UNRWA staff is likely to be permitted entry.

5. Three days earlier, on 24 March, the Secretary-General of the United Nations had announced his “difficult decision to reduce the Organization's footprint in Gaza, even as humanitarian needs soar and [the United Nations'] concern over the protection of civilians intensifies”⁶⁹.

6. His decision — evocative of previous genocides in Rwanda and Bosnia — followed Israel's breach of the ceasefire agreement on 18 March 2025, and its resumption of its siege and large-scale assault on Gaza. As had been threatened by the Israeli Defence Minister Israel Katz, “the gates of Gaza . . . close[d] and the gates of hell . . . [re]open[ed]”⁷⁰.

7. Israel killed almost 500 people, including more than 180 children, in the deadliest 24 hours in Gaza since October 2023⁷¹. One strike — on a designated United Nations compound — killed one

⁶⁸ See Law to Cease UNRWA Operations and Law to Cease UNRWA Operations in the Territory of the State of Israel, set out in identical letters dated 9 December 2024 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, A/79/684-S/2024/892 (10 December 2024), <https://docs.un.org/S/2024/892>. See also UN Meetings Coverage and Press Releases, *Security Council Press Statement on United Nations Relief and Works Agency for Palestine Refugees in Near East (UNRWA)* (30 October 2024), <https://press.un.org/en/2024/sc15874.doc.htm>.

⁶⁹ United Nations (UN) Secretary-General, *Note to Correspondents: on Gaza Stéphane Dujarric, Spokesman for the Secretary-General* (24 March 2025), <https://www.un.org/sg/en/content/sg/note-correspondents/2025-03-24/note-correspondents-gaza>.

⁷⁰ Israel Katz, Israeli Minister of Defence, According to Israel National News (3 March 2025), <https://www.inn.co.il/flash/1042509>; UN OHCHR, *Gaza: Experts condemn Israeli decision to re-open 'gates of hell' and unilaterally change conditions of truce deal* (6 March 2025), <https://www.ohchr.org/en/press-releases/2025/03/gaza-experts-condemn-israeli-decision-re-open-gates-hell-and-unilaterally>; UN News, *Fear and uncertainty are daily staples for Gaza's most vulnerable* (9 April 2025), <https://news.un.org/en/story/2025/04/1162031>; UN News, *Gaza aid worker killings: One humanitarian still missing in mass grave* (1 April 2025), <https://news.un.org/en/story/2025/04/1161736>; Head of Office, UN OCHA OPT, Jonathan Whittall, @jwhittall, Tweet (9.30 p.m., 23 March 2025), https://x.com/_jwhittall/status/1903922429287641278.

⁷¹ UNRWA, *UNRWA Situation Report #165 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (28 March 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-165-situation-gaza-strip-and-west-bank-including-east-jerusalem>; UN Office for the Coordination of Humanitarian Affairs (“UN OCHA”), *Statement on Gaza by Tom Fletcher, Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator* (19 March 2025), <https://www.ochaopt.org/content/statement-gaza-tom-fletcher-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator>; UNRWA, *UNRWA Situation Report #164 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (21 March 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-164-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

international United Nations official and seriously injured five others⁷². The Secretary-General's decision to reduce the United Nations' footprint in Gaza followed days later.

8. The United Nations *itself* cannot keep its staff in Gaza safe from Israel, because “nowhere and no one is safe”⁷³.

9. The past 18 months have been the deadliest ever in the history of the United Nations⁷⁴. Of over 418 aid workers killed in Gaza, 295 of them were United Nations staff⁷⁵. Most of them — teachers, doctors, nurses, engineers, operational staff — were Palestinian. Those Palestinian staff *remain* in Gaza. Their *own* footprint is also being reduced — each day — as they are injured and killed. As stated by Médecins Sans Frontières, “Gaza has been turned into a mass grave of Palestinians and those coming to their assistance”⁷⁶. In the words of the Secretary-General, it is “a killing field”⁷⁷. Since March 2025, Israel has no longer even maintained the pretence of designating so-called “humanitarian zones”: in the last month alone, it has bombed over 20 times the tents of the displaced in Al-Mawasi — the overcrowded sandy wasteland to which it repeatedly ordered Palestinians to flee⁷⁸, a ground invasion of which is now reportedly imminent⁷⁹. As stated by

⁷² UNRWA, *UNRWA Situation Report #164 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (21 March 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-164-situation-gaza-strip-and-west-bank-including-east-jerusalem>; UN Regional Information Centre for Western Europe, *One UN staff member killed in an attack in Gaza* (19 March 2025), <https://unric.org/en/one-un-staff-member-killed-in-an-attack-in-gaza/>.

⁷³ UN OCHA, “*Gaza has become a death trap*”, warns OCHA official (2 April 2025), <https://www.unocha.org/news/gaza-has-become-death-trap-warns-ocha-official>; UN OCHA, *World must act with urgency to save Palestinians in Gaza, top UN officials say* (7 April 2025), <https://www.unocha.org/news/world-must-act-urgency-save-palestinians-gaza-top-un-officials-say>.

⁷⁴ UN Secretary-General, António Guterres, @antonioguterres (10.20 p.m., 15 January 2024), <https://x.com/antonioguterres/status/1747020836778004915>; UN OCHA, *Humanitarian Situation Update #278 | Gaza Strip* (8 April 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-278-gaza-strip>.

⁷⁵ UN OCHA, *Humanitarian Situation Update #282 | Gaza Strip* (23 April 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-282-gaza-strip>.

⁷⁶ Médecins Sans Frontières (MSF), *Gaza has become a “mass grave” for Palestinians and those helping them* (16 April 2025), <https://www.msf.org/gaza-has-become-mass-grave-palestinians-and-those-helping-them>.

⁷⁷ UN Secretary-General, *Secretary-General's Press Encounter on Gaza* (8 April 2025), <https://www.un.org/sg/en/content/sg/press-encounter/2025-04-08/secretary-generals-press-encounter-gaza-scroll-down-for-arabic>.

⁷⁸ “Why have Israel's Gaza safe zones disappeared from its maps?”, *Al Jazeera* (23 April 2025), <https://www.aljazeera.com/video/newsfeed/2025/4/23/why-have-israels-gaza-safe-zones-disappeared-from-its-maps>.

⁷⁹ Bethan McKernan and Hannah Ellis-Petersen, “Israel ends mention of humanitarian zones as Gaza war grinds on”, *The Guardian* (24 April 2025), <https://www.theguardian.com/world/2025/apr/22/israel-ends-mention-of-humanitarian-zones-as-gaza-war-grinds-on>; Nimer Sultany, @NimerSultany (9.45 a.m., 25 April 2025), <https://x.com/NimerSultany/status/1915688531915088041>.

UNICEF, “images of children burning while sheltering in makeshift tents should shake us all to our core”⁸⁰.

10. The warnings of United Nations officials could not be clearer — including by the Head of Office for the United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territory, who himself remains in Gaza. I quote variously:

“As UN humanitarian leaders, we are repeating unequivocally to the world: we are being deliberately blocked from saving lives in Gaza, and so civilians are dying.”⁸¹

“As humanitarians we need to emphasize that we cannot accept that Palestinian civilians are dehumanized to the point of being somehow unworthy of survival.”⁸²

“What is happening here defies decency, it defies humanity, it defies the law.”⁸³

11. Before turning to *what that law is*, in terms of Israel’s obligations as a member of the United Nations, it is important to recall the *reason* for the Organization’s presence and vital role in Palestine. As recently acknowledged by the Israeli Finance Minister Smotrich: “[F]or 75% of Gaza’s population, it’s not their homeland. Do you know what their homeland is? Haifa, Tiberias, Acre, Jaffa . . . This is a refugee population that has been [in Gaza] since 1948.”⁸⁴

12. Those refugees, their children and grandchildren, have indeed been in Gaza since 1948 — and in East Jerusalem and in the rest of the West Bank, and violently scattered to the four corners of the Earth — since being forcibly expelled from their homes on the creation of the State of Israel; the mass displacement and dispossession Palestinians refer to as “al Nakba”, “the Catastrophe”. *They* are the people — alongside those Palestinians previously long — and deeply — rooted in Gaza — whom Israel is bombing, starving, maiming and killing, and whom it has violently displaced over and over again, for 18 long months.

⁸⁰ UNICEF Executive Director Catherine Russell, @unicefchief (10.16 p.m., 17 April 2025), <https://x.com/unicefchief/status/1912963522767863952>.

⁸¹ UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, @UNReliefChief, Tweet (7.26 p.m., 7 April 2025), <https://x.com/UNReliefChief/status/1909311792339108095>.

⁸² Head of Office, UN OCHA OPT, Jonathan Whittall, UN Humanitarian, @UNOCHA, (1.20 p.m., 3 April 2025), https://x.com/_jwhittall/status/1907773832322019347.

⁸³ UN Geneva, @UNGeneva (3.00 a.m., 4 April 2025), <https://x.com/UNGeneva/status/1907976503964401779>; emphasis added.

⁸⁴ Israeli Finance Minister Bezalel Smotrich in an interview with Israeli KAN 11 TV, available at Middle East Monitor, @MiddleEastMnt (12.40 p.m., 2 March 2025), <https://x.com/MiddleEastMnt/status/1896178864067334173>.

13. In the West Bank — including East Jerusalem — also, Israel is subjecting to ongoing and intensifying attack that same refugee population, alongside other Palestinians, including those violently displaced previously since Israel's occupation began in 1967. Israel's ongoing mass displacements, its demolitions of homes, entire refugee camps and necessary infrastructure, and its ever-escalating killings of Palestinian men, women and children⁸⁵, risk, in the words of the Secretary-General, transforming the West Bank into “another Gaza”⁸⁶.

14. Having denied for 77 years the right of return of refugees and the peremptory right of Palestinians to self-determination, in violation of international law and United Nations resolutions⁸⁷, Israel is now seeking to destroy Palestinians as a group, including: by inflicting on them conditions of life calculated to bring about their destruction; by seizing ever more Palestinian territory⁸⁸; and by turning Gaza into an uninhabitable wasteland incapable of sustaining human life⁸⁹. Having wilfully destroyed the ability of the Palestinian people to sustain themselves independently, Israel is now intensifying its “weaponis[ation]” of the “food and relief assistance”⁹⁰, on which it has long forced

⁸⁵ UNRWA, *UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (17 April 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>; Office of the High Commissioner for Human Rights (OHCHR), *Israel ramps up settlement and annexation in West Bank with dire human rights consequences* (18 March 2025), <https://www.ohchr.org/en/press-releases/2025/03/israel-ramps-settlement-and-annexation-west-bank-dire-human-rights>.

⁸⁶ UN Secretary-General, *Secretary-General's Press Encounter on Gaza* (8 April 2025), <https://www.un.org/sg/en/content/sg/press-encounter/2025-04-08/secretary-generals-press-encounter-gaza-scroll-down-for-arabic>.

⁸⁷ Written Statement of the State of Palestine (28 February 2025), paras. 2.27-2.35 and 4.8. See also *e.g.*, *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, paras. 242, 257 and 270; UN General Assembly resolution 194 (III), *Palestine — Progress Report of the United Nations Mediator*, UN doc. A/RES/194 (III) (11 December 1948), para. 11, <https://undocs.org/en/A/RES/194> (III); UN General Assembly resolution 302 (IV), *Assistance to Palestine refugees*, A/RES/302 (IV) (8 December 1949), para. 5, <https://undocs.org/en/A/RES/302> (IV); UN General Assembly resolution 3236 (XXIX), *Question of Palestine*, UN doc. A/RES/3236 (XXIX) (22 November 1974), para. 2, <https://undocs.org/en/A/RES/3236> (XXIX); UN Security Council resolution 237 (14 June 1967), para. 1, <https://undocs.org/en/S/RES/237> (1967); UN Security Council resolution 608 (14 January 1988), para. 1, <https://undocs.org/en/S/RES/608> (1988).

⁸⁸ Written Statement of the State of Palestine (28 February 2025), paras. 1.21 and 2.24. See also *e.g.*, UN OCHA, *Reported impact snapshot | Gaza Strip* (22 April 2025) (23 April 2025), <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-22-april-2025>; UN Secretary-General, *Statement attributable to the Spokesperson for the Secretary-General — on Gaza* (14 April 2025), <https://www.un.org/sg/en/content/sg/statement/2025-04-14/statement-attributable-the-spokesperson-for-the-secretary-general-%E2%80%93-gaza>; Israel Prime Minister's Office, *Prime Minister Netanyahu's statement* (2 April 2025), <https://www.gov.il/en/pages/spoke-army020425>.

⁸⁹ Written Statement of the State of Palestine (28 February 2025), para. 4.98. Also see: UN News, *Aid efforts in Gaza escalate, as risk from deadly unexploded ordnance grows* (29 January 2025), <https://news.un.org/en/story/2025/01/1159571>; UN News, *Gaza: Destruction of vital lifting gear halts search for thousands buried under rubble* (22 April 2025), <https://news.un.org/en/story/2025/04/1162491>.

⁹⁰ UNRWA, @UNRWA (5.13 p.m., 3 April 2025), <https://x.com/UNRWA/status/1907828793403646232>. See also Oxfam Policy and Practice, *Inflicting Unprecedented Suffering and Destruction: Seven ways the government of Israel is deliberately blocking and/or undermining the international humanitarian response in the Gaza Strip* (15 March 2024),

so many Palestinians to rely for their survival. It is also seeking to destroy UNRWA, the very agency mandated by the United Nations, to provide them with life-sustaining aid and assistance, including to “prevent conditions of starvation and distress among them”, until a just and lasting resolution of their plight in accordance with international law⁹¹, including General Assembly resolution 194 (III) of 1948⁹².

I. Israel’s breach of its duty to co-operate with the United Nations

15. It is against that backdrop that I turn to Israel’s breach of its duty to co-operate with the United Nations.

16. Article 2 (5) of the Charter stipulates that: “All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter”.

17. This is a *broad* obligation of co-operation, binding Members *without restriction* as to the nature of the action involved, or the identity of the United Nations entity taking it, subject to the action being in accordance with the Charter. This is reflected in State practice, including written statements in these proceedings⁹³, and numerous United Nations resolutions concerning Palestine⁹⁴.

<https://policy-practice.oxfam.org/resources/inflicting-unprecedented-suffering-and-destruction-seven-ways-the-government-of-621591/>.

⁹¹ UN General Assembly resolution 302 (IV), *Assistance to Palestine refugees*, A/RES/302 (IV) (8 December 1949), para. 5, [https://undocs.org/en/A/RES/302 \(IV\)](https://undocs.org/en/A/RES/302%20(IV)). See also: UN General Assembly resolution 77/123, *Assistance to Palestine refugees*, UN doc. A/RES/77/123 (15 December 2022), <https://docs.un.org/A/RES/77/123>; Written Statement of the State of Palestine (28 February 2025), para. 1.27.

⁹² UN General Assembly resolution 194 (III), *Palestine — Progress Report of the United Nations Mediator*, UN doc. A/RES/194 (III) (11 December 1948), paras. 11-15 [https://undocs.org/en/A/RES/194 \(III\)](https://undocs.org/en/A/RES/194%20(III));

⁹³ Written Statement of the State of Palestine (28 February 2025), paras. 5.4-5.7. See also *e.g.*, Written Statement of the African Union (10 March 2025), para. 130; Written Statement of Chile (19 February 2025), para. 35; Written Statement of China (28 February 2025), para. 62; Written Statement of Colombia (28 February 2025), para. 4.77; Written Statement of Egypt (28 February 2025), paras. 111-114; Written Statement of France (28 February 2025), para. 37; Written Statement of Jordan (28 February 2025), paras. 3.40-3.48; Written Statement of League of Arab States (28 February 2025), paras. 165-170; Written Statement of Luxembourg (26 February 2025), para. 27; Written Statement of Senegal (28 February 2025), paras. 53-55 and 60; Written Statement of Slovenia (27 February 2025), paras. 31-32; and Written Statement of Vanuatu (28 February 2025), para. 44.

⁹⁴ Written Statement of the State of Palestine (28 February 2025), para. 5.4. See also *e.g.*, UN General Assembly resolutions: 63/95, UN doc. A/RES/63/95 (18 December 2008), para. 2, <https://docs.un.org/A/RES/63/95>; 64/91, UN doc. A/RES/64/91 (19 January 2010), para. 2, <https://docs.un.org/A/RES/64/91>; 68/80, UN doc. A/RES/68/80 (16 December 2013), para. 2, <https://docs.un.org/A/RES/68/80>; 69/90, UN doc. A/RES/69/90 (16 December 2014), para. 2, <https://docs.un.org/A/RES/69/90>; 72/84, UN doc. A/RES/72/84 (14 December 2017), para. 2, <https://docs.un.org/A/RES/72/84>; and 78/76, UN doc. A/RES/78/76 (11 December 2023), para. 2, <https://docs.un.org/A/RES/78/76>, all concerning the *Work of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories*.

18. Israel now argues before this Court that the Article 2 (5) obligation should be interpreted as restricted to certain limited actions taken by the Security Council⁹⁵, where the United States repeatedly wields its veto to shield Israel from accountability⁹⁶. But Israel interpreted this obligation very differently when being considered for *membership* in the United Nations: at a meeting of the Committee considering its application in 1949, Israel undertook “unqualified[ly]” to “co-operate with *the organs* [plural] of the United Nations with *all the means at our disposal* in the fulfillment of the part of . . . resolution [194] concerning refugees”⁹⁷. Israel has also interpreted the obligation broadly when commending *other* States for acting as “loyal members of this Organization” in providing “every assistance” to the United Nations pursuant to Article 2 (5)⁹⁸. Israel cannot now credibly assert for itself a different interpretation of the Charter.

19. The Court has itself confirmed the nature of the obligation in its *Reparation for Injuries* Advisory Opinion⁹⁹. It emphasized “the importance of the duty”, noting that “the effective working of the Organization — the accomplishment of its task, and the independence and effectiveness of the work of its agents — require that these undertakings should be strictly observed”¹⁰⁰.

20. Accordingly, as the Secretary-General has underscored, “[i]t has been a long-standing position of the Secretariat that . . . Member States are required to provide *every* assistance to United Nations entities to ensure the effective implementation of their mandates”¹⁰¹.

⁹⁵ Written Statement of Israel (28 February 2025), para. 75. See also: Written Statements of the United States of America (28 February 2025), paras. 15-17; and Written Statement of Hungary (February 2025), paras. 22-23.

⁹⁶ Written Statement of Palestine (28 February 2025), paras. 4.52-53, 4.58 and 4.60. See also Written Statement of the League of Arab States (28 February 2025), para. 63; Written Statement of Senegal (28 February 2025), para. 10.

⁹⁷ UN Ad Hoc Political Committee, *Israel’s membership in the UN — Summary Record*, UN doc. A/AC.24/SR.47 (6 May 1949), p. 276, <https://undocs.org/en/A/AC.24/SR.47> (emphasis added).

⁹⁸ UN General Assembly, 1439th plenary meeting, A/PV.1439 (12 October 1966), p. 10, para. 95, <https://docs.un.org/en/a/PV.1439>. See, relatedly, Submissions by the United States in *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, *Advisory Opinion*, I.C.J. Reports 1971, written proceedings, p. 883.

⁹⁹ *Reparation for Injuries Suffered in the Service of the United Nations*, *Advisory Opinion*, I.C.J. Reports 1949, p. 183. See also Written Statement of the State of Palestine (28 February 2025), para. 5.4.

¹⁰⁰ *Ibid.*, p. 183.

¹⁰¹ Written Statement on behalf of the UN Secretary-General, paras. 184-185 (emphasis added).

21. He reaffirmed this just four months ago, in his letter to the Security Council and General Assembly, underscoring that “as a Member of the United Nations” Israel is required “to give UNRWA *every* assistance” in *any* action taken in accordance with the Charter¹⁰².

22. Israel is intentionally and egregiously failing to do so.

II. Israel’s breaches of the privileges and immunities of the United Nations

23. Secondly and relatedly, Israel is egregiously breaching its obligations to respect the inviolability of United Nations premises and the immunity of United Nations *premises, property and assets*, pursuant to Charter Article 105 and Israel’s obligations under the 1946 Convention on the Privileges and Immunities of the United Nations¹⁰³. Israel is similarly in egregious breach of its obligations to respect the privileges and immunities of United Nations *officials*, including salaried Palestinian staff¹⁰⁴, international staff and experts on United Nations missions, including fact-finding missions¹⁰⁵. Those obligations are unqualified, and apply both in times of peace and of armed conflict¹⁰⁶. They cannot be abrogated by a military occupier, particularly one that is *unlawfully*

¹⁰² Identical letters dated 9 December 2024 from the UN Secretary-General addressed to the President of the General Assembly and the President of the Security Council, UN doc. A/79/684-S/2024/892 (10 December 2024), p. 5, <https://docs.un.org/S/2024/892> (emphasis added).

¹⁰³ Convention on the Privileges and Immunities of the United Nations 1946 (“1946 Convention”) (adopted 13 February 1946, entered into force 17 September 1946), 1 *UNTS* 15, Article II, Sections 2 and 3 (emphasis added). Israel acceded to the Convention on 21 September 1949.

¹⁰⁴ 1946 Convention, Article V, Sections 18-20; UN General Assembly resolution 76 (I), *Privileges and Immunities of the Staff of the Secretariat of the United Nations*, UN doc. A/RES/76 (I) (7 December 1946), <https://docs.un.org/en/A/RES/76> (I) (emphasis added); Charter of the United Nations (“UN Charter”), XV *UNCIO* 335, amendments in 557 *UNTS* 143, 638 *UNTS* 308 and 892 *UNTS* 119, Arts. 11 (1), 34 and 99, and pursuant to UN General Assembly resolution 60/251, *Human Rights Council*, UN doc. A/RES/60/251 (3 April 2006), <https://docs.un.org/en/A/RES/60/251>.

¹⁰⁵ 1946 Convention, Article VI, Sections 19 and 22.

¹⁰⁶ Written Statement of the State of Palestine (28 February 2025), paras. 5.26-5.28. See also: Written Statement of Chile (19 February 2025), para. 80; Written Statement of Egypt (28 February 2025), para. 67; Written Statement of Ireland (28 February 2025), para. 42; Written Statement of Kuwait (28 February 2025), para. 28; Written Statement of the League of Arab States (28 February 2025), para. 195; Written Statement of Luxembourg (2025), para. 23; Written Statement of the Republic of Maldives (28 February 2025), paras. 83-84; Written Statement of Mexico (February 2025), para. 83; Written Statement of Namibia (28 February 2025), para. 122; Written Statement of Qatar (28 February 2025), para. 43; Written Statement of Saudi Arabia (28 February 2025), para. 75; Written Statement on behalf of the UN Secretary-General (27 February 2025), paras. 195 and 207-209. See also Draft Articles of the ILC on the Effect of Armed Conflict of Treaties, Articles 3 and 7, https://legal.un.org/ilc/texts/instruments/english/commentaries/1_10_2011.pdf; Note from the UN Legal Counsel to the USG for Peacekeeping Operations, United Nations, 11 June 2003 (2003) *UNJYB*, [https://legal.un.org/unjuridicalyearbook/volumes/2003/Chapter IV](https://legal.un.org/unjuridicalyearbook/volumes/2003/Chapter%20IV), p. 522, para. 11, <https://legal.un.org/unjuridicalyearbook/volumes/2003/>; *Letter dated 4 May 2009 from the Secretary-General addressed to the President of the Security Council transmitting summary of the report of the UN Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 Dec. 2008 and 19 Jan. 2009* (15 May 2009), paras. 16, 37-39, 44-45, 54, 65-67 and 74-76, <https://undocs.org/en/A/63/855>.

present in occupied territory¹⁰⁷. Given that those obligations bind Israel pursuant to the Charter and the 1946 Convention to which it is a party, they are *entirely* unaffected by Israel's announced withdrawal from its bilateral agreement with UNRWA¹⁰⁸.

24. Israel's violations of those obligations in the West Bank, including East Jerusalem, include its forcible entry into United Nations schools, its seizure and often violent shuttering of United Nations premises¹⁰⁹, and its failure to protect them from attack by Israeli civilians¹¹⁰. They also include Israel's obstruction or prohibition: of the movement of Palestinian United Nations staff¹¹¹; and of the access by international United Nations staff to the Occupied Palestinian Territory¹¹².

25. In Gaza, Israel's violations of those obligations include its obstruction of United Nations aid, supplies, goods and equipment into and throughout the territory, and its attacks on United Nations food stores, distribution facilities and humanitarian convoys¹¹³. Further violations

¹⁰⁷ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, paras. 261-262, 264 and 285 (4) (2024 Advisory Opinion).

¹⁰⁸ Written Statement of the State of Palestine (28 February 2025), paras. 5.24-5.25. See further: Exchange of Letters Constituting a Provisional Agreement between the United Nations Relief and Works Agency for Palestine Refugees in the Near East and Israel concerning Assistance to Palestine Refugees, dated 14 June 1967 ("Comay-Michelmores Agreement"), available at <https://www.un.org/unispal/document/auto-insert-198325/>.

¹⁰⁹ Written Statement of the State of Palestine (28 February 2025), para. 6.9. See also e.g. UN Meetings Coverage and Press Releases, *Daily Press Briefing by the Office of the Spokesperson for the Secretary-General* (18 February 2025), <https://press.un.org/en/2025/db250218.doc.htm>; UNISPAL, *UNSCO SecCo briefing on Report of the Secretary-General on the implementation of SCR 2334 (2016)* (21 March 2025), <https://www.un.org/unispal/document/unsco-secco-briefing-on-report-of-the-secretary-general-on-the-implementation-of-security-council-resolution-2334-2016-21-march-2025>; UNRWA Commissioner-General Philippe Lazzarini, @UNLazzarini (5:54 pm, 8 April 2025), <https://x.com/UNLazzarini/status/1909651084785992146>; Director of UNRWA Affairs for the West Bank, including East Jerusalem, Roland Friedrich, @GRFriedrich (4:06 pm, 10 April 2025), <https://x.com/GRFriedrich/status/1910348557141311541>; UNRWA, *UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (17 April 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

¹¹⁰ Written Statement of the State of Palestine (28 February 2025), para. 6.9; UN OCHA, *Humanitarian Situation Update #281 | West Bank* (17 April 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-281-west-bank>; UNISPAL, "*Tragedy foretold and stain on our collective humanity*": *Special Rapporteur warns of mass ethnic cleansing in the West Bank* (18 March 2025), <https://www.un.org/unispal/document/tragedy-foretold-and-stain-on-our-collective-humanity-special-rapporteur-18march2025/>; UN News, *UN rights office raises alarm over escalating violence in occupied West Bank* (24 January 2025).

¹¹¹ Written Statement of the State of Palestine (28 February 2025), para. 6.19.

¹¹² Written Statement of the State of Palestine (28 February 2025), paras. 2.53, 5.10, 5.40 and 6.19. See also UNRWA, *The Israeli Authorities have stopped giving visas to heads and staff of the international NGO community* (20 September 2024), <https://www.unrwa.org/newsroom/official-statements/israeli-authorities-have-stopped-giving-visas-heads-and-staff>; (then) Israeli Foreign Minister, Eli Cohen, @elico1, (10:42 pm, 5 December 2023), <https://x.com/elico1/status/1732153434902524371>; and @elico1, 1:15 pm, 25 December 2023, <https://x.com/elico1/status/1739258572456763877>. See relatedly: Israel Government, *International Non-Governmental Organizations Primarily Engaged in Activities with Palestinian Residents for the Purpose of Humanitarian Aid* (9 March 2025), https://www.gov.il/en/pages/interministerial_team_registration_humanitarian_organizations_foreign_employees.

¹¹³ Written Statement of the State of Palestine (28 February 2025), paras. 4.63 and 6.14. See further e.g. UNRWA,

include Israel's use of United Nations premises as military bases, and its violent, lethal attacks on United Nations schools, shelters and healthcare facilities¹¹⁴, which have been a feature of every large-scale military assault on Gaza since at least 2009¹¹⁵. Since October 2023 alone, Israel has attacked more than 310 United Nations facilities in Gaza, many being struck repeatedly¹¹⁶.

26. Israel violates the immunities of United Nations *officials* including by killing, injuring and unlawfully detaining them, and subjecting them to violent interrogation and ill-treatment, including

UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem (17 April 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>; UN Secretary-General, António Guterres, @antonioguterres (3:51 pm, 9 April 2025), <https://x.com/antonioguterres/status/1909982529974677939>; UN News, *Gaza war: UN World Food Programme condemns Israeli attack on aid convoy* (6 January 2025), <https://news.un.org/en/story/2025/01/1158746>; UNRWA Commissioner Philippe Lazzarini, @UNLazzarini (10:12 pm, 9 September 2024), <https://x.com/UNLazzarini/status/1833252181539016856>; UNRWA, @UNRWA (9:53 pm, 14 October 2024), <https://x.com/UNRWA/status/1845930999416533406?s=08>; UNRWA, @UNRWA (2:51 pm, 4 April 2024), <https://x.com/UNRWA/status/1775883835818782877?s=08>; UNRWA, @UNRWA (1:00 pm, 15 March 2024), <https://x.com/UNRWA/status/1768623425004658822?s=08>; UNRWA, @UNRWA (3:10 pm, 13 March 2024), <https://x.com/UNRWA/status/1767931166097609064?s=08>; UNRWA, @UNRWA (4:47 pm, 13 March 2024), <https://x.com/UNRWA/status/1767970869848969614>; UN Human Rights Palestine, @OHCHR_Palestine (5:16 pm, 1 March 2024), https://x.com/OHCHR_Palestine/status/1763614203963691409.

¹¹⁴ Written Statement of the State of Palestine (28 February 2025), paras. 1.19, 5.28, 6.6 and 6.9. See further UN HRC, *Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/HRC/56/CRP.4 (10 June 2024), paras. 201, 403 and 434, <https://tinyurl.com/mrfsn364>; UN HRC, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/HRC/56/26 (14 June 2024), para. 71, <https://docs.un.org/en/A/HRC/56/26>; UN News, *Gaza death toll passes 45,000 as UN school suffers new deadly strike* (16 December 2024), <https://news.un.org/en/story/2024/12/1158206>; UNRWA, @UNRWA (11:38 am, 17 December 2024), <https://x.com/UNRWA/status/1868984223647871258>; UNRWA, @UNRWA (3:48 pm, 15 February 2025), <https://x.com/UNRWA/status/1758156390684557777>; UNRWA, @UNRWA (1:45 pm, 6 February 2025), <https://x.com/UNRWA/status/1754863818839069139>; UNISPAL, *Statement by the UN Human Rights Office in the Occupied Palestinian Territory on the developments in Gaza*, (21 March 2025), <https://www.un.org/unispal/document/statement-by-the-un-human-rights-office-in-the-occupied-palestinian-territory-on-the-developments-in-gaza-21-march-2025/>; UN Office of the Spokesperson for the UN Secretary-General, *Highlights of the Noon Briefing by Stéphane Dujarric, Spokesman For Secretary-General António Guterres* (2 April 2025), <https://www.un.org/sg/en/content/highlight/2025-04-02.html>; UNRWA, @UNRWA (11:42 am, 14 April 2025), <https://x.com/UNRWA/status/1911731712536559827>; UNRWA, *UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (17 April 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>; <http://unrwa.org/resources/reports/unrwa-situation-report-166-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

¹¹⁵ Written Statement of the State of Palestine (28 February 2025), paras. 5.32 and 6.6. See also e.g. Letter from the Secretary-General addressed to the President of the Security Council, UN doc. A/63/855-S/2009/250 (4 May 2009), Annex, paras. 10-17, 26-27, <https://docs.un.org/en/A/63/855>; UN HRC, *Report of the United Nations Fact-Finding Mission on the Gaza Conflict*, UN doc. A/HRC/12/48 (25 September 2009), paras. 551-562 and 572-585, 592 and 595, <https://docs.un.org/en/A/HRC/12/48>; Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, UN doc. A/70/13 (2015), para. 4, <https://docs.un.org/en/A/70/13>; Letter from the Secretary-General addressed to the President of the Security Council, UN doc. S/2015/286, Annex (27 April 2015), <https://docs.un.org/en/S/2015/286>.

¹¹⁶ Written Statement of the State of Palestine (28 February 2025), para. 6.6. See further UNRWA, *UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (17 April 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

severe beatings, waterboarding, deprivation of food and water, and threats of extreme harm to their families¹¹⁷.

27. Such violations against United Nations staff also constitute serious breaches of Israel's obligations under the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons¹¹⁸. For 18 months and long previously, Israel has failed to prevent violent attacks on United Nations officials or to prosecute those responsible.

28. The Israeli attacks on 23 March 2025 on United Nations personnel and other aid workers in Rafah stands as a stark example¹¹⁹. The slide on your screens shows the mangled wreckage of a United Nations vehicle, crushed by Israeli soldiers, and hidden in the sand, buried alongside its murdered driver, a United Nations employee, and 14 medics and first responders, with their destroyed ambulances and fire truck. They were only recovered six days later¹²⁰, an initial joint United Nations mission to recover the bodies having been abandoned after "encounter[ing] hundreds of civilians fleeing under gunfire"; the Acting Director of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Gaza, described "witness[ing] a woman shot in the back of the head. When a young man tried to retrieve her, he too was shot"¹²¹. As a video

¹¹⁷ Written Statement of the State of Palestine (28 February 2025), paras. 5.45-5.47 and 6.5. See also UNRWA, *Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War* (16 April 2024), <https://www.unrwa.org/resources/reports/detention-and-alleged-ill-treatment-detainees-gaza-during-israel-hamas-war>; UN HRC, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/79/232 (11 September 2024), paras. 42, 48-50, 62-69, 101-110, <https://docs.un.org/en/A/79/232>; UNRWA, *Gaza: Israeli Forces bombardment continues from air and sea for the third day* (20 March 2025), <https://www.unrwa.org/newsroom/official-statements/gaza-israeli-forces-bombardment-continues-air-and-sea-third-day>; UN News, "Attacks on aid workers must end," *Security Council told* (2 April 2025), <https://news.un.org/en/story/2025/04/1161786>; UNRWA Commissioner Philippe Lazzarini interview, available at TRT World @trtworld (5:32 pm, 12 April 2025), <https://x.com/trtworld/status/1911094963632554482>.

¹¹⁸ Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (adopted 14 December 1973, entered into force 20 February 1977), 1035 *UNTS* 167, Arts. 2, 4, 6-7 (Israel acceded to the Convention on 31 July 1980; Palestine acceded to the Convention on 21 January 2015). See also Written Statement of the State of Palestine (28 February 2025), paras. 5.42-5.44.

¹¹⁹ See e.g. UN News, *Fear and uncertainty are daily staples for Gaza's most vulnerable* (9 April 2025), <https://news.un.org/en/story/2025/04/1162031>; Younis Tirawi @ytirawi (12:50 pm, 23 April 2025), <https://x.com/ytirawi/status/1915010445221544283>; Ben van der Merwe and Michelle Inez Simon, Data & Forensics, Celine Al Khaldi and Sky's Gaza team, "Analysis: Two hours of terror: Sky News investigation reveals how Israel's deadly attack on aid workers unfolded", *Sky News* (22 April 2025), <https://news.sky.com/story/two-hours-of-terror-sky-news-investigation-reveals-how-israels-deadly-attack-on-aid-workers-unfolded-13348776>; Ben van der Merwe, "Israeli troops shot at Gaza aid workers from 'point-blank range', leaked documents reportedly show", *Sky News* (23 April 2025), <https://news.sky.com/story/israeli-troops-shot-at-gaza-aid-workers-from-point-blank-range-leaked-documents-reportedly-show-13354441>.

¹²⁰ See e.g. UN OCHA, UN Humanitarian @UNOCHA (1:02 pm, 31 March 2025), <https://x.com/UNOCHA/status/1906678469318041910>; Head of Office, UN OCHA OPT, Jonathan Whittall, @_jwhittall (10:15 pm, 30 March 2025), https://x.com/_jwhittall/status/1906455253702115359.

¹²¹ Head of Office, UN OCHA OPT, Jonathan Whittall, @_jwhittall (10:16 pm, 30 March 2025), https://x.com/_jwhittall/status/1906455423810490659.

recording has exposed, the Israeli Army's Golani Unit — responsible for the attacks on 23 March — was briefed prior to its deployment to Rafah that: “*Everyone* you encounter is an enemy . . . If you spot a figure, open fire, *eliminate*, and move on.”¹²²

29. It was the recording of the Israeli attacks on 23 March, found on the mobile phone of a slain Palestinian Red Crescent Society paramedic¹²³, that compelled Israel's retraction of its initial attempted justification of the killings¹²⁴. That recording, of Refaat Radwan's final words, also reflects the sacrifice made by so many in Gaza, who have given their lives for others: after reciting the Muslim prayers of the dying and knowing his mother's heart would be broken by his death, he called out: “Forgive me, mother. Forgive me. I chose this path to help people. Forgive me.”¹²⁵

30. As stated by the Director-General of the International Committee of the Red Cross, “the situation in Gaza will haunt us for decades, because no one will be able to say we weren't aware. All the information is available, the images are there.”¹²⁶ They are being streamed from the phones of the living and the dead.

III. Israel's breaches of the fundamental human rights of Palestinians

31. “All the information is available” also of Israel's long-standing violations of the fundamental human rights of Palestinians, which is the third topic to which I now turn.

32. Israel's actions, including those long pre-dating October 2023, are in egregious violation of Articles 55 and 56 of Chapter IX of the Charter. Through those Articles, Israel “pledged . . . to take joint and separate action in cooperation with the [United Nations]” to promote “higher standards

¹²² See video of Lt. Col. David Cohen of the Sayeret Golani Unit in: Hallel Bitton Rosen, @BittonRosen (6:29 am, 4 April 2025), <https://x.com/BittonRosen/status/1908029094173753650>. See also Younis Tirawi @ytirawi (12:50 pm, 23 April 2025), <https://x.com/ytirawi/status/1915010445221544283>; Ben van der Merwe and Michelle Inez Simon, Data & Forensics, Celine Al Khaldi and Sky's Gaza team, “Analysis: Two hours of terror: Sky News investigation reveals how Israel's deadly attack on aid workers unfolded”, *Sky News* (18 April 2025), <https://news.sky.com/story/two-hours-of-terror-sky-news-investigation-reveals-how-israels-deadly-attack-on-aid-workers-unfolded-13348776> (emphasis added).

¹²³ Palestinian Red Crescent Society (PRCS), @PalestineRCS (7:21 pm, 11 April 2025), <https://x.com/PalestineRCS/status/1910760251202076856>.

¹²⁴ Israel Defense Forces, *The Incident on March 23rd, in Which Terrorists Abusing Medical Vehicles Were Eliminated By IDF Troops* (2 April 2025), <https://www.idf.il/en/mini-sites/idf-press-releases-israel-at-war/april-25-pr/the-incident-on-march-23rd-in-which-terrorists-abusing-medical-vehicles-were-eliminated-by-idf-troops>.

¹²⁵ PRCS @PalestineRCS (7:21 pm, 11 April 2025), <https://x.com/PalestineRCS/status/1910760251202076856>. See also PRCS @PalestineRCS (10:56 am, 5 April 2025), <https://x.com/PalestineRCS/status/1908458778040631384>.

¹²⁶ Stéphane Bussard, ICRC Director General Pierre Krähenbühl: ‘Gaza Will Haunt Us for Decades’, *Geneva Solutions* (11 April 2025), <https://genevasolutions.news/peace-humanitarian/icrc-director-general-pierre-krahenbuhl-gaza-will-haunt-us-for-decades>; Cédric Cotter, @Ced_Cotter (8:32 am, 10 April 2025), https://x.com/Ced_Cotter/status/1910234507933802704.

of living” and “universal respect for, and observance of, human rights and fundamental freedoms *for all*”¹²⁷.

33. The obligations to which Chapter IX gives rise are not optional. As the United States explained in its submissions in the *South West Africa* case, which concerned *another* situation of occupation — of Namibia by apartheid South Africa — “[i]n accordance with Chapter IX of the Charter, States have an *obligation* to co-operate with the United Nations towards the realization of human rights and fundamental freedoms, *without discrimination*, for the people of Namibia”¹²⁸. The same applies — without discrimination — to the people of Palestine.

34. That is because through the Charter, “the people of the United Nations” — including Israel — have declared themselves “determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person” and “in the equal rights of . . . nations large and small”¹²⁹. One of the foundational purposes of the United Nations is “[t]o achieve international cooperation in solving international problems of [a] . . . humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for *all without distinction*”¹³⁰. International law protects and binds all peoples, equally. There are no children of a lesser God.

35. Yet, for decades, Israel has denied and violated — with impunity — the fundamental human rights of the Palestinian people, in breach of its obligations under the United Nations Charter and international human rights law¹³¹, while in parallel preventing attempts by the United Nations,

¹²⁷ UN Charter, Arts. 55-56 (emphasis added).

¹²⁸ *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, *Advisory Opinion*, I.C.J. Reports 1971, CR 1971, Written Statement of the United States of America, p. 883 (emphasis added).

¹²⁹ UN Charter, Preamble (emphasis added).

¹³⁰ UN Charter, Art. 1 (3) (emphasis added). See also UN General Assembly resolution 2625 (XXV), *Declaration on Principles of International Law concerning Friendly Relations among States in accordance with the Charter of the United Nations*, UN doc. A/Res/2625 (XXV) (24 October 1970), [https://docs.un.org/A/Res/2625 \(XXV\)](https://docs.un.org/A/Res/2625 (XXV)).

¹³¹ Written Statement of the State of Palestine (28 February 2025), paras. 4.66-4.78. See further *e.g.*, International Covenant on Civil and Political Rights, 16 December 1966 (entry into force: 23 March 1976), *UNTS*, Vol. 999, p. 171 (ratified by Israel on 3 October 1991; ratified by Palestine on 2 April 2014); International Covenant on Economic, Social and Cultural Rights, 16 December 1966 (entry into force: 3 January 1976), *UNTS*, Vol. 993, p. 3 (ratified by Israel on 3 October 1991; ratified by Palestine on 2 April 2014); Convention on the Elimination of All Forms of Discrimination Against Women 1979 (entry into force: 3 September 1981), *UNTS*, Vol. 1249, p. 13 (ratified by Israel on 3 October 1991; ratified by Palestine on 2 April 2014); International Convention on the Elimination of All Forms of Racial Discrimination 1966 (entry into force: 4 January 1969), *UNTS*, Vol. 660, p. 195 (ratified by Israel on 3 January 1979; ratified by Palestine on 2 April 2014); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (entry into force: 26 June 1987), *UNTS*, Vol. 1465, p. 85 (ratified by Israel on 3 October 1991; ratified by Palestine on

other organizations and third States to ensure their fulfilment. It has violated the right of Palestinians to development, causing widespread poverty across the Occupied Palestinian Territory, and forcing large numbers of people into dependence on international assistance¹³². And then it has obstructed that international assistance, or destroyed it once provided¹³³. It has violated the rights of Palestinians to food, to water, to health, to physical integrity, to education, to property, to shelter and, above all else, their right to life¹³⁴, including through the system of racial discrimination and apartheid it has

2 April 2014); Convention on the Rights of the Child 1989 (entry into force: 2 September 1990), *UNTS*, Vol. 1577, p. 3 (ratified by Israel on 3 October 1991; ratified by Palestine on 2 April 2014); Convention on the Rights of Persons with Disabilities 2006 (entry into force: 3 May 2008), *UNTS*, Vol. 2515, p. 3 (ratified by Israel on 28 September 2012; ratified by Palestine on 2 April 2014).

¹³² See e.g.: UN Trade and Development (UNCTAD), Developments in the economy of the Occupied Palestinian Territory, 11 September 2023, TD/B/EX(74)/2, para. 52-53 (https://unctad.org/system/files/official-document/tdbex74d2_en.pdf); Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 12 August 2022, A/HRC/49/87, para. 45 (<https://docs.un.org/en/A/HRC/49/87>).

¹³³ Written Statement of the State of Palestine (28 February 2025), paras. 1.21-1.23.

¹³⁴ Written Statement of the State of Palestine (28 February 2025), paras. 1.16-1.18, 4.66-4.76 and 4.78; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, I.C.J. Reports 2004 (I)*, paras. 134 and 136-137; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, paras. 113-114, 126, 129, 220 and 256; see also e.g., UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN doc. A/65/331 (30 August 2010), paras. 4, 10, 12, 15 and 16, <https://docs.un.org/en/A/65/331>; UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN doc. A/67/379 (19 September 2012), paras. 12, 16, 40, 73 and 88, <https://docs.un.org/en/A/67/379>; UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN doc. A/72/556 (23 October 2017), paras. 7, 10, 14, 54 <https://docs.un.org/en/A/72/556>; Amnesty International, *The Occupation of Water* (29 November 2017), <https://www.amnesty.org/en/latest/campaigns/2017/11/the-occupation-of-water/>; UN HRC, *Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory*, UN doc. A/HRC/40/CRP.2 (18 March 2019), paras. 692-694, 700-701 and 703 <https://docs.un.org/en/A/HRC/40/CRP.2>; UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN doc. A/74/507 (21 October 2019), paras. 11, 15, 31 and 23, <https://docs.un.org/en/A/74/507>; Al Haq, *Field Report on Human Rights Violations in 2019* (4 February 2020), <https://www.alhaq.org/monitoring-documentation/16346.html>; UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN doc. A/75/532 (22 October 2020), paras. 7, 16, 19, 22, <https://docs.un.org/en/A/75/532>; Palestinian Centre for Human Rights, *Gaza Strips Health Sector Under Israeli Military Aggression and Closure* (27 June 2021), <https://pchrgaza.org/gaza-strips-health-sector-under-israeli-military-aggression-and-closure/>; UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN doc. A/76/433 (22 October 2021), paras. 7, 10, 13 and 17, <https://docs.un.org/en/A/76/433>; UN HRC, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/HRC/50/21 (9 May 2022), paras. 52, 54-55 and 61, <https://docs.un.org/en/A/HRC/50/21>; UN HRC, *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, UN doc. A/77/536 (21 September 2022), paras. 48-50, 54 and 57 <https://docs.un.org/en/A/77/536>; UN HRC, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/77/328 (14 September 2022), paras. 56, 58, 62 and 69, <https://docs.un.org/en/A/77/328>; UN HRC, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/HRC/53/22 (9 May 2023), paras. 47 and 68, <https://docs.un.org/en/A/HRC/53/22>; UN HRC, *Detailed findings on attacks and restrictions on and harassment of civil society actors, by all duty bearers, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/HRC/53/CRP.1 (2 June 2023), para. 196 <https://tinyurl.com/47s4ys2c>; Al-Haq, *Annual Field Report on Human Rights Violations in 2022* (5 June 2023), <https://www.alhaq.org/monitoring-documentation/21557.html>; UN HRC, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/78/198, paras. 46 (5 September 2023), <https://docs.un.org/en/A/78/198>.

imposed¹³⁵. The hundreds of thousands of Palestinian men, women and children, whom it has imprisoned — many without charge or trial — have been particularly severely impacted¹³⁶. Israel's violations have been extensively documented by United Nations bodies, and by Palestinian and international NGOs¹³⁷, and their breaches recorded by this Court in two previous Advisory Opinions¹³⁸.

36. However, even as against that standard, Israel's violations since October 2023 have been “unprecedented”¹³⁹. The International Criminal Court's arrest warrants for the Israeli Prime Minister Netanyahu and former Defence Minister Gallant include the crime against humanity of persecution, defined as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity”¹⁴⁰. In addition to the war crime of starvation, dealt with in the previous presentation, warrants have also been issued for the crimes against

¹³⁵ See e.g., B'Selem, *A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid* (12 January 2021), https://www.btselem.org/publications/fulltext/202101_this_is_apartheid; Al Haq, *The Legal Architecture of Apartheid* (2 April 2021), <https://aardi.org/2021/04/02/the-legal-architecture-of-apartheid-by-dr-susan-powers-al-haq/>; Human Rights Watch, *A Threshold Crossed Israeli Authorities and the Crimes of Apartheid and Persecution* (27 April 2021), <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>; Amnesty International, *Israel's apartheid against Palestinians: Cruel system of domination and crime against humanity* (1 February 2022), <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>; UN OHCHR, *Israel's 55-year occupation of Palestinian Territory is apartheid – UN human rights expert* (25 March 2022), <https://www.ohchr.org/en/press-releases/2022/03/israels-55-year-occupation-palestinian-territory-apartheid-un-human-rights>; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 229, finding a breach of Art. 3 of the Convention on the Elimination of Racial Discrimination (CERD); Amnesty International, *'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza* (5 December 2024) pp. 47-50, <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>; Human Rights Watch, *Extermination and Acts of Genocide Israel Deliberately Depriving Palestinians in Gaza of Water* (19 December 2024), <https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza>.

¹³⁶ Written Statement of the State of Palestine (28 February 2025), paras. 1.24 and 4.74. See, e.g., Addameer, Prisoner Support and Human Rights Association, *Prisoner Violence 2024* (13 April 2025), <https://www.addameer.org/media/5539>; Defence for Children International – Palestine Section (DCI), 7-year-old Palestinian child prisoner starved to death by Israeli prison guards (3 April 2025), https://www.dci-palestine.org/17_year_old_palestinian_child_prisoner_starved_to_death_by_israeli_prison_guard; UN HRC, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/79/232 (11 September 2024), paras. 41-72, <https://docs.un.org/en/A/79/232>.

¹³⁷ See fn. 67.

¹³⁸ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, paras. 134 and 136-137; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, paras. 194, 196-197, 205-206, 213, 220-229.

¹³⁹ Written Statement of the State of Palestine (28 February 2025), paras. 6.5-6.6. See also, e.g., UN HRC, *Detailed findings on attacks carried out on and after 7 October 2023 in Israel, Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/HRC/56/CRP.3 (10 June 2024), <https://tinyurl.com/3vh459nt>; UN News, *Human Rights Council: Gaza ceasefire must hold, Türk insists* (26 February 2025), <https://news.un.org/en/story/2025/02/1160551>.

¹⁴⁰ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3, Art. 7 (2) (g).

humanity of murder and inhumane acts, involving killing and the infliction of great physical or mental suffering or serious injury, committed as part of a widespread or systematic attack against a civilian population¹⁴¹. The ICC Pre-Trial Chamber considered, for example, that:

“by intentionally limiting or preventing medical supplies and medicine from getting into Gaza . . . the two individuals are . . . responsible for inflicting great suffering by means of inhumane acts on persons in need of treatment. Doctors were forced to operate on wounded persons and carry out amputations, including on children, without anaesthetics . . . causing these persons extreme pain and suffering”¹⁴².

37. And almost inconceivably, the situation has deteriorated further since those warrants were issued. As of late 2024, the United Nations had already assessed that local water and food production in Gaza — crops, olive tree orchards, fishing, cattle and poultry farms — had been all but destroyed, as had been essential services, including electricity, water and sewerage, alongside the destruction of bakeries, shops and trade¹⁴³. And now, no fuel, no medicine, no food, no water, nothing has been permitted by Israel to enter Gaza for 57 days. Three days ago, on Friday, the United Nations World Food Programme announced that it had now “depleted all its food stocks” in Gaza¹⁴⁴.

38. Widespread malnutrition, rampant infectious diseases, alongside untreated conditions, and the severe mental impact of Israel’s assault on Gaza, together with its systematic destruction of

¹⁴¹ International Criminal Court, *Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel’s challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant* (21 November 2024), <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>. See also International Criminal Court, *Report of the Panel of Experts in International Law* (20 May 2024), paras. 22, 30 and 32 <https://www.icc-cpi.int/sites/default/files/2024-05/240520-panel-report-eng.pdf>.

¹⁴² ICC, *Situation in the State of Palestine: ICC Pre-Trial Chamber I rejects the State of Israel’s challenges to jurisdiction and issues warrants of arrest for Benjamin Netanyahu and Yoav Gallant* (21 November 2024), <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>.

¹⁴³ The World Bank, the European Union and the United Nations, *Gaza & West Bank Interim Rapid Damage and Needs Assessment (IRDNA)* (18 February 2025), para. 47, <https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf>; World Bank Group, *New Report Assesses Damages, Losses and Needs in Gaza and the West Bank* (18 February 2025), <https://www.worldbank.org/en/news/press-release/2025/02/18/new-report-assesses-damages-losses-and-needs-in-gaza-and-the-west-bank>; and Food and Agriculture Organization of the United Nations (UN FAO), *Gaza: Immediate action must combine emergency relief with the restoration of local food production* (28 January 2025), <https://www.fao.org/newsroom/detail/FAO-gaza-emergency-relief-food-production/>; UN FAO, *Damage to cropland categories to the conflict in the Gaza Strip as of 31st of December 2024* (2025), <https://openknowledge.fao.org/server/api/core/bitstreams/0a1a1111-1306-4003-a3c4-c846ee7af23d/content>. See also Palestinian Central Bureau of Statistics, *The Palestinian Central Bureau of Statistics (PCBS), and the Palestinian Water Authority (PWA) Issue a joint Press Release on the World Water Day* (22 March 2025), <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=5946>; Oxfam Policy and Practice, *Water War Crimes: How Israel has weaponised water in its military campaign in Gaza* (18 July 2024), <https://policy-practice.oxfam.org/resources/water-war-crimes-how-israel-has-weaponised-water-in-its-military-campaign-in-ga-621609/>; MSF, Doctors Without Borders, *Water is being used as a weapon of war in Gaza* (25 March 2025), <https://www.doctorswithoutborders.org/latest/water-being-used-weapon-war-gaza>; OCHA, *Gaza Humanitarian Response Update | 30 March - 12 April 2025* (15 April 2025), <https://www.ochaopt.org/content/gaza-humanitarian-response-update-30-march-12-april-2025>.

¹⁴⁴ UN World Food Programme, *WFP runs out of food stocks in Gaza as border crossings remain closed* (25 April 2025), <https://www.wfp.org/news/wfp-runs-out-food-stocks-gaza-border-crossings-remain-closed>.

95 per cent of Gaza's hospitals and maternity clinics, and its killing of so many of Gaza's medical experts, will impact Palestinians for generations¹⁴⁵. This is not just about Gaza's present, but about its very future.

39. And Gaza's future — its approximately one million children — are being impacted particularly severely. Children are literally freezing and starving to death¹⁴⁶. They include 79 children, including eight newborn babies, who died during the particularly harsh cold weather of Christmas and New Year gone by¹⁴⁷. Gaza is now home to the largest cohort of child amputees in the world¹⁴⁸, the “largest orphan crisis in modern history”¹⁴⁹ and “a whole generation . . . in danger of suffering from stunting”, causing “*irreparable* physical and cognitive impairments”¹⁵⁰. Over 15,600 children have been killed, violently¹⁵¹. Tens of thousands more of Gaza's children are injured or missing, and many of those surviving are so traumatized that they openly express the wish to

¹⁴⁵ See e.g., UN HRC, *Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel*, UN doc. A/79/232 (11 September 2024), para. 97, <https://docs.un.org/en/A/79/232>; UN World Health Organization (WHO), Izzeldin Abuelaish and Altaf Musani, “*Reviving and rebuilding the health system in Gaza*” (Eastern Mediterranean Health Journal, 2025, 31 (2):56–58), <https://www.emro.who.int/emhj-volume-31-2025/volume-31-issue-2/reviving-and-rebuilding-the-health-system-in-gaza.html>; UN WHO, Imad Asmar, *The devastating effects of Gaza war on healthcare*, (Eastern Mediterranean Health Journal, 2025, 31 (2):77–78), <https://www.emro.who.int/emhj-volume-31-2025/volume-31-issue-2/the-devastating-effects-of-gaza-war-on-healthcare.html>; Médecins Sans Frontières, *Strikes, raids and incursions: Over a year of relentless attacks on healthcare in Palestine* (7 January 2025), <https://www.msf.org/strikes-raids-and-incursions-year-relentless-attacks-healthcare-palestine>; UN Meetings Coverage and Press Releases, ‘*A Generation Has Been Traumatized*’, Says Humanitarian Affairs Chief, Briefing Security Council on Plight of Children in Gaza (23 January 2025), <https://press.un.org/en/2025/sc15975.doc.htm>; Mark Townsend, “Long-term effects of Gaza war could quadruple Palestinian death toll, warn UK doctors”, *The Guardian*, (22 February 2025), <https://www.theguardian.com/global-development/2025/feb/22/gaza-wars-after-effects-palestinian-death-toll-warn-uk-doctors-disease-malnutrition-healthcare>; UN HRC, “*More than a human can bear*”: Israel's systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023, UN doc. A/HRC/58/CRP.6 (13 March 2025), para. 219, <https://docs.un.org/en/A/HRC/58/CRP.6>.

¹⁴⁶ Written Statement by the State of Palestine, paras. 6.16-6.17, citing UN News, ‘*Children are now freezing to death*’: harrowing updates from Gaza (9 January 2025) <https://news.un.org/en/story/2025/01/1158881>. See also: UN News, Gaza: ‘Children are dying from hunger’, says UN aid coordinator (6 March 2024), <https://news.un.org/en/story/2024/03/1147312>.

¹⁴⁷ *Ibid.*

¹⁴⁸ UNRWA, @UNRWA (10:34 am, 3 December 2024), <https://x.com/UNRWA/status/1863894565226176908>; UNICEF USA, *Emergency Response UNICEF Delivers Wheelchairs for Gaza's Children* (22 January 2025), <https://www.unicefusa.org/stories/unicef-delivers-wheelchairs-gazas-children>.

¹⁴⁹ Palestinian Central Bureau of Statistics, *H.E. Dr. Awad, highlights the Palestinian children's situation on the eve of the Palestinian Child Day, 05/04/2025* (5 April 2025), <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=5965>.

¹⁵⁰ UN OHCHR, *Over one hundred days into the war, Israel destroying Gaza's food system and weaponizing food, say UN human rights experts* (16 January 2024), <https://www.ohchr.org/en/press-releases/2024/01/over-one-hundred-days-war-israel-destroying-gazas-food-system-and>.

¹⁵¹ UNRWA, *UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem* (17 April 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>; UNRWA, UNRWA Commissioner-General, *Gaza: Harrowing. At least 100 children are reported killed or injured every day in Gaza* (4 April 2025), <https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-gaza-harrowing-least-100-children-are-reported-killed>.

die¹⁵². They — like everyone in Gaza — are in desperate, urgent need of assistance, which Israel continues to block. As recently warned by the heads of 12 international aid agencies, “survival itself is now slipping out of reach”¹⁵³.

40. Israel’s acts are not just murderous and inhumane, they are genocidal, as the United Nations Commission of Inquiry and others have concluded¹⁵⁴, and as is the near-consensus view across the human rights community¹⁵⁵.

41. While the determination of Israel’s international *responsibility* for genocide is a subject of other proceedings before this Court, the *risk* to the right of Palestinians to be protected from acts of genocide is at issue in these proceedings. That is because the Court is being asked to advise on Israel’s obligations in relation to the provision of aid and other services to Gaza, in the context of a “[a] binding determination by a competent organ of the United Nations”¹⁵⁶ (being the Court itself) that there exists a “real and imminent risk” of irreparable prejudice to the right of Palestinians to be protected from acts of genocide¹⁵⁷; and that Israel must ensure humanitarian aid and basic services

¹⁵² Community Training Centre for Crisis Management, *Needs Study: Impact of War in Gaza on Children with Vulnerabilities and Families* (November 2024), https://www.warchild.org.uk/sites/default/files/2024-12/CTCCM_Gaza_Needs_Assessment_Report_2024_WCUK.pdf.

¹⁵³ Save the Children, “*Let Us Do Our Jobs*” — *CEOs of Major Aid Groups in Gaza Warn Aid System is Collapsing* (17 April 2025), <https://www.savethechildren.net/news/let-us-do-our-jobs-ceos-major-aid-groups-gaza-warn-aid-system-collapsing>.

¹⁵⁴ Written Statement of the State of Palestine (28 February 2025), paras. 4.79-4.101. See further: UN HRC, “*More than a human can bear*”: *Israel’s systematic use of sexual, reproductive and other forms of gender-based violence since 7 October 2023*, UN doc. A/HRC/58/CRP.6 (13 March 2025), para. 178, <https://docs.un.org/en/A/HRC/58/CRP.6>; HRC, *Anatomy of a genocide: Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, Francesca Albanese, UN doc. A/HRC/55/73 (1 July 2024), <https://docs.un.org/en/A/HRC/55/73>, para. 93; UN OHCHR, *UN experts declare famine has spread throughout Gaza strip* (9 July 2024), <https://www.ohchr.org/en/press-releases/2024/07/un-experts-declare-famine-has-spread-throughout-gaza-strip>; HRC, *Report of the Special Rapporteur on the right to food*, Michael Fakhri, *Starvation and the right to food, with an emphasis on the Palestinian people’s food sovereignty*, UN doc. A/79/171 (17 July 2024), <https://docs.un.org/en/A/79/171>, para. 43; Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, UN doc. A/79/363 (20 September 2024), para. 59, <https://docs.un.org/A/79/363>; UN OHCHR, *UN experts horrified at blatant disregard for health rights in Gaza following deadly raid on Kamal Adwan hospital* (2 January 2025), <https://www.ohchr.org/en/press-releases/2025/01/un-experts-horrified-blatant-disregard-health-rights-gaza-following-deadly>.

¹⁵⁵ See e.g., Amnesty International, “*You Feel Like You Are Subhuman*”, *Israel’s Genocide Against Palestinians in Gaza* (5 December 2024), <https://www.amnesty.org/en/documents/mde15/8668/2024/en/>; Human Rights Watch, *Extermination and Acts of Genocide Israel Deliberately Depriving Palestinians in Gaza of Water* (19 December 2024), <https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza>; Al Haq, *The Systematic Destruction of Gaza’s Healthcare System: A Pattern of Genocide* (23 January 2025), <https://www.alhaq.org/publications/25846.html>;

¹⁵⁶ *South West Africa, Advisory Opinion*, p. 54, para. 117.

¹⁵⁷ See *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa v. Israel), Provisional Measures, Order of 26 January 2024 (“*South Africa v. Israel, January 2024 Order*”), I.C.J. Reports 2024, para. 74; *ibid.*, Order of 28 March 2024 (“*March 2024 Order*”), para. 40; *ibid.*, Order of 24 May 2024 (“*May 2024 Order*”), para. 47.

in that situation. Despite Israel's objections¹⁵⁸, there is nothing to prevent the Court advising on the obligations flowing from that situation in these proceedings. On the contrary: given that what is in issue is at the very least a situation of a *risk* of a violation of a peremptory norm of an *erga omnes* nature, the Court could itself risk "failing in the discharge of its judicial functions if it did not declare that there is an obligation, especially upon Members of the United Nations to bring that situation to an end", as the Court underscored in the *South West Africa* case¹⁵⁹. In the context of what UNRWA's Commissioner-General has called "[o]ne of the darkest times for our common humanity we vowed would not happen again"¹⁶⁰, the Court might well consider it "particularly important to remind all States" again — as it did a year ago in *Nicaragua v. Germany* — "of their international obligations" under the Convention on the *Prevention and Punishment of the Crime of Genocide*, as well as under other binding rules of international law¹⁶¹.

IV. Israel's violations of United Nations resolutions and the binding Orders of this Court

42. That brings me to the fourth and penultimate issue: Israel's violations of United Nations resolutions and the Orders of this Court.

43. Applying the Court's reasoning in *South West Africa*, there is no doubt that the four Security Council resolutions addressing the current situation in Gaza¹⁶² are binding decisions pursuant to Article 25 of the Charter, having regard to their subject-matter, their imperative language and "the discussions leading to [them]"¹⁶³. Those discussions include the Secretary-General's exceptional triggering in December 2023 of Article 99 of the Charter¹⁶⁴ — "the most powerful tool"

¹⁵⁸ Written Statement of Israel, para. 60.

¹⁵⁹ *South West Africa, Advisory Opinion*, p. 54, para. 117.

¹⁶⁰ UNRWA, *UNRWA Commissioner-General: "As if death, diseases, destruction and hunger were not enough for the Palestinians in Gaza"* (31 March 2025), <https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-if-death-diseases-destruction-and-hunger>.

¹⁶¹ *Alleged Breaches of Certain International Obligations in respect of the Occupied Palestinian Territory (Nicaragua v. Germany), Provisional Measures, Order of 30 April 2024*, para. 24.

¹⁶² UN Security Council, resolution 2712, UN doc. S/RES/2712 (2023) (15 November 2023) [https://docs.un.org/en/S/RES/2712\(2023\)](https://docs.un.org/en/S/RES/2712(2023)); UN Security Council, resolution 2720, UN doc. S/RES/2720(2023) (22 December 2023), [https://docs.un.org/en/S/RES/2720\(2023\)](https://docs.un.org/en/S/RES/2720(2023)); UN Security Council, resolution 2728, S/RES/2728 (2024) (25 March 2024), [https://docs.un.org/en/S/RES/2728\(2024\)](https://docs.un.org/en/S/RES/2728(2024)); UN Security Council, resolution 2735, S/RES/2735 (2024) (10 June 2024), [https://docs.un.org/en/S/RES/2735\(2024\)](https://docs.un.org/en/S/RES/2735(2024)).

¹⁶³ *South West Africa, Advisory Opinion*, p. 53, para. 113-115. The Court reaffirmed para. 114 from its *South West Africa Advisory Opinion in Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion, I.C.J. Reports 2010 (II)*, pp. 450-451, para. 117.

¹⁶⁴ Letter from the Secretary-General addressed to the President of the Security Council, 6 December 2023, S/2023/962, <https://docs.un.org/en/S/2023/962>.

available to him¹⁶⁵ — permitting him to bring to the Security Council “any matter which in his opinion may threaten the maintenance of international peace and security”¹⁶⁶.

44. Israel’s continuing failure to comply with those resolutions; with unanimous resolution 2417¹⁶⁷, which condemns the unlawful denial of humanitarian access to civilian populations¹⁶⁸; and with dozens of other Security Council resolutions since its admission to the United Nations¹⁶⁹ — constitute repeated violations of Charter Article 25, reflecting a fundamental rejection of the Security Council’s authority.

¹⁶⁵ UN News, *Gaza: Guterres invokes ‘most powerful tool’ Article 99, in bid for humanitarian ceasefire* (6 December 2023), <https://news.un.org/en/story/2023/12/1144447>.

¹⁶⁶ UN Charter, Art. 99.

¹⁶⁷ UN Security Council resolution 2417, *on conflict-induced food insecurity*, UN doc. S/RES/2417 (2018) (24 May 2018), <https://docs.un.org/S/RES/2417> (2018); as reaffirmed in Statement by the President of the Security Council, UN doc. S/PRST/2023/4 (3 August 2023), <https://docs.un.org/S/PRST/2023/4>.

¹⁶⁸ UN Security Council resolution 2417, *on conflict-induced food insecurity*, UN doc. S/RES/2417 (2018) (24 May 2018), para. 5-6, <https://docs.un.org/S/RES/2417> (2018).

¹⁶⁹ Written Statement of the State of Palestine (28 February 2025), paras. 4.17-4.51. See also, e.g., UN Security Council resolution 242, *on a peaceful and accepted settlement of the Middle East situation*, UN doc. S/RES/242 (1967), (22 November 1967), <https://docs.un.org/S/RES/242> (1967); resolution 252, *on the status of Jerusalem*, UN doc. S/RES/252 (1968), (21 May 1968), <https://docs.un.org/S/RES/252> (1968); resolution 267, *on the status of Jerusalem*, UN doc. S/RES/267 (1969), (3 July 1969), <https://docs.un.org/S/RES/267> (1969); resolution 271, *on destruction and profanation of the Holy Places in Jerusalem*, UN doc. S/RES/271 (1969), (15 September 1969), <https://docs.un.org/S/RES/271> (1969); resolution 298, *on the status of Jerusalem*, UN doc. S/RES/298 (1971), (25 September 1971), <https://docs.un.org/S/RES/298> (1971); resolution 465, *on Israeli settlement policies in the occupied territories*, UN doc. S/RES/465 (1980), (1 March 1980), <https://docs.un.org/S/RES/465> (1980); resolution 446, *on establishment of a commission to examine the situation relating to settlements in the Arab territories occupied by Israel*, UN doc. S/RES/446 (1979), (22 March 1979), <https://docs.un.org/S/RES/446> (1979); resolution 452, *on Israeli settlement policies in the occupied territories*, UN doc. S/RES/452 (1979), (20 July 1979), <https://docs.un.org/S/RES/452> (1979); resolution 471, UN doc. S/RES/471 (1980), *on assassination attempts against the Mayors of Nablus, Ramallah and Al Bireh* (5 June 1980), <https://docs.un.org/S/RES/471> (1980); resolution 476, *on the status of Jerusalem*, UN doc. S/RES/476 (1980), (30 June 1980), <https://docs.un.org/S/RES/476> (1980); resolution 478, *on the status of Jerusalem*, UN doc. S/RES/478 (1980), (20 August 1980), <https://docs.un.org/S/RES/478> (1980); resolution 484, *on expulsion by Israel of the Mayors of Hebron and Halhoul*, UN doc. S/RES/484 (1980), (19 December 1980), <https://docs.un.org/S/RES/484> (1980); resolution 592, *on Israeli policy towards Palestinians in the occupied territories*, UN doc. S/RES/592 (1986), (8 December 1986), <https://docs.un.org/S/RES/592> (1986); resolution 605, *on protection of Palestinian civilians under Israel occupation*, UN doc. S/RES/605 (1987), (22 December 1987), <https://docs.un.org/S/RES/605> (1987); resolution 607, *on the deportation of Palestinian civilians from the occupied Arab territories*, UN doc. S/RES/607 (1988), (5 January 1988), <https://docs.un.org/S/RES/607> (1988); resolution 636, *on deportation of 8 Palestinian civilians by Israel from the occupied territories*, UN doc. S/RES/636 (1989), (6 July 1989), <https://docs.un.org/S/RES/636> (1989); resolution 673, *on refusal of Israel to receive a mission of the Secretary-General*, UN doc. S/RES/673 (1990), (24 October 1990), <https://docs.un.org/S/RES/673> (1990); resolution 681, *on Palestinian civilians under Israeli occupation*, UN doc. S/RES/681 (1990), (20 December 1990), <https://docs.un.org/S/RES/681> (1990); resolution 694, *on deportation of 4 Palestinians by Israel*, UN doc. S/RES/694 (1991), (24 May 1991), <https://docs.un.org/S/RES/694> (1991); resolution 726, *on the deportation by Israel of 12 Palestinian civilians from the territories occupied by Israel*, UN doc. S/RES/726 (1992), (6 January 1992), <https://docs.un.org/S/RES/726> (1992); resolution 799, *on deportation of Palestinian civilians from territories occupied by Israel*, UN doc. S/RES/799 (1992), (18 December 1992), <https://docs.un.org/S/RES/799> (1992); resolution 904, *on measures to guarantee the safety and protection of the Palestinian civilians in territories occupied by Israel*, UN doc. S/RES/904 (1994), (18 March 1994), <https://docs.un.org/S/RES/904> (1994); resolution 1073, *on the situation in Jerusalem and the areas of Nablus, Ramallah, Bethlehem and the Gaza Strip*, UN doc. S/RES/1073 (1996), (28 September 1996), <https://docs.un.org/S/RES/1073> (1996); resolution 1322, *Recent events in Jerusalem and other areas throughout the territories occupied by Israel*, UN doc. S/RES/1322 (2000), (7 October 2000), <https://docs.un.org/S/RES/1322> (2000); resolution 1544, *on the humanitarian situation of Palestinians made homeless in the Rafah refugee camp*, UN doc. S/RES/1544 (2004), (19 May 2004), <https://docs.un.org/S/RES/1544> (2004); resolution 2334, *on cessation of Israeli*

45. Israel has similarly defied numerous General Assembly resolutions¹⁷⁰, including: those calling for an immediate humanitarian ceasefire¹⁷¹; setting out the modalities for the implementation of this Court’s 2024 Advisory Opinion; and “*strongly deplor[ing]* the continued and total disregard and breaches by the Government of Israel of its obligations under the Charter”¹⁷². Israel continues to defy: resolution 194, concerning the right of return of Palestine refugees¹⁷³, with which it unequivocally undertook to comply on being admitted to United Nations membership¹⁷⁴; and resolution ES-10/24, demanding that Palestinians displaced during Israel’s occupation be allowed to return home¹⁷⁵, as stipulated by this Court in its 2024 Opinion¹⁷⁶.

46. Israel has also repeatedly violated Charter Article 94 (1) by failing to comply with this Court’s binding orders in *South Africa v. Israel*. Israel’s Prime Minister has rejected the Court’s authority, asserting that: “nobody will stop us — not the Hague, not the Axis of Evil, and not anybody

settlement activities in the Occupied Palestinian Territory, including East Jerusalem, UN doc. S/RES/2334 (2016), (23 December 2016), <https://docs.un.org/S/RES/2334> (2016).

¹⁷⁰ Written Statement of the State of Palestine (28 February 2025), paras. 4.52-4.65.

¹⁷¹ Written Statement of the State of Palestine (28 February 2025), paras. 1.15, and 4.54-4.63. See also UN General Assembly resolution ES-10/21, *Protection of civilians and upholding legal and humanitarian obligations*, UN doc. A/RES/ES-10/21 (27 October 2023), para. 1, <https://docs.un.org/en/A/RES/ES-10/21>; UN General Assembly resolution ES-10/22, *Protection of civilians and upholding legal and humanitarian obligations*, UN doc. A/RES/ES-10/28 (12 December 2023), para. 1, <https://docs.un.org/en/A/RES/ES-10/22>; UN General Assembly resolution ES-10/26, *Demand for ceasefire in Gaza*, UN doc. A/RES/ES-10/26 (11 December 2024), para. 1, <https://docs.un.org/en/A/RES/ES-10/26>.

¹⁷² UN General Assembly resolution ES-10/24, *Advisory opinion of the International Court of Justice on the legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel’s continued presence in the Occupied Palestinian Territory*, UN doc. A/RES/ES-10/24 (18 September 2024), paras. 8-9, <https://docs.un.org/en/A/RES/ES-10/24>.

¹⁷³ Written Statement of the State of Palestine (28 February 2025), paras 4.2-4.15. See also UN General Assembly resolution 194 (III), *Palestine – Progress Report of the United Nations Mediator*, A/RES/194 (III) (11 December 1948), para. 11, <https://undocs.org/en/A/RES/194> (III); General Assembly, resolution 273 (III), (11 May 1949), preamble; Official Records of the General Assembly, Third Session, *Ad hoc* Political Committee, 45th-48th, 50th and 51st meetings, A/AC.24/SR.45-48, 50 and 51, (5-7 May 1949).

¹⁷⁴ Written Statement of the State of Palestine (28 February 2025), paras. 4.3-4.4. See General Assembly, resolution 273 (III), 11 May 1949, preamble, <https://docs.un.org/en/A/RES/273> (III). See also Letter dated 29 November 1948 from the Foreign Minister of Israel to the Secretary-General, UN doc. S/1093, <https://docs.un.org/en/S/1093>; and Official Records of the General Assembly, Third Session, *Ad hoc* Political Committee, 45th meeting, 5 May 1949, UN doc. A/AC.24/SR.45, p. 230, <https://docs.un.org/en/A/AC.24/SR.45>. See also UN Ad Hoc Political Committee, *Israel’s membership in the UN – Summary Record*, UN doc. A/AC.24/SR.47 (6 May 1949), p. 276, <https://undocs.org/en/A/AC.24/SR.47> (*supra*).

¹⁷⁵ UN General Assembly resolution ES-10/24, *Advisory opinion of the International Court of Justice on the legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem, and from the illegality of Israel’s continued presence in the Occupied Palestinian Territory*, UN doc. A/RES/ES-10/24 (18 September 2024), para. 3 (d), <https://docs.un.org/en/A/RES/ES-10/24>.

¹⁷⁶ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, *Advisory Opinion of 19 July 2024*, paras. 270.

else”¹⁷⁷. Just 12 days ago, its Defence Minister declared, in defiance of this Court’s Orders¹⁷⁸, that “Israel’s policy is clear and no humanitarian aid is about to enter Gaza”¹⁷⁹.

47. In violation of the Court’s Order “to maintain open land crossing points”¹⁸⁰, in particular “the Rafah Crossing”¹⁸¹ — previously described by the United Nations High Commissioner as “the symbolic lifeline for . . . 2.3 million people in Gaza”¹⁸² — Israel has closed all crossings. And it has turned Rafah itself — once a refuge for almost 1.5 million displaced Palestinians — into a post-apocalyptic wasteland¹⁸³. The slide on your screens, reflective of the general tenor of Israeli media since at least October 2023, shows Rafah, devastated, with the caption “the annihilation of Rafah is complete” alongside an Israeli flag and a flexed bicep. Plans are reportedly underway for Israel to annex 75 square kilometres of Rafah — one fifth of Gaza — to Israel’s so-called “buffer zone”, permanently¹⁸⁴. This — together with Israel’s continuing maritime blockade — cuts Gaza and its people off from direct aid and assistance and from the rest of the world.

48. In further violation of the Court’s Orders¹⁸⁵, Israel continues to block United Nations-mandated investigatory bodies from Gaza¹⁸⁶, while destroying and burying evidence

¹⁷⁷ Prime Minister of Israel Benjamin Netanyahu, @IsraeliPM (9.07 p.m., 13 January 2024), <https://x.com/israelipm/status/1746277892491727341>.

¹⁷⁸ *South Africa v. Israel*, January 2024 Order, para. 86; March 2024 Order 2024, para. 51; May 2024 Order, para. 57 (2) (a) and (b).

¹⁷⁹ Israeli Minister of Defence, @Israel_katz, (9.19 p.m., 16 April 2025), https://x.com/Israel_katz/status/1912420672401285534.

¹⁸⁰ *South Africa v. Israel*, March 2024 Order, para. 51 (2) (a); *South Africa v. Israel*, May 2024 Order, para. 52.

¹⁸¹ *South Africa v. Israel*, May 2024 Order, para. 57 (2) (b).

¹⁸² UN OHCHR, *UN Human Rights Chief visits Rafah border crossing with Gaza* (8 November 2023), <https://www.ohchr.org/en/statements-and-speeches/2023/11/un-human-rights-chief-visits-rafah-border-crossing-gaza>.

¹⁸³ See *South Africa v. Israel*, March 2024 Order, para. 46.

¹⁸⁴ See e.g., UN News, *Gaza: UN rights office condemns Israeli buffer zone plan* (11 April 2025), <https://news.un.org/en/story/2025/04/1162121>; UN OHCHR, *Gaza: Increasing Israeli “evacuation orders” lead to forcible transfer of Palestinians* (11 April 2025), <https://www.ohchr.org/en/press-briefing-notes/2025/04/gaza-increasing-israeli-evacuation-orders-lead-forcible-transfer>; Yaniv Kubovich, *Haaretz Exclusive: Israel Preparing to Turn Rafah — One-fifth of Gaza — Into Part of Buffer Zone*, Haaretz (9 April 2025), <https://www.haaretz.com/israel-news/2025-04-09/ty-article-magazine/.premium/israel-preparing-to-turn-rafah-one-fifth-of-gaza-into-part-of-border-buffer-zone/00000196-19e6-d78d-a1de-1dff20590000>.

¹⁸⁵ *South Africa v. Israel*, March 2024 Order, para. 5 (5); May 2024 Order, para. 51.

¹⁸⁶ UN OHCHR, *Occupied Palestinian territory: With every new day of impunity more innocent lives are lost, warn UN experts* (7 April 2025), <https://www.ohchr.org/en/press-releases/2025/04/occupied-palestinian-territory-every-new-day-impunity-more-innocent-lives>; UNRWA, *UNRWA Commissioner-General on Gaza: Since the war began 1.5 years ago, the Israeli Authorities have banned the entry of international media to Gaza* (17 April 2025), <https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-gaza-war-began-15-years-ago-israeli>.

of its crimes¹⁸⁷. Despite the extraordinary efforts of Palestinian journalists, who are themselves repeatedly targeted and killed¹⁸⁸, so much remains undocumented. As stated by UNRWA's Commissioner-General, "I shudder to think of what will still be revealed about the horrors that have taken place in this narrow strip of land"¹⁸⁹.

49. Simultaneously, Israel obstructs external investigations. It does so while its officials denounce the United Nations Commission of Inquiry — and the United Nations Human Rights Council itself — as "a propaganda mouthpiece for terrorist organizations" and "antisemitic Israel-haters", engaged in "blood libels", and calls for the Council to be "removed from this earth"¹⁹⁰.

V. Israel's breach of its obligation of good faith

50. And so, to my final submission, concerning the principle of good faith, one of the United Nations' bedrock principles, set out in Article 2 (2) of the Charter. It provides:

"All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter."

51. The obligation, reaffirmed in the Declaration on Friendly Relations¹⁹¹, was described by the Court in the *Nuclear Tests* case, as "one of the basic principles governing the creation and performance of legal obligations, whatever their source"¹⁹². It reflects not only the maxim of *pacta*

¹⁸⁷ *South Africa v. Israel*, January 2024 Order, para. 86 (5); *South Africa v. Israel*, Order of 24 May 2024 ("May 2024 Order"), para. 57 (2) (c).

¹⁸⁸ UN OCHA, *Humanitarian Situation Update #282 | Gaza Strip* (23 April 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-282-gaza-strip>.

¹⁸⁹ UNISPAL, Statement of the Commissioner-General of UNRWA to the General Assembly — UNRWA (4 March 2024), <https://www.un.org/unispal/document/unrwa-statement-unga-4mar24/>.

¹⁹⁰ Written Statement of the State of Palestine (28 February 2025), paras. 511-513, citing (then) Israeli Foreign Minister, @elico1, (4.40 p.m., 2 December 2023), <https://x.com/elico1/status/1730975327403352165>. See further Israeli Foreign Ministry, @IsraelMFA (12.30 p.m., 17 September 2024), <https://x.com/IsraelMFA/status/1836004786845446419>; (then) Israeli Ambassador to the United Nations, Gilad Erdan, @giladerdan1 (2.40 p.m., 13 March 2025), <https://x.com/bezalelsm/status/1900180147476611326>; (then) Israeli Ambassador to the United Nations, Danny Danon, @dannyanon (2.33 a.m., 13 March 2025), <https://x.com/dannyanon/status/1900193580620103860>. (then) Israeli Ambassador to the UN, @giladerdan1, (1.27 a.m., 22 November 2024), <https://x.com/giladerdan1/status/1859755587854028953>; (5.55 p.m., 30 November 2023), <https://x.com/giladerdan1/status/1730284375105819003>; Israeli Foreign Minister, Gidon Sa'ar, @gidonsaar (6.25 p.m., 5 February 2025) <https://x.com/gidonsaar/status/1887190864218210732>; Israeli Prime Minister, Benjamin Netanyahu, @netanyahu (10.58 a.m., 13 March 2025), <https://x.com/netanyahu/status/1900139278908190875>.

¹⁹¹ UN General Assembly resolution 2625 (XXV), Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of the United Nations, UN doc. A/RES/2625 (XXV) (24 October 1970), Annex, Preamble, [https://docs.un.org/en/A/RES/2625 \(XXV\)](https://docs.un.org/en/A/RES/2625%20XXV).

¹⁹² *Nuclear Tests (Australia v. France)*, Judgment, I.C.J. Reports 1974, p. 268, para. 46.

sunt servanda, but also that of *qui habet commodum ferre debet onera*: “whoever receives the advantages must also bear the responsibilities”.

52. Israel is failing to fulfil its Charter responsibilities in good faith. Its violations of the fundamental rights of the Palestinian people, its attacks on the United Nations and on United Nations officials, property and premises, its deliberate obstruction of the Organization’s work, and its attempt to destroy an entire United Nations subsidiary organ, are unprecedented in the history of the Organization. They evidence a fundamental repudiation by Israel of its Charter obligations — owed both to the Organization and to all United Nations Members — and of the international rule of law. They are antithetical to the actions of a “peace-loving State”¹⁹³.

53. Israel’s very submissions to this Court violate its obligation to co-operate with the United Nations in good faith, advancing allegations for which Israel has persistently failed to provide credible evidence. This is notwithstanding the Secretary-General’s call on Israel “to refrain from such misrepresentations”, given how “very damaging” they are to the United Nations¹⁹⁴.

54. But, for Israeli officials, damage to the United Nations appears to be the point: their attacks are not limited to UNRWA or indeed the United Nations Human Rights Council. Israel has declared the Secretary-General of the United Nations himself *persona non grata* in Israel¹⁹⁵, accusing him of being an “official Hamas Spokesperson”, engaged in “antisemitic and anti-Israel conduct”¹⁹⁶. Israeli officials demand his resignation, labelling his triggering of Charter Article 99 and his calls for a ceasefire in Gaza “a danger to world peace”¹⁹⁷. Senior Israeli officials level similar accusations at the United Nations itself, as an Organization, denouncing it as a “swamp of anti-Semitic bile”, “an

¹⁹³ UN Charter, Art. 4.

¹⁹⁴ Identical letters from the UN Secretary-General addressed to the President of the General Assembly and the President of the Security Council, 8 January 2025, A/79/716-S/2025/18 (<https://docs.un.org/en/A/79/716>).

¹⁹⁵ Written Statement of the State of Palestine (28 February 2025), para 5.10. See also (then) Israeli Foreign Minister, Israel Katz, @Israel_katz, (12.17 p.m., 2 October 2024), https://x.com/Israel_katz/status/1841422324890812763; (7.10 p.m., 18 October 2024), https://x.com/israel_katz/status/1847158256709349464; (11.25 a.m., 13 October 2024), https://x.com/israel_katz/status/1845410607761080802.

¹⁹⁶ Written Statement of the State of Palestine (28 February 2025), para. 5.10, citing: Israeli Ambassador to the UN, @dannyanon, (5.40 p.m., 6 November 2023), <https://x.com/dannyanon/status/1721583292405645544>; (4.34 p.m., 24 October 2023) <https://x.com/dannyanon/status/1716840684601090158>.

¹⁹⁷ Written Statement of the State of Palestine (28 February 2025), para. 5.10, citing: Israeli Ambassador to the UN, @giladerdan1, Tweet (4.22 p.m., 24 October 2023), <https://x.com/giladerdan1/status/1716837646813614354>; (then) Israeli Foreign Minister, Eli Cohen, @elico1, (10.32 p.m., 6 December 2023), <https://x.com/elico1/status/1732513338049863692>.

accomplice to terrorists”, and “a stain on humanity”¹⁹⁸. Israeli officials have even sought to discredit *this* Court, calling it an “antisemitic court”, comprising judges from “Muslim dictatorships”, which has been “manipulat[ed] and weaponis[ed]” in “the persecution of the Jewish people”¹⁹⁹.

55. As stated by UNRWA’s Commissioner-General, the “international . . . order is crumbling in a repetition of the horrors that led to the establishment of the United Nations, and in violation of commitments to prevent their recurrence. The attacks on UNRWA are an integral part of this disintegration”²⁰⁰. Not stopping at UNRWA, the Israeli Ambassador to the *United Nations itself* has demanded that “*the entire UN*” and its “*corrupt courts, the ICC and ICJ, MUST be defunded*”²⁰¹.

56. In addition to seeking to destroy the protective application of international law to the Palestinian people, Israel appears set on destroying the very international framework created to ensure compliance with international law and accountability for its breach, with profound consequences that reverberate far beyond Palestine and Palestinians. If these venerable institutions are to survive, and if — in the words of the United Nations Relief Chief — “the basic principles of . . . law still count, the international community *must* act while it can to uphold them”²⁰².

¹⁹⁸ Written Statement of the State of Palestine (28 February 2025), para. 5.8, citing: UNISPAL, *Israel’s Prime Minister Benjamin Netanyahu remarks at the 79th session of the UN General Assembly* (27 September 2024), <https://www.un.org/unispal/document/israel-pm-remarks-un-ga-79-27sep24/>; UN General Assembly official records, 78th session: 51st plenary meeting, A (9 January 2024), <https://undocs.org/A/78/PV.51>, p. 5; (then) Israeli Ambassador to the United Nations, Gilad Erdan, @giladerdan1, (1.27 a.m., 22 November 2024), <https://x.com/giladerdan1/status/1859755587854028953>. See also: Letter dated 29 May 2024 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council (“South Africa May 2024 Dossier”), UN doc. S/2024/419, Annex, *Public Dossier of Evidence Relating to the State of Israel’s Intent and Incitement to Commit Genocide Against the Palestinians in Gaza*, 115-117; para. 20-22 (29 May 2024), <https://docs.un.org/en/S/2024/419>; Letter dated 27 February 2025 from the Permanent Representative of South Africa to the United Nations addressed to the President of the Security Council (“South Africa February 2025 Dossier”), UN doc. S/2025/130, Annex, *Public Dossier of Openly Available Evidence on the State of Israel’s Acts of Genocide Against the Palestinians in Gaza as at 4 February 2025* (28 February 2025), pp. 222-223, paras. 22-24, <https://docs.un.org/en/S/2025/130>.

¹⁹⁹ Written Statement of the State of Palestine (28 February 2025), paras. 5.19-5.20, citing: (then) Israeli Ambassador to the UN, @giladerdan1 (9.03 p.m., 18 January 2023), <https://x.com/giladerdan1/status/1615817283707838468>; Israel’s Minister of Social Equality and the Advancement of Women, May Golan, @GolanMay, (6.31 p.m., 29 January 2024), [4:10 - 4:42] (our translation), <https://twitter.com/GolanMay/status/1752006519619498481>. See further: Paz Abuhatzera, “Ben Gvir responds to court’s decision: ‘Hague Schmague, they are continuing with the hypocrisy and persecution of the Jewish people’”, 0404 (26 January 2024), <https://www.0404.co.il/?p=954729>; (then) Israeli Foreign Minister, Eli Cohen, @elico1 (5.07 p.m., 19 July 2024), <https://x.com/elico1/status/1814316257388196011>; South Africa May 2024 Dossier, pp. 109-115, paras. 11-19; and South Africa February 2025 Dossier, pp. 214-222, paras. 11-21.

²⁰⁰ UNRWA, *Letter from UNRWA Commissioner General Philippe Lazzarini to the President of the United Nations General Assembly Mr Philémon Yang* (29 October 2024), <https://www.unrwa.org/newsroom/official-statements/letter-unrwa-cg-philippe-lazzarini-president-ga-philemon-yang>.

²⁰¹ Written Statement of the State of Palestine (28 February 2025), paras. 5.8 and 5.19-5.20, citing: (then) Israeli Ambassador to the UN, Gilad Erdan, @giladerdan1 (1.45 a.m., 11 December 2024), <https://x.com/giladerdan1/status/1866645502369968592>, (emphasis added); @giladerdan1 (8.18 p.m., 22 November 2024), <https://x.com/giladerdan1/status/1860055162225651779>, (emphasis added). See further: South Africa May 2024 Dossier, p. 115, para. 18; South Africa February 2025 Dossier, pp. 210-212, paras. 1-2, and 4.

²⁰² UNISPAL, *UN Relief Chief urges international action to protect civilians in Gaza* (28 March 2025), <https://www.un.org/unispal/document/statement-by-tom-fletcher-usg-28mar25/> (emphasis added).

57. Mr President, Members of the Court, the international community *is* so acting in seeking the Court's advice on these matters, having regard to the Court's prior vital, unwavering reaffirmation of international law in its 2024 Advisory Opinion. Mindful of the former Secretary-General's description of the United Nations as "the hope and home of all humankind" with "the Charter [a]s [its] compass"²⁰³, the State of Palestine respectfully calls on this Court to provide this further Advisory Opinion, urgently, to reset that compass, in the continuing, desperate hope that international law might — finally — prevail.

58. Monsieur le président, Mesdames et Messieurs les juges, je vous remercie de votre bienveillante attention. Je vous invite à appeler à la barre le professeur Imseis.

The PRESIDENT: I thank Ms Ní Ghrálaigh. I now give the floor to Mr Ardi Imseis. You have the floor, Sir.

Mr IMSEIS:

4. ISRAEL'S OBLIGATIONS TOWARDS UNRWA

1. Mr President, Members of the Court, it is an honour to appear before you today, on behalf of the State of Palestine and the Palestinian people.

2. I have been given the task of addressing the issue of UNRWA. To that end, I should like to make three points. First, for context, I will discuss the unique historical and operational importance of UNRWA. Second, I will demonstrate both *why* and *how* Israel has set upon to destroy the Agency. And, third, I will discuss Israel's legal obligations towards UNRWA, which this Court is urgently requested to affirm by the vast majority of States and international organizations in these proceedings.

3. First, the context.

4. UNRWA's mandate is an essential element of what the Court has twice recognized is the "permanent responsibility" of the United Nations for the question of Palestine²⁰⁴. This responsibility

²⁰³ UN News, *In San Francisco, Ban celebrates 70th anniversary of UN Charter — "compass" to a better world* (26 June 2015), <https://news.un.org/en/story/2015/06/502832>.

²⁰⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 159, para. 49. *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 35.

originates in the unsuccessful attempt by the General Assembly to partition Palestine, and without the consent of the Palestinian people in 1947, and the ensuing 1948 Nakba — during which between 750,000 and 900,000 Palestinians were forcibly exiled from that part of Palestine that became Israel²⁰⁵.

5. In resolution 302 of 8 December 1949, the General Assembly recognized that “continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability”²⁰⁶. UNRWA was created to provide “direct relief and works programmes” to the refugees until their plight was resolved in accordance with international law²⁰⁷. The Assembly therefore determined that UNRWA’s mandate was to be discharged “without prejudice” to the right of the Palestine refugees to return, to restitution and to compensation in accordance with resolution 194 of 11 December 1948²⁰⁸.

6. But these rights, Mr President, have never been allowed to be realized. Indeed, with the Israeli occupation of the rest of Palestine in 1967, another 250,000-300,000 Palestinians were forcibly exiled, and became dependent on UNRWA²⁰⁹. And the “conditions of starvation and distress” have not only continued over the years to varying degrees, but as the Court knows only too well, since October 2023, they have gathered a pace never before seen. In essence, it is because of Israel’s prolonged violation of the inalienable rights of the Palestinian people — to return, to self-determination, indeed to freedom — that the need for UNRWA is as pressing today, if not more so, than it was in 1949.

7. The General Assembly agrees with this assessment. It has continuously renewed UNRWA’s mandate with overwhelming support, insisting that until the Palestine refugees realize their rights under international law, UNRWA must remain in place²¹⁰.

8. Operationally, UNRWA provides education, health, relief and social services, and, during emergencies, humanitarian aid. Generations of Palestinians have been sustained by these

²⁰⁵ Albanese, F. and Takkenberg, L. *Palestinian Refugees in International Law*, 2nd ed. (Oxford, 2020), p. 35.

²⁰⁶ General Assembly, resolution 302 (IV), 8 December 1949, para. 5.

²⁰⁷ *Ibid.*, para. 7.

²⁰⁸ *Ibid.*, para. 5.

²⁰⁹ UNRWA, Report of the Commissioner-General 1967-1968, UNGAOR 23rd Sess., Supp. 13 (A/7213), paras. 9-10.

²¹⁰ See, e.g., General Assembly, resolution 77/123, 15 December 2022.

quasi-governmental services in Jordan, Lebanon, Syria and the Occupied Palestinian Territory. Uniquely, UNRWA's services are directly delivered by thousands of personnel, the vast majority of whom are themselves registered Palestine refugees with the Agency. In the Occupied Palestinian Territory, the number of these staff literally dwarf that of other UN personnel by orders of magnitude, possessing decades of experience, expertise and all-important community trust.

9. For these reasons, the necessity of UNRWA is indisputable. The sheer scope of continued Israeli violations of Palestinian rights — including the right to the unhindered provision of urgently needed humanitarian supplies essential for their survival, as well as the right to basic services, humanitarian and development assistance in support of their right to self-determination — renders UNRWA absolutely vital. As recognized by the General Assembly in the referral resolution, “no organization can replace or substitute the Agency’s capacity or mandate”²¹¹.

10. Mr President, the Secretary-General agrees. He states that “UNRWA is *indispensable* in delivering essential services to Palestinians”²¹², and that “UNRWA is the *backbone* of the United Nations humanitarian relief operations” in Gaza²¹³. This conclusion is shared by other UN and humanitarian agencies operating in Palestine who rely on UNRWA’s unmatched operational infrastructure, partnership and support²¹⁴. It is also shared by nearly all participants in these proceedings, including China, which has referred to UNRWA as “indispensable and irreplaceable”²¹⁵, both Mexico and Luxembourg, which have each called UNRWA “unique and irreplaceable”²¹⁶, and Algeria, which has labelled UNRWA “the cornerstone of humanitarian assistance in the Occupied Palestinian Territory”²¹⁷.

²¹¹ General Assembly, resolution 79/232, 19 December 2024, preamble.

²¹² Written Statement submitted on behalf of the Secretary-General of the United Nations, para. 109.

²¹³ Letter from the Secretary-General to the President of the General Assembly, 28 October 2024, A/79/558.

²¹⁴ “UNRWA cannot be replaced, according to top UN officials”, *UN News*, 29 October 2024 (<https://news.un.org/en/story/2024/10/1156236#:~:text=Catherine%20Russell%2C%20head%20of%20the%20UN%20C%20children's,youngsters'%20and%20futures'%20were%20at%20stake>); “UNRWA is Irreplaceable”, *IOM Press Release*, 29 October 2024 (<https://www.un.org/unispal/document/unrwa-is-irreplaceable-iom-press-release-29oct24/>); “Joint NGO Statement: As UN General Assembly Meets to Discuss the Situation in the Occupied Palestinian Territory, Member States Must Restore Funding to UNRWA”, International Rescue Committee, Norwegian Refugee Council, CARE International, Plan International, Mercy Corps, Oxfam, Save the Children, 4 March 2024 (<https://www.savethechildren.net/news/joint-ngo-statement-un-general-assembly-meets-discuss-situation-occupied-palestinian-territory>).

²¹⁵ Written Statement of China, para. 88.

²¹⁶ See e.g. Written Statement of Mexico, para. 30; Written Statement, Luxembourg, para. 34.

²¹⁷ Written Statement of Algeria, page 31 [translation provided by Palestine].

11. In his written statement, the Secretary-General provided incontrovertible empirical evidence in support of this position:

“Since October 2023, UNRWA has supported nearly 2.3 million affected individuals [in Gaza] with food, healthcare, and shelter. It has distributed food aid to around 1.9 million people and provided more than 60% of primary healthcare services in Gaza. Furthermore, UNRWA has sheltered hundreds of thousands of internally displaced persons in more than 100 schools and continues to deliver psychosocial support and primary health consultations.

Between 7 October 2023 and 19 January 2025, UNRWA facilitated over 7.3 million medical consultations across Gaza.”²¹⁸

12. In the Occupied Palestinian Territory as a whole, the Secretary-General reports further that: “UNRWA operates almost 400 schools”²¹⁹, providing “education to more than 350,000 students”²²⁰, and “over 65 primary health clinics and 1 hospital”²²¹, facilitating “over 5 million health consultations annually”²²², it does this, all of this, with “17,000 personnel”²²³.

13. In sum, the evidentiary record shows that UNRWA is not just *any* humanitarian aid organization. It is organically linked to the unique role played by the United Nations in the question of Palestine since 1947, in particular the plight of the Palestine refugees. It is critical to the economic, social and cultural development of the Palestinian people, and hence their ability to exercise their right of self-determination. And, at least since October 2023, it has been essential to their very survival as a group, especially in Gaza.

14. Mr President, Members of the Court, I now turn to the question of *why* Israel wants to prevent UNRWA from exercising its mandate. Based on the evidentiary record, Israel’s reasons appear to be two-fold: one short-term, the other long-term; both, indeed, inconsistent with its obligations under international law.

15. At the very least, in the short term Israel is pursuing the erasure of the Palestinian people in Gaza, and ultimately in the rest of the Occupied Palestinian Territory, including through forcible transfer. In Gaza — where almost 80 per cent of the population are already registered refugees

²¹⁸ Written Statement submitted on behalf of the Secretary-General of the United Nations, paras. 112-113.

²¹⁹ *Ibid.*, para. 108.

²²⁰ *Ibid.*, para. 109.

²²¹ *Ibid.*, para. 108.

²²² *Ibid.*, para. 109.

²²³ *Ibid.*, para. 108.

connected to the events of 1948 — almost the whole of the population — some 1.9 million people²²⁴ — has been forcibly transferred multiple times through Israel's indiscriminate bombardment and starvation campaign. Nor has Israel made a secret of its actions in this regard²²⁵. Quite the contrary. Following multiple calls by government ministers over the course of 2024 to depopulate Gaza and re-settle it with Israelis²²⁶, on 28 January 2025, Israeli military Chief of Staff, Herzi Halevi, announced a decision to prevent displaced Palestinians from returning. In his words, "Gazans will be able to exit the Rafah Crossing for Egypt, but only in a one-way direction, and [they] will not be able to return to Gaza"²²⁷. On 5 February 2025, the Israeli Minister of Defence, Israel Katz, ordered the preparation of arrangements for what he euphemistically called the "voluntary departure" of Palestinians²²⁸. On 19 March 2025, Minister Katz's previously noted "final warning" to the citizens of Gaza included the following exhortation: "Return the hostages and expel Hamas, and other options will be presented to you, including relocation to other places in the world for those who wish. The alternative is utter destruction and devastation."²²⁹

16. In the West Bank, in the past four months alone, over 40,000 Palestine refugees have been yet again forcibly transferred, through the destruction of four refugee camps by Israel²³⁰. Aided by armed gangs of Israeli settlers who operate alongside Israeli occupation forces²³¹, Palestinian West Bankers are literally being forcibly displaced every day.

²²⁴ Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, Briefing to the UN Security Council on the humanitarian situation in Israel and the Occupied Palestinian Territory, 12 January 2025 (<https://www.ochaopt.org/content/un-relief-chief-briefing-un-security-council-humanitarian-situation-israel-and-occupied-palestinian-territory>).

²²⁵ "US and Israel look to Africa for resettling Palestinians uprooted from Gaza – Report", *Jerusalem Post*, 14 March 2025 (<https://www.jpost.com/breaking-news/article-846051>).

²²⁶ Jeremy Sharon, "Senior ministers call for new settlements in Gaza at ultranationalist conference", *Times of Israel*, 21 October 2024 (<https://www.timesofisrael.com/government-ministers-call-for-new-settlements-in-gaza-at-ultranationalist-conference/>).

²²⁷ Hezki Baruch, "Chief of Staff: Gazans will be able to leave to Egypt, but not return to Gaza", *Israel National News (Channel 7 News)*, 28 January 2025 (<https://www.inn.co.il/news/659939>).

²²⁸ Post of the Israeli Minister of Defence, Israel Katz, @Israel_katz, 9:23 am, 6 February 2025 (https://x.com/Israel_katz/status/1887416931365314902).

²²⁹ Post of the Israeli Minister of Defence, Israel Katz, @Israel_katz, 4:54 pm, 19 March 2025 (https://x.com/israel_katz/status/1902388250053861589?s=46).

²³⁰ UNRWA, Large Scale Forced Displacement in the West Bank Impacts 40,000 people, 10 February 2025 (<https://www.unrwa.org/newsroom/official-statements/large-scale-forced-displacement-west-bank-impacts-40000-people>).

²³¹ "The Pogroms are Working – the Transfer is Already Happening", *B'Tselem*, 2023 (<https://www.btselem.org/publications/202309>).

17. Mr President, the writing is on the wall. With these brazen suggestions that the departure of Palestinians would be “voluntary”, Israel is not merely insulting the world’s intelligence; it is just simply assuming the world has none. After killing or injuring close to 170,000 Palestinians²³², after turning Gaza into a moonscape of dust and rubble with over 70,000 tons of bombs (amounting to more than what was dropped on Dresden, Hamburg and London combined during World War II)²³³, after destroying or damaging over 92 per cent of civilian housing, 88 per cent of schools, 84 per cent of health facilities, 95 per cent of water and sanitation systems, and 92 per cent of roads²³⁴ use of this Orwellian language by Minister Katz must be seen for what it is: an open call to expel as many surviving Palestinians as possible. And as promised by Minister Katz, he has already announced the establishment of an Israeli directorate to oversee the whole thing²³⁵.

18. Mr President, my point here is this: the elimination of UNRWA is essential to the success of Israel’s dreaded plans. Given the scope of UNRWA’s capabilities in providing emergency relief, stability and resilience to the Palestinian population in ways that no other organization can operationally do, it is painfully obvious why Israel insists on eliminating the Agency. Quite simply, UNRWA is the last hope that the Palestinian people, particularly in the Gaza Strip, have of surviving Israel’s genocide against them.

19. More broadly, Israel’s long-term purpose behind destroying UNRWA rests in its complete denial of the existence of the Palestinian people, and in particular the status, rights and claims of millions of Palestine refugees to return, to restitution and to compensation. But you need not take my word for it. The Prime Minister of Israel has openly admitted as much on multiple occasions, including — it must be stressed — *years before* 7 October 2023.

²³² UN OCHA, Reported Impact Snapshot, Gaza Strip, 3 April 2025 (<https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-3-april-2025>).

²³³ Muhammed Enes Çalli, “Amount of Israeli Bombs Dropped on Gaza Surpasses that of WWII”, *Andalou Ajansi*, 4 June 2024 (<https://www.aa.com.tr/en/middle-east/amount-of-israeli-bombs-dropped-on-gaza-surpasses-that-of-world-war-ii/3239665>).

²³⁴ Written Statement of Palestine, para. 1.23.

²³⁵ Sam Sokol, “Smotrich Says Government Setting Up ‘Migration Administration’ to Oversee Exodus of Gazans”, *Times of Israel*, 9 March 2025 (https://www.timesofisrael.com/liveblog_entry/smotrich-says-government-setting-up-migration-administration-to-oversee-exodus-of-gazans/).

20. For instance, on 11 June 2017, Prime Minister Netanyahu proclaimed: “I regret that UNRWA, to a large degree, *by its very existence*, perpetuates — and does not solve — the Palestinian refugee problem. Therefore, the time has come to disband UNRWA”²³⁶.

21. Similarly, on 7 January 2018, Mr Netanyahu said: “UNRWA is an organization that perpetuates the Palestinian refugee problem. It also perpetuates the narrative of the right-of-return, as it were, in order to eliminate the State of Israel; therefore, UNRWA needs to pass from the world.”²³⁷

22. Of course, as Members of the Court will no doubt be aware, Palestinian refugee rights are not legally contingent on UNRWA’s existence. Nevertheless, according to Israel’s strained logic, it is UNRWA, not Israel itself, that is to blame for the continued exile and deprivations of the Palestine refugees. To avoid having to answer for this, therefore, Israel simply wants to do away with the Agency.

23. Mr President, Members of the Court, I now turn to the issue of *how* Israel has pursued its objective of destroying UNRWA. In this respect, Israel’s approach has been three-fold.

24. First, Israel has systematically attacked UNRWA personnel and property. Only since October 2023, almost 300 UNRWA personnel have been killed by Israel in the Gaza Strip alone²³⁸, with hundreds more wounded, many for life. Numerous others have been abducted from UNRWA premises and tortured, including to coerce confessions implicating themselves or other Agency officials in the events of 7 October²³⁹.

²³⁶ Israeli Prime Minister’s Office, “PM Netanyahu’s Remarks at the Start of the Weekly Cabinet Meeting”, *Gov.il*, 11 June 2017 –(<https://www.gov.il/en/pages/spokestart110617>). Emphasis added.

²³⁷ Israeli Prime Minister’s Office, “PM Netanyahu’s Remarks at the Start of the Cabinet Meeting”, *Gov.il*, 7 January 2018 (<https://www.gov.il/en/pages/pm-netanyahus-remarks-at-the-start-of-the-cabinet-meeting-7-january-2018>).

²³⁸ UNRWA, UNRWA Situation Report #167 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem, 17 April 2025 (<https://www.unrwa.org/resources/reports/unrwa-situation-report-167-situation-gaza-strip-and-west-bank-including-east-jerusalem>); UN OCHA, Humanitarian Situation Update #280 | Gaza Strip, 15 April 2024 (<https://www.ochaopt.org/content/humanitarian-situation-update-280-gaza-strip>).

²³⁹ UNRWA, Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War, 16 April 2024 (<https://www.unrwa.org/resources/reports/detention-and-alleged-ill-treatment-detainees-gaza-during-israel-hamas-war>).

25. In Gaza, Israel has damaged or destroyed over 310 UNRWA premises since October 2023²⁴⁰. These include schools and healthcare facilities, many converted into shelters in which thousands of Palestinian civilians have been killed or injured²⁴¹.

26. In the West Bank, Israel has repeatedly violated its obligations to protect UNRWA premises and property, including UNRWA headquarters in East Jerusalem, which has been subjected to arson attacks by Israeli settlers²⁴², and is now earmarked for Israeli settlement having been shuttered by Israel in January²⁴³. Scores of other UNRWA facilities have been attacked, including forcible entry and takeover. For example, on 18 February 2025, Israeli troops forcibly commandeered the UNRWA Kalandia Training Centre, home to 350 students²⁴⁴. Likewise, only on 8 April 2025, Israel ordered the closure of six UNRWA schools in East Jerusalem, affecting 800 children²⁴⁵.

27. Mr President, the second element of Israel's plan to destroy UNRWA is its campaign to undermine the Agency's vital sources of funding. On 26 January 2024 — the same day this Court issued its first provisional measures Order in the *South Africa* matter after determining that “famine [was] around the corner” in Gaza²⁴⁶ — Israel urged UNRWA's donors to defund the Agency, alleging involvement of UNRWA staff in the attack of 7 October. The resulting funding pause by 18 States added massive pressure on Agency operations at a time when millions of beleaguered

²⁴⁰ UNRWA, Situation Report #164 on the Humanitarian Crisis in the Gaza Strip and the West Bank, including East Jerusalem, 21 March 2025 (<https://www.unrwa.org/resources/reports/unrwa-situation-report-164-situation-gaza-strip-and-west-bank-including-east-jerusalem>).

²⁴¹ *Ibid.*

²⁴² See for example, UNRWA, This evening, Israeli residents set fire twice to the perimeter of the UNRWA Headquarters in occupied East Jerusalem, 9 May 2024 (<https://www.unrwa.org/newsroom/official-statements/evening-israeli-residents-set-fire-twice-perimeter-unrwa-headquarters>).

²⁴³ UNRWA, The Government of Israel orders UNRWA to vacate its premises in occupied East Jerusalem and cease operations in them, 26 January 2025 (<https://www.unrwa.org/newsroom/official-statements/government-israel-orders-unrwa-vacate-its-premises-occupied-east>).

²⁴⁴ UNRWA, Children and young people in East Jerusalem denied of their right to education in UNRWA schools, 18 February 2025 (<https://www.unrwa.org/newsroom/official-statements/children-and-young-people-east-jerusalem-denied-their-right-education>); UNRWA, UNRWA Situation Report #160 on the humanitarian crisis in the Gaza Strip and the West Bank, including East Jerusalem, 21 February 2025 (<https://www.unrwa.org/resources/reports/unrwa-situation-report-160-situation-gaza-strip-and-west-bank-including-east-jerusalem>).

²⁴⁵ UNRWA, UNRWA Commissioner-General: Israeli Officials from the Jerusalem Municipality, Accompanied by Israeli Security Forces, Forcibly Entered Six UNRWA Schools in East Jerusalem, 8 April 2025 (<https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-israeli-officials-jerusalem-municipality>).

²⁴⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel), Provisional Measures, Order of 26 January 2024, I.C.J. Reports 2024*, para. 47.

Palestinians needed UNRWA the most. Israel has repeatedly claimed — and without substantiation, including in its written statement in these proceedings — that upwards of approximately 12 per cent of UNRWA employees in Gaza are members of what it calls “terrorist” groups²⁴⁷.

28. But as the Court is well aware, unsupported allegations do not a fact make, no matter how loudly shouted or oft repeated. The fact is that UNRWA has always responded to Israel’s allegations in substance, in good faith, and in a timely manner. As the Secretary-General reported on 8 January 2025:

“UNRWA has responded to *every allegation* that has been raised by the Government of Israel against personnel of UNRWA regarding possible political activity that may be against the interest of the United Nations or connections to acts of terror, based on its policy of zero tolerance for activities of this nature. This is demonstrated by the actions taken by UNRWA following allegations that its personnel may have been involved in the attacks of 7 October 2023. *Upon receiving the allegations, immediate administrative steps were taken.* I immediately referred the allegations to the Office of Internal Oversight Services for investigation under the Organization’s regulatory framework. *Such actions were consistent with the history of UNRWA engagement with the Government of Israel*, whereby it has been responsive to allegations raised by the Government of wrongdoing by UNRWA personnel.”²⁴⁸

29. This, of course, is in addition to the finding of the Independent Review Group on UNRWA, commissioned by the Secretary-General in February 2024, that UNRWA “possesses a more developed approach to neutrality than other similar UN or NGO entities”²⁴⁹. Following UNRWA’s commitment to implement the recommendations of the Review Group²⁵⁰, nearly all States that paused their funding have since resumed it.

30. Mr President, the third element of Israel’s campaign to destroy UNRWA has been the passage of two anti-UNRWA laws in October 2024. They have been discussed earlier so I will quickly skirt over those. This legislation has had grave implications for UNRWA operations across

²⁴⁷ Written Statement of Israel, para. 22.

²⁴⁸ Identical letters dated 8 January 2025 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council, 9 January 2025, A/79/716-S/2025/18 (<https://docs.un.org/en/A/79/716>). Emphasis added.

²⁴⁹ Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality, Final Report for the United Nations Secretary-General, 20 April 2024, pp. 4-5 (https://www.un.org/unispal/wp-content/uploads/2024/04/unrwa_independent_review_on_neutrality.pdf).

²⁵⁰ Security Council, “Security Council press statement on United Nations Relief and Works Agency for Palestine Refugees in Near East (UNRWA)”, Press Release, 30 October 2024, SC/15874 <https://press.un.org/en/2024/sc15874.doc.htm>.

the Occupied Palestinian Territory, including in East Jerusalem, over which Israel has unlawfully asserted its sovereignty as was affirmed just this past summer²⁵¹.

31. Israel's anti-UNRWA legislation, together with its broader attacks against UNRWA, have been roundly rejected by the Security Council which has spoken with one resolute voice:

“The members of the Security Council strongly warned against any attempts to dismantle or diminish UNRWA's operations and mandate, recognizing that any interruption or suspension of its work would have severe humanitarian consequences for millions of Palestinian refugees who depend on the Agency's services and also implications for the region.

The members of the Security Council expressed their grave concern over legislation adopted by the Israeli Knesset. In this regard, they urged the Israeli Government to abide by its international obligations, respect the privileges and immunities of UNRWA and live up to its responsibility to allow and facilitate full, rapid, safe and unhindered humanitarian assistance in all its forms into and throughout the entire Gaza strip, including the provision of sorely needed basic services to the civilian population.”²⁵²

32. I will now turn to my third and final point, namely what are Israel's legal obligations in respect of UNRWA? Given what you have heard from my colleagues this morning, I can be brief in this respect.

33. First, as part of its obligation to respect the right of the Palestinian people to self-determination, Israel is required to facilitate and expand, *not* ban, disrupt or attack, UNRWA operations in the Occupied Palestinian Territory. In the referral resolution, the General Assembly specifically “[c]all[ed] upon Israel to uphold and comply with its obligations not to impede the Palestinian people from exercising its right to self-determination, *including by rescinding any measures that obstruct the provision of basic services and humanitarian and development assistance to the Palestinian people*”²⁵³. This plainly includes the services delivered by UNRWA, which is present in the Occupied Palestinian Territory — it is important to recall — not only at the direction of the General Assembly, but also at the invitation of the State of Palestine and the Palestinian people.

²⁵¹ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024*, para. 173.

²⁵² Security Council, “Security Council Press Statement on United Nations Relief and Works Agency for Palestine Refugees in Near East (UNRWA)”, Press Release, 30 October 2024, SC/15874 (<https://press.un.org/en/2024/sc15874.doc.htm>).

²⁵³ General Assembly, resolution 79/232, 19 December 2024, para. 7. Emphasis added.

34. Second, all of the international humanitarian law obligations of Israel covered by Mr Reichler apply with equal force in respect of UNRWA operations in the Occupied Palestinian Territory. In particular, Article 59 of the Fourth Geneva Convention requires that the occupying Power shall agree and facilitate relief schemes if the whole or part of the population of the occupied territory is inadequately supplied. Israel's flagrant breach of this unconditional rule is aggravated by the fact that it is Israel itself who is responsible for the need for relief schemes in the first place. This rule must also be read in conjunction with the binding provisional measures Order of the Court of 28 March 2024, requiring Israel to "ensure, without delay, in full co-operation with the United Nations, the unhindered provision at scale . . . of urgently needed basic services and humanitarian assistance . . . throughout Gaza"²⁵⁴. Mr President, I see we are coming up on the break. All I need is another two minutes, maybe three.

The PRESIDENT: You can go ahead.

Mr IMSEIS:

35. Given UNRWA's unmatched ability to provide relief schemes, and to do so *at scale*, to the Palestinian population, there can be no doubt that Israel is obligated to facilitate and expand the Agency's vital work, rather than attack and sabotage it.

36. Third, the obligations of Israel as a Member of the United Nations covered by Ms Ní Ghrálaigh all apply to its relations with UNRWA. Israel's abrogation of its bilateral agreement with UNRWA does not release it from these broader commitments. Israel remains under an obligation to co-operate in good faith with UNRWA, which requires it to give the Agency "every assistance in any action" taken in accordance with the Charter, as has been affirmed by the Secretary-General²⁵⁵. Israel must also ensure and respect the Agency's privileges and immunities, which it enjoys as a subsidiary organ of the United Nations, including in respect of its premises, property, assets and officials, and of course, Israel is also required to ensure the safety of UNRWA personnel.

²⁵⁴ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Request for the modification of the Order of 26 January 2024 indicating provisional measures, Order of 28 March 2024, para 45.

²⁵⁵ Letter from the Secretary-General, 9 December 2024, A/79/684-S/2024/892, p. 6.

37. Mr President, Members of the Court, as I close my presentation, I should like to recall the sobering plea made by the Commissioner-General of UNRWA in a letter to the President of the General Assembly dated 28 October 2024. He stated:

“Today, I must inform you that the Agency is under such physical, political and operational attack — unprecedented in United Nations history — that implementation of its mandate may become impossible without decisive intervention by the General Assembly. The consequences for Palestinians, for Israel, and for the region will be grave.”²⁵⁶

Mr President, the General Assembly has answered the Commissioner-General’s appeal by placing the question of UNRWA’s very future, and with it the rights, status, and existence of the Palestinian people, including millions of Palestine refugees, before you. No less than that is what is at stake in these proceedings.

38. Mr President, Members of the Court, this concludes my presentation. I should like to thank you for your time and careful attention. This also concludes our presentation for this morning. Professor Pellet will continue when we reconvene this afternoon. Thank you.

The PRESIDENT: I thank Mr Imseis. This concludes this morning’s sitting. The oral proceedings will resume this afternoon, at 3 p.m., when Palestine will complete its presentation and will be followed by Egypt and Malaysia.

The sitting is closed.

The Court rose at 1 p.m.

²⁵⁶ Letter from UNRWA Commissioner-General, Philippe Lazzarini, to the President of the General Assembly, HE Philémon Yang, 28 October 2024.