

CR 2025/10

**International Court
of Justice**

**Cour internationale
de Justice**

THE HAGUE

LA HAYE

YEAR 2025

Public sitting

held on Thursday 1 May 2025, at 3 p.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 jeudi 1^{er} mai 2025, à 15 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

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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,

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M. Cameron Miles, conseiller juridique, *barrister at law*,

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M. Saad Al-Mana, premier secrétaire,

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

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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 PRESIDENT: Please be seated. Good afternoon. The sitting is now open.

The Court meets this afternoon to hear Pakistan, Panama, Poland, Qatar and the United Kingdom on the question submitted by the General Assembly. Each of the delegations has been allocated 30 minutes for its presentation. The Court will observe a short break after the presentation of Poland.

I shall now give the floor to the delegation of Pakistan. I call His Excellency Ambassador Syed Haider Shah to the podium. You have the floor, Sir.

Mr SHAH:

I. INTRODUCTION

1. Mr President, Members of the Court, it is an honour to appear before you on behalf of the Islamic Republic of Pakistan.

2. The matter before you is the latest in a line of cases concerning Israel's relentless persecution of the Palestinian people, by which Israel seeks to frustrate their right to self-determination, the formation of a Palestinian State and the right to return of Palestinian refugees.

3. A stain on the fabric of international law, this process has been ongoing since the Nakba of 1947 and 1948 — and manifests itself today in Israel's indiscriminate assault on Gaza; whilst in East Jerusalem and the West Bank, the rest of Palestine is taken from its rightful owners via illegal Israeli settlements, backed by illegal Israeli forces.

4. The Court has recently addressed in detail the illegal Israeli occupation of Gaza, the West Bank and East Jerusalem in its *Occupied Palestinian Territory* Advisory Opinion¹.

5. These proceedings are the logical outgrowth of the Court's findings in that Opinion. They concern Israel's obligations to permit international organizations and third States to provide services of benefit to the Palestinian people. And they concern UNRWA, the subsidiary organ of the UN General Assembly that is "the backbone of all humanitarian response in Gaza"². Israel, which

¹ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024.*

² UNGA res. ES-10/25, 16 December 2024, para. 7.

has long sought UNRWA's demise, has decided that the Agency must, in the words of the Israeli Prime Minister, "pass from the world"³.

6. But more fundamentally, Pakistan comes before you today to affirm the vital and enduring importance of international law. Resort to law, to this Court and to other mechanisms of dispute settlement, reflects the imperatives of a global community based on law.

7. Against that background, I will provide the Court in the first place with a factual update on the situation in Gaza before turning to explain its competence to render an advisory opinion in this case and the appropriate scope of the opinion so rendered. I will then turn to several aspects of the position adopted by Israel and its supporters, and explain why they cannot be correct as a matter of international law, before concluding Pakistan's presentation.

II. UPDATED FACTUAL BACKGROUND

8. Mr President, Members of the Court, I come to my first point. Pakistan has provided the Court with a detailed account of the situation in Gaza, East Jerusalem and the West Bank up to 28 February 2025⁴. In this part of my presentation, I draw to the Court's attention several developments in Gaza since that time, although this summary is by no means exhaustive.

9. First, and most obviously, on the night of 17 March 2025, Israel collapsed the fragile ceasefire then in place. It recommenced its assault on what remains of Gaza and its civilian population. Four hundred Palestinians, many of them women and children, were killed in the first wave of Israeli airstrikes⁵, adding to the over 50,000 Palestinians killed in the past 18 months⁶. The killing continues to this day.

³ IsraeliPM YouTube Channel, 'PM Netanyahu's Remarks at Weekly Cabinet Meeting', 7 January 2018, <https://www.youtube.com/watch?v=feJMKgSHbBk>.

⁴ Written statement of Pakistan, paras. 43-81.

⁵ E. Nader, 'Why has Israel bombed Gaza and what next for ceasefire deal?' (*BBC News*, 18 March 2025), <https://www.bbc.co.uk/news/articles/cq6yp5d5v9jo>; Staff Reporters, 'Why did Israel break the ceasefire in Gaza?' (*Al Jazeera*, 18 March 2025), <https://www.aljazeera.com/news/2025/3/18/why-did-israel-break-the-ceasefire-in-gaza>; C. Da Silva, 'Why Israel broke its fragile truce in Gaza and is promising more strikes' (*NBC News*, 19 March 2025), <https://www.nbcnews.com/news/world/israel-gaza-ceasefire-palestine-hamas-netanyahu-what-know-rcna197012>.

⁶ T. Fletcher, *Statement on Gaza* (Press Release, 28 March 2025), <https://www.unocha.org/news/un-relief-chief-urges-international-action-protect-civilians-gaza>.

10. Second, Israel's breach of the ceasefire was preceded by the severing of all humanitarian aid to Gaza, enacted by Israel to obtain leverage for its preferred ceasefire arrangement⁷. Currently, Gaza is under a weeks-long Israeli blockade, cut off from external assistance and under threat of starvation⁸. Israel's conduct disproves the assertion in its written statement that it is "working tirelessly with international partners . . . to allow and facilitate the continued passage of humanitarian aid to civilians in Gaza"⁹.

11. Third, Israel has continued to target humanitarian workers in Gaza. In a recent incident, early in the morning of 23 March 2025, its soldiers attacked a Red Crescent convoy in Gaza, as well as a marked UNRWA vehicle. Fifteen aid workers were killed, some after they had identified themselves¹⁰. Israeli soldiers consigned their bodies to a mass grave, then crushed and buried their vehicles nearby. When the incident was uncovered, Israeli authorities claimed that the convoy was behaving suspiciously — advancing without headlights or emergency signals under cover of darkness. Then a smartphone recording of the attack, filmed by one of the executed paramedics, was recovered from the gravesite. In it, the convoy can be seen by the side of the road, clearly marked and with emergency lights active. As the Israeli attack begins, the paramedic begins to pray. Knowing he is about to die, he asks for his mother's forgiveness. "This is the path I chose", he says, "to help people"¹¹.

12. What I have just told the Court is the briefest window into Gaza today. The situation of the Palestinian people when Pakistan filed its written statement was already catastrophic. Since then,

⁷ J. Borger, 'Israel cuts off humanitarian supplies to Gaza as it seeks to change ceasefire deal' (*The Guardian*, 2 March 2025), <https://www.theguardian.com/world/2025/mar/02/israel-cuts-off-humanitarian-supplies-to-gaza-as-it-seeks-to-change-ceasefire-deal>.

⁸ Staff Reporters, 'More than one million children in Gaza deprived of aid for over a month: UNICEF' (*UN News*, 5 April 2025), <https://news.un.org/en/story/2025/04/1161931>; Staff Reporters, 'With aid blockade in its second month, misery deepens for Gazans' (*UN News*, 7 April 2025), <https://news.un.org/en/story/2025/04/1161951>; T. Lister & I. Dahman, "'War without limits': Aid agencies sound the alarm as Israel's Gaza blockade enters second month' (*CNN*, 7 April 2025), <https://edition.cnn.com/2025/04/07/middleeast/israel-gaza-blockade-aid-agencies-intl/index.html>.

⁹ Written statement of Israel, para. 54.

¹⁰ Y. Kubovich, 'Killing of Gaza Aid Workers: IDF Troops Fired Indiscriminately for Over Three Minutes, Some at Point-blank Range' (*Haaretz*, 23 April 2025), <https://www.haaretz.com/israel-news/2025-04-23/ty-article/premium/killing-of-gaza-aid-workers-idf-troops-fired-indiscriminately-for-over-three-minutes/>.

¹¹ F. Fassihi & C. Koettl, 'Video Shows Aid Workers Killed in Gaza under Gunfire Barrage, With Ambulance Lights On' (*New York Times*, 4 April 2025), <https://www.nytimes.com/2025/04/04/world/middleeast/gaza-israel-aid-workers-deaths-video.html>; D. Johnson, 'Israel changes account of Gaza medic killings after video showed deadly attack' (*BBC News*, 5 April 2025), <https://www.bbc.co.uk/news/articles/cy0xp969n69o>; M. Berger et al, 'How Palestinian first responders ended up in a mass grave in Gaza' (*Washington Post*, 10 April 2025), <https://www.washingtonpost.com/world/2025/04/10/how-palestinian-first-responders-ended-up-mass-grave-gaza/>.

it has only deteriorated — becoming, in the words of a senior UN official, an endless cycle of “blood, pain, [and] death”¹².

III. COMPETENCE OF THE COURT AND SCOPE OF THE ADVISORY OPINION

13. Mr President, Members of the Court, I turn now to my second point, concerning the Court’s competence to give an advisory opinion in this matter and the scope of that opinion.

14. As to your competence, it is undoubted for the reasons given by Pakistan in its written statement¹³, as well as for the reasons given by the Court in the *Occupied Palestinian Territory* Advisory Opinion¹⁴, which apply in this case *mutatis mutandis*. The General Assembly resolution requesting the advisory opinion was supported by an overwhelming majority of UN Members¹⁵ and a similar number of participants in these proceedings plainly consider that the Court is competent to answer, and should answer, the General Assembly’s request. Any opposition to this obvious conclusion is faint indeed.

15. As to the scope of the opinion, Pakistan takes note of statements made by just two of the participants in these proceedings that the opinion should be somehow limited in scope because “the General Assembly has requested the Court only to identify Israel’s obligations — not to address adherence to any such obligations”¹⁶.

16. Any suggestion that the Court should avoid making factual findings is wrong. As the Court has previously recognized, no advisory opinion is rendered in a vacuum, even if the question before the Court is of a legal character. To opine without making necessary findings on the question’s factual matrix risks, as the Court has held, an answer that is potentially “incomplete . . . , ineffectual and even misleading as to the pertinent legal rules actually governing the matter under consideration”¹⁷.

¹² Staff Reporters, ‘UN condemns killing of 1,000 people in Gaza since ceasefire collapse’ (*UN News*, 2 April 2025), <https://news.un.org/en/story/2025/04/1161816>.

¹³ Written statement of Pakistan, paras 14-24.

¹⁴ *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. 22-55.

¹⁵ UNGA res. 79/232, 19 December 2024, para. 10.

¹⁶ Written statement of the United States of America, para. 5. See also written statement of Israel, para. 64; CR 2025/7, p. 8, paras 4-5 (United States of America).

¹⁷ *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980*, p. 76, para. 10.

17. Beyond this, the argument is based on an unjustifiably narrow reading of the General Assembly’s resolution, which asks “[w]hat are the obligations of Israel”¹⁸? It refers to obligations generally and, as Pakistan explained in its written statement¹⁹, Israel’s obligations include its secondary obligations under the law of State responsibility to cease any unlawful acts and make full reparation²⁰. It follows that the Court must also opine on whether Israel has breached any primary obligations of international law to define the content of Israel’s secondary obligations of cessation and reparation — and so give a complete answer to the question posed.

18. If the Court disagrees with this analysis, then it should still not shy away from finding that Israel has breached primary rules of international law — as indeed it did in the *Occupied Palestinian Territory* Advisory Opinion, which the General Assembly has asked the Court, by its present request, to supplement²¹. An opinion that only states what Israel’s obligations are, and not whether they have been breached, would be vulnerable to subversion. To advance matters, a complete advisory opinion from the United Nations’ principal judicial organ is required. Therefore, to the extent necessary, the Court should exercise its power to expand or reformulate the General Assembly’s request to identify the “true legal question” under consideration²².

IV. SPECIFIC POINTS

19. Mr President, Members of the Court, I turn in the third part of my presentation to examine certain positions taken by Israel in its written statement and explain why they cannot be correct as a matter of fact and law.

20. As the Court is aware, Pakistan has submitted a detailed written statement in these proceedings, which it maintains in full. In my remarks today, I propose to focus on three points.

(a) First, I will examine Israel’s claim that UNRWA has been — to use Israel’s terminology — “infiltrated” by militant groups²³.

¹⁸ UNGA res. 79/232, 19 December 2024, para. 10.

¹⁹ Written statement of Pakistan, paras 288-300.

²⁰ Articles on the Responsibility of States for Internationally Wrongful Acts, *Yearbook of the International Law Commission 2001*, vol. II, Part 2, pp. 88-92, Arts. 30-31.

²¹ UNGA res. 79/232, 19 December 2024, preamble 10, 13, 18, 23, paras. 2, 10.

²² *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980*, pp. 87-89, paras 34-36.

²³ Written statement of Israel, para. 22.

- (b) Second, I will examine Israel's claims as to the scope of its obligations towards UNRWA pursuant to the Charter of the United Nations²⁴ and the General Convention — being the Convention on the Privileges and Immunities of the United Nations²⁵.
- (c) Third, I will examine some of Israel's other claims as to the scope of its obligations under international humanitarian law.

A. The inadequacy of Israel's forensic case

21. Starting with my first point. Israel's statement is characterized by a series of accusations concerning UNRWA's supposed "infiltration" by militants²⁶, which is said to justify the action taken against UNRWA by Israel, including under the so-called anti-UNRWA legislation that came into effect on 30 January 2025²⁷.

22. These claims should be approached with great caution. Much of the evidence that Israel offers in defence of its claims takes the form of screengrabs from the website of the spokesperson of the Israel Defense Forces²⁸. Far from being evidence capable of bearing any weight, these screengrabs should be treated as little more than bald assertions.

23. The same may be said about the material that Israel has provided to establish its related claim that multiple UNRWA staff members participated in the events of 7 October 2023²⁹. When inspected, this also turns out to be an unverifiable series of screengrabs that are difficult to understand, let alone rely on.

24. The overall paucity of Israel's account is corroborated by the investigation of the United Nations Office of Internal Oversight Services. Israel claims this investigation confirmed that UNRWA employees took an active role in the events of 7 October 2023³⁰. That is not the case. Of the 19 cases of alleged UNRWA staff participation, ten were found to be without foundation or insufficiently evidenced, and nine further cases needed to be investigated further and independently

²⁴ Charter of the United Nations, 26 June 1945, 1 *UNTS* XVI.

²⁵ Convention on the Privileges and Immunities of the United Nations, 2 December 1948, 33 *UNTS* 261.

²⁶ Written statement of Israel, paras. 9-48.

²⁷ *Ibid.*, paras. 48-58.

²⁸ *Ibid.*, Annexes 38, 51, 52, 56, 57, 69, 70.

²⁹ *Ibid.*, Annex 68.

³⁰ *Ibid.*, para. 28.

corroborated. In any event, the nine individuals in question were dismissed from UNRWA service immediately³¹.

25. Another arresting claim in Israel's written statement is that 1,462 UNRWA employees are militants or members of "terrorist factions". Israel asserts this can be proved on the basis of lists of militants "obtained by Israel in the course of the current hostilities in Gaza with the list of 12,521 UNRWA employees in Gaza during the years 2023-2024"³². But Israel has not provided any of these purported lists to the Court. And it provides no definition of what it means by "terrorist factions". The Court can do nothing with such an accusation.

26. These are just the most obvious examples of Israel's thin evidentiary case. These examples — and any others that Israel presents in support of its position — should be read against the background of Israel's proven propensity to dissemble if it serves its interests. I have already commented on the recent 23 March 2025 killing of humanitarian workers by Israeli soldiers, as well as on Israel's fabrication of a confected narrative concerning that episode. That narrative is no isolated incident. Forensic analysis of Israel's previous legal submissions to this very Court further demonstrates the serial unreliability of Israel's forensic case³³.

27. All this is to say that Israel's claim that UNRWA has been "infiltrated" in any meaningful sense by militants is risible. And this, in turn, prompts the question of why Israel really wants UNRWA gone.

28. An answer to that question is not difficult to find because its officials keep telling us what that answer is. Since the Nakba, UNRWA has preserved the Palestinian people and their peaceful traditions throughout the Levant — and ensured that they do not perish from the Earth. In 2018, Israel's Prime Minister said that the Agency "perpetuates the Palestinian refugee problem" through the "narrative of the right-of-return" and therefore needed to "pass from the world"³⁴. Jumping forward to 2025, the story is the same. The same Israeli Prime Minister complained that UNRWA

³¹ P. Lazzarini, "Investigation Completed: Allegations on UNRWA Staff Participation in the 7 October Attacks" (Press Release, 5 August 2024), <https://www.unrwa.org/newsroom/official-statements/investigation-completed-allegations-unrwa-staff-participation-7-october>.

³² Written statement of Israel, para. 22.

³³ See, for example, "An Assessment of Visual Material Presented by the Israeli Legal Team at the ICJ" (*Forensic Architecture*, 26 February 2024), <https://forensic-architecture.org/investigation/assessment-israeli-material-icj-jan-2024>.

³⁴ Israeli PM YouTube Channel, "PM Netanyahu's Remarks at Weekly Cabinet Meeting", 7 January 2018, <https://www.youtube.com/watch?v=feJMKgSHbBk>.

“is self-perpetuating . . . in its desire to keep alive the Palestinian refugee issue”³⁵. Its Foreign Minister described the Agency as “part of the Palestinian lie that there are ‘refugees’ who need to return to the State of Israel”³⁶. And its Ambassador to the United Nations declared that UNRWA’s goal is “to produce millions of Palestinian ‘refugees’ . . . who believe in the non-existent ‘right of ‘return’”³⁷.

29. Once this is understood, the pretextual character of Israel’s claim is clear. It sees in this crisis an opportunity to rid itself of UNRWA — once and for all. It thinks that in the clamour of its attack on Gaza, the removal of the Agency will become a forgotten line item on a long list of outrages. The General Assembly, by its request for an advisory opinion, has asked this Court to ensure that this does not occur.

B. Israel’s breaches of the Charter and General Convention

30. I move now to my second point, concerning Israel’s purported justification for its abuse of UNRWA. Before I do so, it is worth noting what Israel does not contest. It does not contest that, as UNRWA is a subsidiary organ of the General Assembly, Israel is obliged to apply the General Convention to UNRWA. It does not contest that Article II, Section 3, of that Convention renders UNRWA premises inviolable. And it does not contest that the protection of that provision is maintained in times of armed conflict³⁸.

31. On this basis, Israel must also be taken not to contest that its persistent targeting of UNRWA facilities in Gaza is illegal. Pakistan has listed many such incidents in its written statement³⁹. Each and every one of these incidents is unlawful; and each and every one of them erodes the protection that the United Nations and its staff have a right to expect in conflict areas the world over.

³⁵ Government of Israel, “Prime Minister Benjamin Netanyahu to a Delegation of UN Ambassadors: ‘It’s time that the international community and the UN itself understand that UNRWA’s mission has to end’” (Press Release, 31 January 2024), <https://www.gov.il/en/pages/event-un310124>.

³⁶ X, Israel Katz, @Israel_katz, 4 February 2024, https://x.com/Israel_katz/status/1754174311768695267.

³⁷ X, Gilead Erdan, @gileanerdan1, 18 April 2024, <https://x.com/giladerdan1/status/1780950990918697035>.

³⁸ Written statement of Pakistan, paras. 128-131.

³⁹ See *ibid.*, para. 52, and sources cited therein.

32. Turning now to what Israel does actually say. It seeks to justify its conduct entirely on the basis of UNRWA's purported entanglement with militants⁴⁰. But as we have already seen, that entanglement is a fiction. As a forensic matter, Israel's position collapses from the outset.

33. I could stop there, but Israel's position is also shot through with legal errors. Some of the more significant mistakes are as follows.

34. First, Israel observes that it is obliged under Article 2, paragraph 5, of the Charter to give the United Nations "every assistance in any actions it takes in accordance with the present Charter"⁴¹. It then claims that where United Nations action is manifestly contrary to the Charter, then Israel is not obliged to co-operate⁴². This does not advance Israel's case. Israel has entirely failed to present any evidence that the United Nations or any of its subsidiary or affiliated entities is so acting. And such claims, in any event, could not apply to any humanitarian activity.

35. Second, Israel claims, with support from only one other State⁴³, that its obligation of assistance under Article 2, paragraph 5, of the Charter is limited to Security Council action taken under Chapter VII⁴⁴. But paragraph 5 does not say this. The first clause of the paragraph is clear that the obligation of assistance is unlimited — a reading confirmed by this Court in the *Reparation for Injuries* Advisory Opinion⁴⁵. And it is confirmed by the UN Secretary-General's written statement in these proceedings, which confirms the unqualified duty of co-operation in paragraph 5, and why that duty is essential to the operations of the United Nations⁴⁶. The only material against this, identified by one participant yesterday, is an isolated section of the *travaux*⁴⁷. This thin and supplementary material does not even begin to displace the plain meaning of the provision.

36. Third, Israel claims that Article 105 of the Charter "does not confer upon the UN or its officials a right of unfettered access to or through a Member's territory or any right to operate therein

⁴⁰ Written statement of Israel, paras. 71-76.

⁴¹ Charter, Art. 2 (5).

⁴² Written statement of Israel, para. 74.

⁴³ Written statement of the United States of America, para. 16.

⁴⁴ Written statement of Israel, para. 75.

⁴⁵ *Reparation for Injuries Suffered in the Service of the United Nations*, Advisory Opinion, I.C.J. Reports 1949, pp. 178, 183.

⁴⁶ Written statement of the Secretary-General of the United Nations, paras. 183-187.

⁴⁷ Written statement of the United States of America, para. 16; CR 2025/7, p. 14, para. 30 (United States of America).

without a Member's consent"⁴⁸. This statement could have currency if UNRWA operated in Israel. But it does not. Israel does not possess sovereignty over areas in which the Agency operates. Nor does it presently claim it — with the exception of East Jerusalem, which this Court held to be illegally occupied by Israel. As such, Israel can claim no sovereign rights in the relevant areas, including rights of exclusion⁴⁹. Simply put, UNRWA has a right to operate in East Jerusalem, as well as Gaza and the wider West Bank — which has been affirmed by the Palestinian people. Israel has no such right.

37. Fourth, Israel errs in framing the action taken by Israel against UNRWA as a simple withdrawal of consent for the Agency to operate in East Jerusalem⁵⁰. This is misguided. The legislation is far more than that⁵¹.

38. Laws do not simply sit dormant on the statute books. They are enforced through the power of the State. In this case, that means Israel removing UNRWA from East Jerusalem, in violation of the Agency's inviolability under Article II, Section 3, of the General Convention. It means crippling UNRWA's ability to carry out its mission in Gaza and the West Bank, in violation of Article 2, paragraph 5, of the Charter. It means disregard for the international character of the Agency, in violation of Article 100, paragraph 2, of the Charter. And it means breach of the 14 June 1967 Exchange of Letters⁵² that regulated relations between Israel and the Agency until Israel purported to terminate it on 3 November 2024. Even if that Exchange of Letters is gone, its protections are replicated as essential to UNRWA's mission by Article 105, paragraph 1, of the Charter, a functional provision that guarantees all immunities and privileges which are "necessary for the fulfilment of [UNRWA's] purposes"⁵³.

39. Israel therefore remains obliged to ensure the protection and security of the personnel, installations and property of UNRWA. It remains obliged to permit the free movement of UNRWA

⁴⁸ Written statement of Israel, para. 77.

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*, paras 105-156, 254-256. See also CR 2025/7, pp. 16-17, paras. 1-5 (Bolivia)

⁵⁰ Written statement of Israel, paras. 79-80.

⁵¹ Written statement of Pakistan, paras. 170-190.

⁵² Exchange of Letters constituting a Provisional Agreement concerning Assistance to Palestinian Refugees, 14 June 1967, 620 *UNTS* 183.

⁵³ Charter, Art. 105 (1), as explained in Pakistan's written statement, paras. 135-136.

vehicles within East Jerusalem and into and out of Gaza and the West Bank. And it remains obliged to allow the Agency's international and local staff to move freely within the same areas.

40. All these privileges and immunities, and others, have been violated by Israel's decision to put its so-called anti-UNRWA legislation into effect.

41. The Court should be under no illusions. Israel's conduct towards UNRWA reflects one of the most significant breaches of the privileges and immunities of an international organization in the history of the United Nations. If Israel is not censured, that conduct will become an invitation and a blueprint for governments around the world to use the power of the State to remove international scrutiny. Israel's behaviour is therefore a threat to UN operations globally — and should be treated as such by the Court.

C. Israel's breaches of international humanitarian law

42. My third and final point considers Israel's obligations under international humanitarian law. Its arguments start from a false premise that the West Bank, East Jerusalem and Gaza are subject to separate legal régimes, including an assertion that Israel is not the occupying Power in Gaza⁵⁴. This is wrong.

43. In the *Occupied Palestinian Territory* Advisory Opinion, this Court determined that Israel remains in constructive occupation of Gaza⁵⁵. In any event, Israel's control of Gaza today could not be more evident. It empties cities. It cuts off aid. It controls every point of entry and exit. And its officials have committed to continue seizing large parts of the territory⁵⁶.

44. With respect to the West Bank, Israel claims its sovereignty is "in abeyance" and that it applies the 1907 Hague Regulations and the humanitarian provisions of the Fourth Geneva Convention "as a matter of policy"⁵⁷. It claims Jerusalem as sovereign Israeli territory which is

⁵⁴ Written statement of Israel, para. 84.

⁵⁵ *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. 94.

⁵⁶ J. Mackenzie & N. Al-Mughrabi, 'Israel to seize parts of Gaza as military operation expands' (*Reuters*, 2 April 2025), <https://www.reuters.com/world/middle-east/israel-expands-military-operation-gaza-defence-minister-says-2025-04-02/>.

⁵⁷ Written statement of Israel, para. 84.

“subject to Israeli law”⁵⁸. Again, this Court need not be reminded of its rulings on Israel’s illegal occupation of the West Bank and East Jerusalem and Israel’s attendant obligations⁵⁹.

45. The balance of Israel’s arguments centre on Israel’s articulation of its own purported rights and authority⁶⁰, arguing that the law of occupation “does not entail any direct obligations towards third parties or any rights thereof”⁶¹.

46. This is a radical but flawed submission. Indeed, Israel itself does not maintain it. By way of example, it states, in relation to Article 59 of the Fourth Geneva Convention, that “[t]he Occupying Power has no obligation to consent to, or facilitate, relief schemes conducted by organizations which are not impartial or whose objectives are not exclusively humanitarian”⁶². This is not how Article 59 operates, as Pakistan explained in its written statement. But the point for now is that — even pursuant to its own wrong and self-serving understanding of international humanitarian law — Israel nevertheless accepts that it does have obligations to third parties to facilitate relief schemes, provided that those third parties are, in Israel’s eyes, impartial.

47. Once more, Israel’s attempt to rewrite international law is revealed to be in service of its programme to dismantle UNRWA — which it claims to lack such impartiality, but which claim the vast majority of States in any case reject. And in all circumstances, it is not, and cannot be, for Israel unilaterally to make such determination.

V. CONCLUSION

48. Mr President, Members of the Court, I conclude.

49. Since 1945, the United Nations and its organs have reshaped international society. The world today is better off due to the collective action that the United Nations enables. UNRWA is one manifestation of that collective action. For over seventy years, the Agency has tended the flame of the Palestinian people through peaceful and humanitarian assistance — and in so doing, ensured that

⁵⁸ *Ibid.*

⁵⁹ *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. 93, 105, 155.

⁶⁰ Written statement of Israel, paras. 86-99.

⁶¹ *Ibid.*, para. 99; see also *ibid.*, paras. 90-91.

⁶² *Ibid.*, para. 94.

flame has not gone out. At present it is being tested, possibly to destruction. But if it is destroyed, the Palestinian people will be the worse for it — as indeed will we all.

50. Israel now sees an opportunity to rid itself of UNRWA. As Pakistan has explained, both in its written statement and in my presentation to you, it seeks to do so in violation of its obligations under the Charter, the General Convention, and international humanitarian law — as well as the law of human rights.

51. Pakistan asks this Court to demonstrate the same courage and conviction that it showed in its *Wall* and *Occupied Palestinian Territory* Advisory Opinions and hold Israel to account. UNRWA must be permitted to continue to carry out its lifesaving work. Millions of Palestinian lives depend on it.

52. On behalf of the Islamic Republic of Pakistan, I thank you for your kind attention.

The PRESIDENT: I thank the representative of Pakistan for his presentation. I now invite the next participating delegation, Panama, to address the Court and I call upon His Excellency Fernando Gómez-Arbeláez to take the floor.

Mr GÓMEZ-ARBELÁEZ:

STATEMENT BY THE REPUBLIC OF PANAMA

1. Good afternoon, Mr President, distinguished Members of the Court. Today, 1 May, I have the distinctive honour to address the Members of the International Court of Justice, the principal judicial organ of the United Nations, on behalf of the Republic of Panama, my country, the country of our Panama Canal, crossroads of the world, and a peace-loving State which has always advocated for, and been committed to, the general rule of international law.

2. I would like to start this statement by congratulating His Excellency Judge Iwasawa Yuji for his recent election, on 3 March 2025, as President of the Court. I had the opportunity to meet His Excellency from the days, not that long ago, when he was a distinguished scholar at the Lauterpacht Centre for International Law at the Faculty of Law of the University of Cambridge. His current presence as a Member of the Court, and now as the new President of the Court, make all Cambridge graduates particularly cheerful and proud.

3. Just as the other participants in these significant hearings in regard to the countries and organizations they are representing, I wish to express the views of the Republic of Panama as to the question formulated by the General Assembly and adopted in resolution 79/232 of 19 December 2024, in which it has submitted to the Court a request for an advisory opinion. Far from being brief or simple, the question before the Court in these advisory proceedings reads:

“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?”

4. While calling upon “all parties to avoid actions that could weaken the critical role of the United Nations in conflict resolution”, the General Assembly decided, and I quote at length from point 10 of resolution 79/232,

“in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, on a priority basis and with the utmost urgency, to render an advisory opinion . . . considering the rules and principles of international law, as regards in particular the Charter of the United Nations, international humanitarian law, international human rights law, privileges and immunities applicable under international law for international organizations and States, relevant resolutions of the Security Council, the General Assembly and the Human Rights Council, the advisory opinion of the Court of 9 July 2004, and the advisory opinion of the Court of 19 July 2024, in which the Court reaffirmed the duty of an occupying Power to administer occupied territory for the benefit of the local population and affirmed 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”.

5. Mr President, Members of the Court, even the plain reading of this extensive question allows for its consideration as probably one of the most complex requests ever presented for the rendering of an advisory opinion in the history of both the Permanent Court of International Justice and the International Court of Justice.

6. In addition to the multidimensional grounds on which it was formulated, the question by the General Assembly deals, on the one hand, with the obligations of a State, the State of Israel, both as a member of the United Nations and as what is regarded as an “occupying Power”, and its relation to both the “presence and activities” of the United Nations, including: one, “its agencies”; two, its “bodies”; three, “other international organizations”; and four, “third States”, and then “in and in

relation to the Occupied Palestinian Territory”. Those obligations also include “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”, while the General Assembly concludes: “in support of the Palestinian people’s right to self-determination”.

7. On the other hand, the State of Israel is not participating in these advisory proceedings in which there has been an active Palestinian presence.

8. The Republic of Panama realizes that the complexity, deepness and comprehensive scope of the question thus posed by the General Assembly demands the detailed analysis in law and in fact that the corresponding answer truly needs and deserves. The elaborated formulation of the question also raises the issue as to whether, if answered by the Court, the resulting advisory opinion will be given any effect by the General Assembly, or by any other organ, of the United Nations.

9. It is for these reasons in the face of the time constraints challenging the participants in these hearings that I am compelled to limit the current statement to the subject of whether the Court has jurisdiction to give the advisory opinion requested in resolution 79/232.

10. As in any advisory proceeding, this jurisdiction is based, as we all know, in Article 65 (1) of the Statute of the Court, which provides: “The Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.” Article 96 (1) of the Charter, we also know, provides that: “The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.”

11. In accordance with both provisions, the question, as it is also well known, must be of a legal nature.

12. At the same time, the Republic of Panama is aware of the fact that no article of the Statute of the Court in itself deprives the Court of jurisdiction to render an advisory opinion, no matter how any question before the Court may have been formulated by an organ of the United Nations, or what the future application or purpose of that opinion may be. Already in 1975, in its *Western Sahara* Advisory Opinion, the Court determined: “In any event, to what extent or degree its opinion will have an impact on the action of the General Assembly is not for the Court to decide.”

13. Similarly, in its Advisory Opinion on the *Legality of the Threat or Use of Nuclear Weapons* in 1996, the Court made clear that it should not refuse to respond to a request by the General Assembly just because the General Assembly had not explained in its question what were the objectives of seeking such an advisory opinion.

14. Moreover, in 2004, in the Advisory Opinion on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the Court pointed out that “lack of clarity in the drafting of a question does not deprive the Court of jurisdiction. Rather, such uncertainty will require clarification in interpretation, and such necessary clarifications of interpretation have frequently been given by the Court.”

15. It also found that it was “not for the Court itself to purport to decide whether or not an advisory opinion is needed by the Assembly for the performance of its functions. The General Assembly has the right to decide for itself on the usefulness of an opinion in the light of its own needs.”

16. A few years later, in yet another Advisory Opinion, that on the *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965* given in 2019, the Court observed that “it may depart from the language of the question put to it where the question is not adequately formulated” and that “[i]t is for the Court to state the law applicable to the factual situation referred to it by the General Assembly in its request for an advisory opinion. There is thus no need for it to interpret restrictively the questions put to it by the General Assembly.”

17. The Court here concluded: “When the Court states the law in the exercise of its advisory function, it lends its assistance to the General Assembly in the solution of a problem confronting it.”

18. This last phrase, I need to underline, seems to express very importantly what is the actual meaning, and specifically what may be expected to be the effect, if eventually implemented, of an advisory opinion by a requesting organ of the United Nations.

19. “[I]t is not for the Court itself”, it added in the same opinion, “to determine the usefulness of its response to the requesting organ.”

20. All these statements by the Court may be interpreted as recognizing that advisory opinions are not in themselves binding. Their character is, precisely, advisory. They are opinions, not judgments or “decisions” in terms of the Statute of the Court or in terms of its Article 59. The binding

force which may be found in an advisory opinion concerns the statement of existing law that the Court may give in its contents, not in the nature of the opinion itself.

21. In the current advisory proceedings, however, there is another legal instrument with binding force to be considered, which is a multilateral treaty, the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly in 1946, and to which the State of Israel is a party since 1949. It provides in Article VIII, Section 30, on the settlement of disputes between the United Nations on the one hand, and a State party to the Convention on another that “a request shall be made” to the Court “for an advisory opinion on any legal question involved”. “The opinion given by the Court”, Section 30 concludes, “shall be accepted as decisive by the parties”.

22. Mr President, Members of the Court, the advisory jurisdiction of the Court is not to be confused with the discretion that the principal judicial organ of the United Nations may exercise in application of Article 65 (1) of its Statute. As to this provision, the Court has often stressed that it should be interpreted to mean that the Court has a discretionary power to decline to render an advisory opinion even if the conditions of jurisdiction are met, so as to protect the integrity of its judicial function as the principal judicial organ of the United Nations. Only “compelling reasons” may lead the Court to exercise its discretion to decline the rendering of an opinion in response to a request falling within its jurisdiction.

23. In the previously referred *Chagos Archipelago* Opinion, the Court considered that in those proceedings it “cannot decline to answer the questions posed to it by the General Assembly . . . on the ground that its opinion would not assist the General Assembly in the performance of its functions”. This individual ground would not be a “compelling reason” as mentioned, but the discretionary power of the Court seems to remain under its authority by means of different grounds that the Court may still ascertain in the future, even in this particular advisory proceeding.

24. Finally, it appears necessary to explain further, as stated in the *Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo* Advisory Opinion in 2010, by the following:

“In the present case, the question posed by the General Assembly is clearly formulated. The question is narrow and specific; it asks for the Court’s opinion on whether or not the declaration of independence is in accordance with international law. It does not ask about the legal consequences of that declaration. In particular, it does not ask whether or not Kosovo has achieved statehood. Nor does it ask about the validity or

legal effects of the recognition of Kosovo by those States which have recognized it as an independent State”.

“While the interpretation and application of a decision of one of the political organs of the United Nations is, in the first place, the responsibility of the organ which took that decision, the Court, as the principal judicial organ of the United Nations, has also frequently been required to consider the interpretation and legal effects of such decisions.”

25. After these statements, Mr President and Members of the Court, there seems to be little to no doubt that the decision to be made by the Court in the present advisory proceedings will be pursuant to its practice, and that, consequently, the diverse considerations offered by the General Assembly in resolution 79/232, even if the legal question posed does not appear to be narrow or specific, may be sufficient for the Court to give an advisory opinion in accordance with the request of the General Assembly.

26. Mr President, Members of the Court, this is the very first time in which the Republic of Panama has had the opportunity to address its grave concern before the Court as to the lack of peaceful and humanitarian means of understanding between Israelis and Palestinians. In spite of that, Panama knows their history very well: Panama was present at the establishment, under the auspices of the League of Nations, the Treaty of Versailles and the other peace treaties that were produced at the Paris Peace Conference, of the Mandate of Palestine, and later it was also present when the State of Israel was created under the then new framework of the United Nations.

27. We Panamanians aim for lasting peace and justice. Communities of Christians, Jewish, Arab, Israeli, Palestinian, Muslim backgrounds, among many others, live next to one another, or even with one another, happily on Panamanian soil. There may be some differences among them, but never too large as to affect their optimistic living and positive understanding. We do hope that whatever the Court may decide as to the request made by the General Assembly, its pronouncement would lead to fair and just conditions that will sooner rather than later allow all peoples concerned to live and love peacefully. Thank you.

The PRESIDENT: I thank the representative of Panama for his presentation. J’invite à présent la délégation de la Pologne à prendre la parole et appelle à la barre M. Artur Harazim. Monsieur, vous avez la parole.

M. HARAZIM :

INTRODUCTION

1. Monsieur le président, Mesdames et Messieurs les Membres de la Cour. Permettez-moi tout d'abord, Monsieur le président, de vous féliciter au nom de la République de Pologne, pour votre accession à la présidence de la Cour.

2. C'est un grand honneur pour moi de me présenter devant vous dans cette procédure orale concernant la demande d'avis consultatif qui vous a été soumise par l'Assemblée générale des Nations Unies dans sa résolution du 19 décembre 2024. La Pologne est reconnaissante à la Cour de lui avoir donné l'opportunité d'être entendue dans cette procédure consultative.

3. En participant à cette procédure, la République de Pologne souligne son respect pour la Cour et son soutien ininterrompu à celle-ci. La Pologne est convaincue qu'en rendant un avis consultatif dans le cadre de la présente procédure, la Cour peut apporter une contribution précieuse à la clarification des règles relatives à l'aide humanitaire dans les situations de conflit armé.

4. Notre position sur le conflit israélo-palestinien est de longue date. Nous croyons fermement qu'une solution négociée à deux États est le seul moyen possible de mettre fin à l'occupation israélienne, de garantir aux Palestiniens le droit à l'autodétermination et de protéger l'identité et la sécurité d'Israël.

5. La Pologne reconnaît le droit d'Israël à se défendre et à défendre sa population. Ce droit doit cependant s'exercer dans le strict respect du droit international et, en particulier, du droit international humanitaire. *Il convient d'appliquer les conventions de Genève, dont le contenu a été complété par leurs protocoles additionnels.* Bien qu'Israël ne soit pas partie aux protocoles additionnels, la Pologne est d'avis que les dispositions de base relatives à l'aide humanitaire énoncées dans le protocole I reflètent le droit coutumier et n'ont été mises en question ni au moment de leur adoption ni après leur entrée en vigueur. La Pologne tient également à rappeler que 196 pays (y compris Israël et la Palestine) comptent parmi les parties aux conventions de Genève, nombre supérieur à celui des Membres des Nations Unies. Toutes les conventions de Genève sont généralement considérées comme faisant partie intégrante du droit coutumier et revêtent une importance particulière pour la communauté internationale.

6. En outre, notre participation à la procédure repose sur une importance spéciale que la Pologne accorde aux normes fondamentales du droit international humanitaire, qualifiées par cette Cour de « principes intransgressibles du droit international coutumier »⁶³ et aux normes de droit de l'homme, comme nous l'avons indiqué dans notre exposé écrit⁶⁴.

7. Monsieur le président, Mesdames et Messieurs les Membres de la Cour, pendant la seconde guerre mondiale, la Pologne connut la brutalité de l'occupation par l'Allemagne nazie et par l'Union soviétique. La Pologne fut témoin de la souffrance de sa population civile, démunie de moyens de subsistance et affamée à mort. C'est la raison pour laquelle la Pologne s'engagea dans le renforcement de la protection de la population civile dans les protocoles additionnels⁶⁵. Ce fut la Pologne qui prôna l'interdiction des mesures de représailles et des peines collectives à l'égard de la population civile. Par conséquent, la Pologne se sent obligée de vous rappeler fermement les droits de la population civile et les obligations qui incombent aux États belligérants vis-à-vis de la population civile.

8. Aujourd'hui, mon pays doit également réagir aux résultats d'une autre occupation, celle que la Russie poursuit dans l'Ukraine orientale. En conséquence, la Pologne est absolument convaincue de la nécessité de confirmer l'importance du droit de l'occupation et, en particulier, des normes concernant la protection de la population civile. La Pologne estime que la présente procédure devrait contribuer à la confirmation générale des obligations qui incombent aux puissances occupantes afin de garantir et de faciliter une fourniture sans entrave de l'aide humanitaire d'urgence au profit de la population civile. De toute population civile, sur tout territoire occupé.

9. Monsieur le président, eu égard au temps qui lui est imparti, la Pologne limitera son intervention aux questions suivantes : dans un premier temps, le professeur Kułaga abordera les sujets de la discrétion de la Cour, du droit à l'autodétermination et des droits de l'enfant ; dans un deuxième temps, la professeure Grzebyk présentera les obligations concernant l'aide humanitaire et la protection des travailleurs humanitaires et des envois de secours.

⁶³ *Licéité de la menace ou de l'emploi d'armes nucléaires, avis consultatif, C.I.J. Recueil 1996 (I), p. 257, par. 79.*

⁶⁴ Exposé écrit de la République polonaise, par. 28-29.

⁶⁵ *Ibid.*, par. 25.

10. Monsieur le président, avec votre permission, je vais maintenant passer la parole au professeur Łukasz Kułaga pour poursuivre la présentation des arguments de la Pologne. Je vous remercie pour votre attention.

The PRESIDENT: Je remercie M. Harazim. I now invite Mr. Łukasz Kułaga to address the Court. You have the floor, Sir.

Mr KUŁAGA:

I. DISCRETION

1. Mr President, Members of the Court, it is an honour to appear before you on behalf of the Republic of Poland. I shall first address the topic of discretion.

2. As stated in the written statement, Poland is of the view that the Court has jurisdiction to render an opinion as requested by GA resolution 79/232. It is also our view that there are no compelling reasons for the Court to refuse its opinion concerning the present request.

3. Even so, Poland notes one important new element of the present proceedings compared to previous cases. Similarly to the *Policies and Practices of Israel* Advisory Opinion⁶⁶, the current proceedings concern obligations of the State of Israel. At the same time, it coincides with a pending case against Israel in the Court's docket, on the *Application of the Genocide Convention in the Gaza Strip*⁶⁷.

4. In its *Policies and Practices of Israel* Advisory Opinion, the Court acknowledged that the “conduct by Israel in the Gaza Strip in response to the attack carried out against it by Hamas and other armed groups on 7 October 2023”⁶⁸ will not be covered. The reason for this position was that the matter in question went beyond a *ratione temporis* scope. Thus, there was no issue of potential overlap between the advisory proceeding and a pending inter-state dispute.

⁶⁶ *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, Advisory Opinion of 19 July 2024.*

⁶⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel).*

⁶⁸ *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. 81.

5. The relation of the current advisory opinion to the case concerning *Application of the Genocide Convention in the Gaza Strip*, however, is of a different nature. Indeed, all three Orders on provisional measures issued by the Court in that case⁶⁹ concerned, among other things, enabling the provision of urgently needed basic services and humanitarian assistance, which is also the subject matter of the current advisory proceeding.

6. Furthermore, certain States participating in the current advisory proceeding relied on those Orders when assessing Israel's obligations.

7. Thus, the issue arises of how to approach this situation from the perspective of the principle of consent. As expressed in Article 36 of the Court's Statute, its jurisdiction in contentious cases is based on the consent of the parties. In advisory proceedings, the principle of consent is evaluated through the prism of judicial propriety.

8. Two possible paths of interpretation can be considered. The first would concentrate on distinctions between contentious and advisory proceedings.

The PRESIDENT: I am sorry to interrupt you, but could speak more slowly for the interpreters? Thank you.

Mr KULAGA: Yes, thank you, Mr President.

9. As the Court already stated, its opinion "is given not to the States, but to the organ which is entitled to request it"⁷⁰. The Court's opinions are advisory in nature and thus have a different legal significance than judgments rendered in inter-State proceedings. In this context, the argument can also be made that the current advisory proceeding concerns only the restatement of Israel's obligations under international law. Thus, in contrast to contentious proceedings, it is not aimed at assessing adherence to any such obligations.

10. The second path, however, acknowledges the possibility of substantive overlap between the two proceedings. The interpretation and application of the Genocide Convention, which is the sole subject-matter of dispute between South Africa and Israel, may be influenced by the analysis in

⁶⁹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 26 January 2024, Order of 28 March 2024 and Order of 24 May 2024.

⁷⁰ *Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Advisory Opinion, I.C.J. Reports 1950*, p. 71.

the current proceedings of Israel's obligations as an occupying Power. This could be done either through interpretation of applicable international humanitarian law treaties, taking into account the Genocide Convention in accordance with Article 31, paragraph 3 (c) of the VCLT, or by considering Israel's obligations as a UN Member State. Indeed, several States participating in the proceeding extensively elaborated on the importance of the obligations stemming from the Genocide Convention to answer the question put before the Court by the General Assembly. Thus, there exists a certain possibility that the Court's determination in the current advisory proceeding could affect the applicable law in the pending dispute between South Africa and Israel.

11. In this context, it should be noted that in its judgment on the preliminary objection in the *Dispute Between Mauritius and Maldives*, the Special Chamber of the International Tribunal on the Law of the Sea indicated that "judicial determinations made in advisory opinions carry no less weight and authority than those in judgments because they are made with the same rigour and scrutiny by the 'principal judicial organ' of the United Nations with competence in matters of international law"⁷¹. As a result, the ITLOS Special Chamber considered that the Court's determinations made in advisory proceedings "do have legal effect"⁷² and took them into account when considering contentious disputes.

12. In this line of reasoning, judicial propriety could require the Court, when answering the question posed by the General Assembly, to abstain from referring to obligations of Israel stemming from the Genocide Convention, as this issue is currently pending in a contentious dispute against Israel.

II. PRINCIPLE OF SELF-DETERMINATION

13. I now turn to the Republic of Poland's argument concerning the principle of self-determination.

14. In its jurisprudence, both in contentious cases as well as in advisory proceedings, the Court has acknowledged the importance of self-determination as "one of the essential principles of

⁷¹ International Tribunal for the Law of the Sea, Judgment of 28 January 2021 in the Dispute Concerning *Delimitation of the Maritime Boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*, Preliminary Objections, No. 28, para. 203.

⁷² *Ibid.*, para. 205.

contemporary international law”⁷³ that generates an *erga omnes* obligation⁷⁴. In its 2024 Advisory Opinion, the Court indicated, *inter alia*, that “a key element” of the right of self-determination is a nation’s right to pursue its economic, social and cultural development⁷⁵.

15. In the aforementioned Opinion, the Court was already using the principle of self-determination to interpret Israel’s obligation as an occupying Power⁷⁶. Thus, “the existence of the Palestinian people’s right to self-determination cannot be subject to conditions on the part of the occupying Power”⁷⁷, particularly in the context of delivering humanitarian and development assistance.

16. For the Republic of Poland, it is unquestionable that, through application of systemic integration, the principle of self-determination strengthens Israel’s obligations under IHL. These obligations should be construed as prohibiting any arbitrary blockade on humanitarian assistance to the population of an occupied territory in need of such assistance. Any arbitrary blockade can be understood as an obstruction that is unreasonable, unjust, lacking in predictability or otherwise inappropriate⁷⁸.

III. RIGHTS OF CHILDREN

17. Mr President, Members of the Court, I now turn to the issue of children’s rights in the context of humanitarian assistance.

18. In our written statement, Poland emphasized the Court’s jurisprudence on the relationship between international human rights law and IHL. We have stated that in the analysis of obligations towards civilian populations, human rights concerning humanitarian assistance must also be taken

⁷³ *East Timor (Portugal v. Australia)*, Judgment, I.C.J. Reports 1995, p. 102, para. 29.

⁷⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004 (I), p. 199, para. 155; *Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965*, Advisory Opinion, I.C.J. Reports 2019 (I), p. 139, para. 180.

⁷⁵ *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. 241.

⁷⁶ *Ibid.*, paras. 234-243 and 255-257.

⁷⁷ *Ibid.*, para. 257.

⁷⁸ UN doc. S/RES/2730 (2024), 24 May 2024, para. 8; Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict, Conclusions Commissioned by the United Nations Office for the Coordination of Humanitarian Affairs.

into account⁷⁹. At this stage we would like to concentrate on children's rights, taking into account our engagement with the topic since at least 1978, when Poland presented the idea of the Convention on the Rights of the Child. In armed conflicts, the régime of protection envisaged in the Convention must be interpreted as taking into account subsequent Security Council resolutions on the matter. These resolutions⁸⁰ underlined the obligation of parties to armed conflict to ensure full, safe and unhindered access of humanitarian personnel and delivery of humanitarian assistance to all affected children. Furthermore, the denial of humanitarian access by parties to armed conflict is considered by the Council as a violation of international law committed against children⁸¹.

19. Thus, Poland's view is that Israel has an unequivocal obligation to ensure access of humanitarian assistance to all children affected by armed conflict in territories that are under its effective control or besieged by Israeli forces.

Mr President, I now respectfully ask you to give the floor to Professor Grzebyk.

The PRESIDENT: I thank Mr Kułaga. I now give the floor to Professor Patrycja Grzebyk.

Ms GRZEBYK:

I. OBLIGATION TO PROVIDE AND PERMIT HUMANITARIAN ASSISTANCE

1. Mr President, Members of the Court, it is an honour to appear before you to discuss the legal obligations of States to allow humanitarian assistance in armed conflicts.

2. Those obligations are not dependent on an assessment of which party to a conflict started the current phase of hostilities or a determination of who is the aggressor and who is exercising the right of self-defence⁸². IHL must be blind to such considerations if it is supposed to work at all.

3. The question asked by the General Assembly refers to the obligations of an occupying Power.

⁷⁹ 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), written statement of the Republic of Poland, para. 29.

⁸⁰ S/RES/1314 (2000), 11 August 2000, para. 7; S/RES/1379 (2001), 20 November 2001, para. 5.

⁸¹ S/RES/1539 (2004), 22 April 2004, para. 1; S/RES/1882 (2009), 4 August 2009, para. 1; S/RES/2601 (2021), 29 October 2021, para. 1.

⁸² See Common Article 1 of the Geneva Conventions of 1949 and Article 1 of the First Additional Protocol of 1977; preamble to the First Additional Protocol.

The PRESIDENT: Excuse me for interrupting you, but please could you speak more slowly?
Thank you very much.

Ms GRZEBYK:

This is why some written statements have focused on assessing whether Israel is occupying the Gaza Strip, a problem addressed by the Court in its 2024 Opinion. In that Opinion, the Court stated that Israel's "obligations [under the law of occupation] have remained commensurate with the degree of its effective control over the Gaza Strip"⁸³. It is undisputed that on 19 December 2024, when the General Assembly requested another advisory opinion, Israel had a certain degree of effective control over the Gaza Strip. To that extent, it also had obligations as an occupying Power.

4. Nevertheless, Poland wishes to recall that the General Assembly also asked the Court to assess Israel's obligations as a member of the United Nations. In Poland's opinion, Article 2, paragraph 2, of the UN Charter is of particular relevance here, as this provision emphasizes that all UN members "shall fulfil in good faith the obligations assumed by them". Referring to that principle, General Assembly resolution 2625 indicated that "every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law"⁸⁴. In consequence, every UN Member is obliged to respect its treaty and customary obligations concerning humanitarian assistance, no matter whether it is considered as an occupying or a non-occupying Power in a particular armed conflict.

5. In case of an armed conflict, each party bears a primary obligation to meet the basic needs of the population under its control and to prevent starvation. Humanitarian organizations may always offer assistance, but their ability to act is dependent on the consent of the party that controls a given territory. It must be, however, noted that in a situation of occupation, if all or part of the population of an occupied territory is inadequately supplied, Article 59 of the Fourth Geneva Convention clearly stresses that "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". Therefore, in cases of occupation,

⁸³ *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. 94.

⁸⁴ UN doc. A/RES/2625 of 24 October 1970.

co-operation with other States and impartial humanitarian organizations is not a choice but an obligation.

6. Poland also wishes to draw attention to Article 23 of the Fourth Geneva Convention, which indicates that in all situations, States are required to allow the “free passage of all consignments of medical and hospital stores” intended solely for civilians and “the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases”. This obligation must also be respected when a State decides on siege warfare, whose purpose cannot be the starvation of a civilian population. When civilians do not have the opportunity to leave a besieged area, a duty arises to supply them with relief goods.

7. Every State has the right to defend itself and to take all necessary security measures. However, those measures must comply with international law. IHL gives the right to inspect, to regulate times and routes, and to supervise the distribution of goods⁸⁵. However, States cannot lawfully prevent the provision of humanitarian assistance by humanitarian actors if the most basic needs of the civilian population are not satisfied. Humanitarian assistance, when provided to the civilian population in a non-discriminatory, impartial manner, without any adverse distinction, cannot be suspended by the arbitrary withdrawal of consent to the operation of humanitarian organizations and by the denial of humanitarian workers’ access to the civilian population. This arbitrariness definitely appears when the denial of humanitarian assistance means that civilians may starve.

8. Because Israel controls Palestinian borders, it also controls access to assistance and thus decides whether the civilian population lives or dies. It should be stressed that the international community does not condone treating a civilian population as an enemy. With the adoption of the 1949 Geneva Conventions, it had already abandoned the paradigm of total war.

9. Humanitarian assistance by its very nature must be delivered promptly, often within days or hours. The situation where people die because “at the border, food is rotting, medicine expiring, and vital medical equipment [is] stuck”⁸⁶ cannot be accepted. It cannot be understood why life-saving

⁸⁵ See e.g. Articles 23 and 59 of the Fourth Geneva Convention and Article 70 of the First Additional Protocol.

⁸⁶ Humanitarian Situation Update #273, Gaza Strip of 18 March 2025, <https://www.ochaopt.org/content/humanitarian-situation-update-273-gaza-strip>; similar information was issued before submission of the General

medical equipment, including ventilators for neonatal intensive care units, portable incubators for newborns, and other aid supplies are stalled at the border⁸⁷.

The PRESIDENT: Madam, please speak more slowly for the interpreters.

Ms GRZEBYK:

Poland is convinced that there is a legal obligation to lift any blockade placed on life-saving aid.

10. Poland also wishes to note that humanitarian obligations are not based on reciprocity. The exclusion of reciprocity is stressed in the very first Article 1 of the Geneva Conventions, where States specifically undertake to respect and ensure respect for the Conventions “in all circumstances”. States must fulfil their obligations without regard to whether other belligerents apply the Geneva Conventions.

11. As an additional guarantee of non-reciprocal respect for IHL, Article 8 of the Fourth Geneva Convention states that protected persons cannot renounce their rights in part or in entirety. There is also a clear prohibition on reprisals against protected persons and objects expressed in every Geneva Convention and in the First Additional Protocol⁸⁸, as well as prohibition of collective punishments⁸⁹. In addition, Article 50 (1) (c) of the Articles on Responsibility of States for Internationally Wrongful Acts prohibits the application of countermeasures that would affect obligations of a humanitarian character.

12. Some States expressed doubts about whether IHL refers to obligations towards third States, the United Nations or other international organizations. However, Article 59 of the Fourth Geneva Convention obliges an occupying Power to co-operate with third States and impartial humanitarian organizations on relief schemes. Also, this Court in its Judgment of 1986 in the *Nicaragua v. United*

Assembly’s request in December 2024, e.g. Humanitarian Situation Update #245, Gaza Strip of 10 December 2024, <https://www.ochaopt.org/content/humanitarian-situation-update-245-gaza-strip> (accessed 29 April 2025).

⁸⁷ *Ibid.*

⁸⁸ See e.g. Article 46 of the First Geneva Convention; Article 47 of the Second Geneva Convention; Article 13 of the Third Geneva Convention; Article 33 of the Fourth Geneva Convention; Articles 51 (6) and 52-56 of the First Additional Protocol; and Rules 146-147 of the ICRC Study on Customary International Humanitarian Law.

⁸⁹ See e.g. Article 50 of the Hague Regulations of 1907 concerning the Laws and Customs of War on Land; Article 33 of the Fourth Geneva Convention; Article 75 (2) (d) of the First Additional Protocol; Article 4 (2) (b) of the Second Additional Protocol; Rule 103 of the ICRC Study on Customary International Humanitarian Law.

States of America case stated that “[t]here can be no doubt that the provision of strictly humanitarian aid to persons or forces in another country, whatever their political affiliations or objectives, cannot be regarded as unlawful intervention, or as in any other way contrary to international law”⁹⁰.

13. Israel has expressed doubts concerning the role of UNRWA. However, not only UNRWA but all UN agencies and humanitarian organizations were forbidden to operate in the Gaza Strip.

14. The provision of humanitarian assistance in crises such as the one we are observing in the Palestinian territories requires co-ordination, in which the United Nations Office for the Coordination of Humanitarian Affairs plays a crucial role. The cluster approach to humanitarian assistance, whereby various UN agencies and organizations take the lead role in particular sectors of humanitarian assistance, is the only solution that reduces duplication of effort and ensures the reliable delivery of aid prioritized by needs. Therefore, co-operation of States with the United Nations is essential to protect civilians, properly address their needs, and avoid wasting finite resources in a world where needs seem to be infinite.

15. Poland duly noted that in some written statements submitted in this proceeding, references were made to neutrality as an essential requirement for humanitarian organizations to be allowed to provide assistance. In this respect we are of the view that certain opinions conflated neutrality with impartiality, even though these two notions are clearly distinct.

16. This Court in its 1986 Judgment in the *Nicaragua v. USA* case explained the specific nature of impartiality when it stressed that: “An essential feature of truly humanitarian aid is that it is given ‘without discrimination’ of any kind . . . [I]t must . . . be given without discrimination to all in need”⁹¹.

17. Poland would like to kindly notice that Articles 13 and 59 of the Fourth Geneva Convention, as well as Articles 70 and 18, respectively, of the First and Second Additional Protocols, in their references to humanitarian aid, require only that such assistance aim to alleviate suffering and be provided impartially.

⁹⁰ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment, I.C.J. Reports 1986, p. 124, para. 242.

⁹¹ *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, I.C.J. Reports 1986, p. 125, para. 243.

18. Neutrality means that humanitarian actors should not take sides in hostilities. Poland agrees that neutrality helps to ensure the integrity of the organization's mission and the effectiveness of its operations⁹². Still, the alleged lack of neutrality based on vague accusations cannot be used as an excuse for prohibiting humanitarian actors from delivering assistance to the population in need.

II. PROTECTION OF HUMANITARIAN WORKERS AND RELIEF GOODS

19. Mr President, Members of the Court, I now turn to the issue of protection of humanitarian workers and relief goods. Humanitarian workers, including medical personnel, who provide humanitarian assistance during armed conflicts are not targets. They must be respected, which means they cannot be attacked. They must also be protected, which requires States to prevent others, including their own citizens, from interfering with aid workers' ability to do their jobs. Those rules are expressed in every Geneva Convention and its Additional Protocols⁹³.

20. Humanitarian workers assisting the civilian population are not helping the enemy; they are saving humanity in inhumane circumstances.

21. Civilian humanitarian workers lose protection only when they take direct part in hostilities⁹⁴. This loss of protection, however, is strictly temporary and applies only to the time of harmful engagement. Having in mind the presumption of civilian status expressed in Article 50 (1) of the First Additional Protocol, which in Poland's opinion is an expression of customary law, any killings of humanitarian workers need to be thoroughly investigated.

22. States are not left alone with this task. There are many tools at the disposal of belligerent States to clarify the circumstances of humanitarian workers' deaths, including the International Humanitarian Fact-Finding Commission, which States can ask to investigate incidents. Even non-parties to a conflict may request help from the Commission, as Poland did in the case of a Polish humanitarian worker killed in Gaza.

⁹² See Final Report for the United Nations Secretary-General, Independent Review of Mechanisms and Procedure to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality, 20 April 2024, p. 4.

⁹³ See e.g. Article 24 of the First Geneva Convention and Article 71 (2) of the First Additional Protocol (adopted by consensus); Rule 31 of the ICRC Study on Customary International Humanitarian Law; Article 8 (2) (b) (iii) and Article 8 (2) (e) (iii) of the ICC Statute; UN doc. S/RES/2730 of 24 May 2024.

⁹⁴ See Article 51 (3) of the First Additional Protocol.

23. If a State's responsibility is confirmed, then it must comply with accountability requirements and ensure reparations.

24. Civilian goods classified as humanitarian assistance should be respected in accordance with the principle of distinction. This category concerns such basic goods as food, water, medicine, clothing, bedding, means of shelter and other goods necessary for the survival of the civilian population⁹⁵. Poland is concerned about the practice of classifying medical equipment or water, sanitation and hygiene equipment as “dual-use” goods, which could allow them to be withheld from the civilian population or their supply to be limited⁹⁶. Poland understands why fuel or gas might be classified as “dual-use”, but at the same time the role such raw materials play in sustaining civilian infrastructure like hospitals cannot be ignored.

Mr President, would you allow me to prolong my statement for just two minutes?

The PRESIDENT: Yes.

Ms GRZEBYK:

25. While assistance provided in a non-impartial manner cannot be classified as humanitarian, this does not mean that such consignments can be automatically targeted as military objectives. They may still be entitled to broader protection given to civilian objects under IHL.

26. Medical units enjoy even greater special protection, which on the one hand means an obligation not to use them for military purposes, and on the other introduces additional requirements, including appropriate warnings, that must be met before such units may be lawfully attacked if “they are used to commit, outside their humanitarian duties, acts harmful to the enemy”⁹⁷. Modern international humanitarian law began by extending protection to the sick and injured, as well as to

⁹⁵ See in particular Article 55 of the Fourth Geneva Convention of 1949 and Article 69 of the First Additional Protocol.

⁹⁶ See e.g. OCHA, Gaza humanitarian response update | 2-15 February 2025, <https://www.unocha.org/publications/report/occupied-palestinian-territory/gaza-humanitarian-response-update-2-15-february-2025>, 19 February 2025 (accessed 29 April 2025); OCHA, Humanitarian Situation Update #249 | Gaza Strip, 24 December 2025, <https://www.unocha.org/publications/report/occupied-palestinian-territory/humanitarian-situation-update-249-gaza-strip> (accessed 29 April 2025).

⁹⁷ See Article 21 of the First Geneva Convention; see Articles 19-26 of the First Geneva Convention, Article 34 of the Second Geneva Convention, Articles 18-20 of the Fourth Geneva Convention, and Articles 12 and 15 of the First Additional Protocol (adopted by consensus); Rule 28 of the ICRC Study of Customary International Humanitarian Law.

medical personnel and units; it is unimaginable that these basic rules are still violated, and we forget that hospitals should be respected as sanctuaries in times of war.

27. In this regard, it is necessary to uphold the obligation to respect and protect humanitarian workers and relief goods, as well as the obligation to investigate all incidents of attacks against humanitarian workers or goods.

28. This concludes Poland's oral pleadings. Thank you for your kind attention.

The PRESIDENT: I thank the representatives of Poland for their presentation. Before I invite the next delegation to take the floor, the Court will observe a break of 15 minutes. The hearing is suspended.

The Court adjourned from 4.25 p.m. to 4.45 p.m.

The PRESIDENT: Please be seated. The sitting is resumed. I now invite the next participating delegation, Qatar, to address the Court and I call His Excellency Dr Mutlaq Al-Qahtani to the podium. You have the floor, Sir.

Mr AL-QAHTANI:

I. INTRODUCTION

1. Mr President, honourable Members of the Court, it is a great honour and a privilege to appear before you today as the representative of the State of Qatar in these important proceedings.

2. Mr President, the Court's Advisory Opinion of 19 July 2024 confirmed that Israel's presence in the Occupied Palestinian Territory is unlawful and must be brought to an end "as rapidly as possible"⁹⁸. Unfortunately, Israel did not end its occupation. It has continued its genocidal war against the Palestinian people especially in Gaza, which is not only an international crime but *the* "crime of crimes"⁹⁹, which "shocks the conscience of mankind"¹⁰⁰.

⁹⁸ *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. 267.

⁹⁹ *Prosecutor v. Akayesu*, Case No. ICTR-96-4, Trial Transcript (2 Oct. 1998), p. 8.

¹⁰⁰ UNGA, resolution 96 (I), UN doc. A/RES/96(I) (11 Dec. 1946).

3. In blatant disregard of the Court's Advisory Opinion, Israel increased settlement and annexation in the West Bank through force¹⁰¹. According to the United Nations, approximately 1,000 Palestinians have been killed there since October 2023¹⁰², and over 40,000 have been forcibly displaced by settler violence and Israel's military campaign in the West Bank¹⁰³. As the UN Special Rapporteur on the OPT stated in a press release that you can find at tab 1 of your folders, "we are witnessing new 'Trails of Tears' in the West Bank, mirroring Gaza's fate"¹⁰⁴.

4. In Gaza, Palestinians also continue to face famine-like conditions as Israel has completely blocked any delivery of life-saving aid for millions of Palestinians¹⁰⁵. In a joint statement on 7 April, top UN officials stated that "[m]ore than 2.1 million people are trapped, bombed and starved again" in Gaza, and that Israel's acts of war "show an utter disregard for human life"¹⁰⁶. You can find this statement at tab 2 of your folders.

5. At the same time, Israel has jeopardized the very existence of UNRWA, the backbone of humanitarian and development assistance across the OPT. This renders these proceedings of paramount importance. Qatar and, I am certain, all other participants are grateful to the Court for the efficient conduct of these proceedings.

¹⁰¹ See OHCHR, Press Release, "Israel ramps up settlement and annexation in West Bank with dire human rights consequences" (18 Mar. 2025), <https://www.ohchr.org/en/press-releases/2025/03/israel-ramps-settlement-and-annexation-west-bank-dire-human-rights>; "UN rights office condemns continuing Israeli military operation in West Bank," *UN News* (14 Feb. 2025), <https://news.un.org/en/story/2025/02/1160171>; Report of the Commissioner-General of UNRWA, 1 January-31 December 2023, UN doc. A/79/13 (14 Aug. 2024), paras. 5-16; A. Nierenberg, "Recent Israeli Raids in the West Bank: A Timeline," *New York Times* (28 Aug. 2024, updated 5 Sept. 2024), <https://www.nytimes.com/2024/08/28/world/middleeast/israel-palestinian-west-bank-clashes-timeline.html>.

¹⁰² See UNRWA, "UNRWA Situation Report #168 on the Humanitarian Crisis in the Gaza Strip and the West Bank, Including East Jerusalem" (24 Apr. 2025), <https://www.unrwa.org/resources/reports/unrwa-situation-report-168-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

¹⁰³ "Israeli military operation displaces 40,000 in the West Bank," *UN News* (10 Feb. 2025), <https://news.un.org/en/story/2025/02/1159971>.

¹⁰⁴ See OHCHR, Press Release, "'Tragedy foretold and stain on our collective humanity': Special Rapporteur warns of mass ethnic cleansing in the West Bank" (18 Mar. 2025), <https://www.ohchr.org/en/press-releases/2025/03/tragedy-foretold-and-stain-our-collective-humanity-special-rapporteur-warns> (judges' folder, tab 1).

¹⁰⁵ See "WFP runs out of food stocks in Gaza," *UN News* (25 Apr. 2025), <https://news.un.org/en/story/2025/04/1162611>; "Gaza: Guterres calls on Israel to ensure life-saving aid reaches civilians," *UN News* (8 Apr. 2025), <https://news.un.org/en/story/2025/04/1161996>; "More than one million children in Gaza deprived of aid for over a month: UNICEF," *UN News* (5 Apr. 2025), <https://news.un.org/en/story/2025/04/1161931>.

¹⁰⁶ OCHA, "World must act with urgency to save Palestinians in Gaza, top UN officials say" (7 Apr. 2025), <https://www.unocha.org/news/world-must-act-urgency-save-palestinians-gaza-top-un-officials-say> (judges' folder, tab 2).

6. Mr President, Members of the Court, the rest of my intervention will be divided into two parts. *First*, I will explain how Israel has created and perpetuated in violation of its international obligations a humanitarian disaster in Gaza. *Second*, I will set forth Qatar's positions on Israel's campaign to dismantle UNRWA in violation of its international obligations.

7. But before turning to these issues, allow me to briefly address the scope of the question put to the Court.

8. The General Assembly has not asked the Court to merely list Israel's obligations in the abstract. Rather, it has asked the Court to identify concretely Israel's *specific* obligations in relation to its conduct in the OPT. As Qatar explained in detail in its written statement, this is implicit in the preamble of the General Assembly's resolution¹⁰⁷.

9. For example, the Court is being asked to assess, *inter alia*, whether Israel's legislation banning UNRWA is compatible with Israel's international obligations¹⁰⁸.

10. Moreover, Qatar agrees with the State of Palestine that it would be artificial to separate primary obligations from secondary obligations that arise directly out of Israel's violations¹⁰⁹. Israel's relevant "obligations" can thus be understood as encompassing also Israel's obligations arising from State responsibility, such as obligations of cessation and reparations.

11. For example, as Qatar has explained, in the case of the illegal legislation banning UNRWA, Israel has an obligation of cessation and must repeal the legislation immediately¹¹⁰.

II. ISRAEL HAS CREATED AND PERPETUATED A HUMANITARIAN CATASTROPHE IN GAZA IN VIOLATION OF ITS INTERNATIONAL OBLIGATIONS

12. Mr President, Members of the Court, I will now turn to my first topic and explain how Israel has created and perpetuated a humanitarian disaster in Gaza in violation of its international obligations.

13. Since the outset of its onslaught on Gaza, Israel has consistently used the deprivation of humanitarian aid and basic utilities as a method of war. Qatar will not address all of Israel's crimes

¹⁰⁷ Written statement of Qatar, para. 16. *See also* CR 2025/4 (28 Apr. 2025), p. 11, paras. 2-4, State of Palestine (Pellet).

¹⁰⁸ *See* UNGA, Resolution 79/232, UN doc. A/RES/79/232 (19 Dec. 2024), preamble, pp. 1-3.

¹⁰⁹ CR 2025/4 (28 Apr. 2025), p. 11, paras. 2-4, State of Palestine (Pellet).

¹¹⁰ *See* written statement of Qatar, paras. 39, 125-126.

in Gaza. It will only focus on two categories relevant to the question before the Court: first, humanitarian aid, including food and water; and second, healthcare.

14. As to the first category: at the beginning of the war, Israeli leaders announced a complete siege on Gaza, allowing no electricity, food, water or fuel to enter¹¹¹. Since then, Israel has systematically prevented the delivery of life-saving aid by humanitarian organizations, in particular by UNRWA¹¹². Israel blocked humanitarian crossings in Rafah, Karm Abu Salem¹¹³ and northern Gaza¹¹⁴. In November 2024, UNRWA reported that Israel allowed entry of an average of only 30 trucks of humanitarian aid per day¹¹⁵. This is only about 6 per cent of the daily amount of aid that entered before the war¹¹⁶.

15. As a result of the mediation of Qatar, alongside Egypt and the United States, Israel eased these restrictions when the latest ceasefire agreement came into force. The delivery of humanitarian aid scaled up during that brief period¹¹⁷. However, this small progress was completely reversed on 2 March 2025, the second day of the holy month of Ramadan, when Israel decided to cut off entry of all food, water and other supplies in Gaza¹¹⁸.

¹¹¹ E. Fabian, "Defense minister announces 'complete siege' of Gaza: No power, food or fuel," *The Times of Israel* (9 Oct. 2023), https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/; I. Katz, "First Thing: no power, water or fuel for Gaza until hostages are freed, Israel says," *The Guardian* (12 Oct. 2023), <https://www.theguardian.com/us-news/2023/oct/12/first-thing-no-power-water-fuel-gaza-until-hostages-freed-israel-says>.

¹¹² OCHA, "Humanitarian Situation Update #282 | Gaza Strip" (23 Apr. 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-282-gaza-strip>; "Israel continues to block aid into northern Gaza; UN sending team to shattered Al-Shifa Hospital," *UN News* (1 Apr. 2024), <https://news.un.org/en/story/2024/04/1148141>. See also "A timeline of Israel's weaponization of aid to Gaza," *Al Jazeera* (25 Mar. 2025), <https://www.aljazeera.com/news/2025/3/25/a-timeline-of-israels-weaponisation-of-aid-to-gaza>.

¹¹³ C. Vinograd, "Israel's Closures of 2 Gaza Border Crossings Prompt Alarm Over Humanitarian Aid," *New York Times* (7 May 2024), <https://www.nytimes.com/2024/05/07/world/middleeast/rafah-gaza-border-aid.html>.

¹¹⁴ See OCHA, "Humanitarian Situation Update #237 | Gaza Strip" (12 Nov. 2024), <https://www.ochaopt.org/content/humanitarian-situation-update-237-gaza-strip>.

¹¹⁵ "Aid restrictions and dismantling UNRWA will compound Gazans' suffering," *UN News* (4 Nov. 2024) <https://news.un.org/en/story/2024/11/1156471>.

¹¹⁶ *Ibid.*

¹¹⁷ See "Aid surge into Gaza continues, UN teams prioritize immediate needs," *UN News* (13 Feb. 2025), <https://news.un.org/en/story/2025/02/1160096>; "Aid surging into Gaza 'at scale' but massive needs remain: OCHA, WHO," *UN News* (21 Jan. 2025), <https://news.un.org/en/story/2025/01/1159216>.

¹¹⁸ T. Goldenberg & S. Magdy, "Egypt and Qatar accuse Israel of violating humanitarian law for blocking aid into Gaza," *AP News* (3 Mar. 2025), <https://apnews.com/article/israel-palestinians-hamas-war-news-ceasefire-hostages-03-02-2025-99402570996dcf33239d0492d99909e4>; "Food prices soar as Israel blocks aid into Gaza," *UN News* (3 Mar. 2025), <https://news.un.org/en/story/2025/03/1160731>; OCHA, "Humanitarian Situation Update #282 | Gaza Strip" (23 Apr. 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-282-gaza-strip>.

16. As a group of UN independent experts explained, Israel is “weaponising” humanitarian aid¹¹⁹. You can find their press release at tab 3 of your folders. Indeed, Israel is using aid as a tool of extortion to further its military goals¹²⁰, and as an act of collective punishment¹²¹.

17. In addition to blocking the distribution of aid, Israel has systematically targeted water infrastructure¹²², food storage facilities¹²³ and aid convoys¹²⁴. Israeli military strikes have killed both national and international humanitarian personnel¹²⁵ as well as Palestinian civilians receiving aid¹²⁶.

18. As a result, according to OCHA, hundreds of thousands of people are facing “catastrophic levels of food insecurity”¹²⁷.

¹¹⁹ OHCHR, Press Release, “Gaza: Experts condemn Israeli decision to re-open ‘gates of hell’ and unilaterally change conditions of truce deal” (6 Mar. 2025), <https://www.ohchr.org/en/press-releases/2025/03/gaza-experts-condemn-israeli-decision-re-open-gates-hell-and-unilaterally> (judges’ folder, tab 3).

¹²⁰ T. Goldenberg & S. Magdy, “Egypt and Qatar accuse Israel of violating humanitarian law for blocking aid into Gaza,” *AP News* (3 Mar. 2025), <https://apnews.com/article/israel-palestinians-hamas-war-news-ceasefire-hostages-03-02-2025-99402570996dcf33239d0492d99909e4>; C. Anna, “Israel has cutoff all supplies to Gaza. Here’s what that means,” *AP News* (2 Mar. 2025), <https://apnews.com/article/gaza-israel-hamas-palestinians-aid-explainer-ecc0e70d5ff1120a04bf36626dfd96f4>.

¹²¹ “3-week Gaza aid ban ‘collective punishment’: UNRWA chief,” *UN News* (23 Mar. 2025), <https://news.un.org/en/story/2025/03/1161411>.

¹²² See Human Rights Watch, “Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Water” (19 Dec. 2024), <https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza>; “Gaza residents share fears of thirst after Israel destroys water resources,” *Al Jazeera* (10 Apr. 2025), <https://www.aljazeera.com/video/newsfeed/2025/4/10/gaza-residents-share-fears-of-thirst-after-israel-destroys-water-resources>; N. Lakhani, “Global surge of water-related violence led by Israeli attacks on Palestinian supplies — report,” *The Guardian* (22 Aug. 2024), <https://www.theguardian.com/world/article/2024/aug/22/israel-palestine-gaza-water>; K. Devlin *et al.*, “Half of Gaza water sites damaged or destroyed, BBC satellite data reveals,” *BBC* (9 May 2024), <https://www.bbc.com/news/world-middle-east-68969239>.

¹²³ OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #139” (14 Mar. 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-139>; A. Patil, “Israeli forces make a lethal strike on a U.N. aid warehouse in Rafah,” *New York Times* (13 Mar. 2024), <https://www.nytimes.com/2024/03/13/world/middleeast/rafah-gaza-aid-israel-unrwa.html>.

¹²⁴ “Gaza war; UN World Food Programme condemns Israeli attack on aid convoy,” *UN News* (6 Jan. 2024), <https://news.un.org/en/story/2025/01/1158746>.

¹²⁵ See, e.g., OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #139” (14 Mar. 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-139>; OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #166” (15 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

¹²⁶ See OHCHR, Press Release: “UN experts condemn ‘flour massacre’, urge Israel to end campaign of starvation in Gaza” (5 Mar. 2024), <https://www.ohchr.org/en/press-releases/2024/03/un-experts-condemn-flour-massacre-urge-israel-end-campaign-starvation-gaza>; UNRWA, “Situation Report #115 on the Situation in the Gaza Strip and the West Bank, including East Jerusalem” (26 June 2024), <https://www.unrwa.org/resources/reports/unrwa-situation-report-115-situation-gaza-strip-and-west-bank-including-east-jerusalem>; N. Al-Mughrabi, “Israeli airstrike kills eight at Gaza aid centre, witnesses say,” *Reuters* (23 June 2024), <https://www.reuters.com/world/middle-east/israeli-tanks-edge-rafahs-mawasi-refuge-zone-residents-say-2024-06-23/>.

¹²⁷ OCHA, “Reported impact snapshot | Gaza Strip (22 April 2025),” <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-22-april-2025>.

19. Civilians, in particular children, have died of starvation and lack of potable water¹²⁸. Under our collective watch, Mr President, it is an entire generation of Palestinians that Israel is destroying.

20. Israel's conduct related to humanitarian aid has violated numerous international obligations¹²⁹. Qatar will only name a few relevant obligations that should not escape the Court's attention.

21. *First*, Qatar agrees with the State of Palestine, the United Nations and other participants that, as an illegal occupier, Israel has no standing to determine what States or international organizations are given access to Gaza¹³⁰. This is a prerogative of the Palestinian people in accordance with its right to self-determination¹³¹. As the Court has repeatedly held, Israel, as an occupying Power, "has the obligation not to impede the Palestinian people from exercising its right to self-determination"¹³².

¹²⁸ See Human Rights Watch, "Gaza: Israel's Imposed Starvation Deadly for Children" (9 Apr. 2024), <https://www.hrw.org/news/2024/04/09/gaza-israels-imposed-starvation-deadly-children>; A. Q. Sabbah *et al.*, "Children are dying of starvation in their parents' arms as famine spreads through Gaza," *CNN* (26 June 2024), <https://www.cnn.com/2024/06/25/middleeast/israel-gaza-children-starvation-malnutrition-intl/index.html>; "Palestinians 'starving to death' in northern Gaza due to Israeli siege," *Al Jazeera* (27 Oct. 2024), <https://www.aljazeera.com/news/2024/10/27/palestinians-starving-to-death-in-northern-gaza-due-to-israels-siege>. See also W. Shurafa *et al.*, "Thousands of Gaza children are malnourished under Israel's food blockade, aid groups say," *AP News* (17 Apr. 2025), <https://apnews.com/article/israel-palestinians-hamas-war-news-ceasefire-hostages-04-17-2025-69292810abbd0512ded90fd0ba7692>; OHCHR, Press Release: "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>.

¹²⁹ See written statement of Qatar, Sections III.B.1-4.

¹³⁰ See written statement of Palestine, Chapter 2, Section I; CR 2025/3 (28 Apr. 2025), p. 70, para. 33, State of Palestine (Reichler); CR 2025/3 (28 Apr. 2025), p. 45, para. 15, United Nations (Hammar skjöld).

¹³¹ *Ibid.*

¹³² *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. 237. See also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 197, para. 149; CR 2025/3 (28 Apr. 2025), p. 45, para. 15, United Nations (Hammar skjöld); CR 2025/3 (28 Apr. 2025), p. 70, para. 30, State of Palestine (Reichler).

22. *Second*, as highlighted by almost all participants¹³³, international humanitarian law imposes both positive and negative obligations on Israel as an occupier¹³⁴. Not only must Israel refrain from blocking aid under Articles 23, 59 and 61 of the Fourth Geneva Convention¹³⁵, but it must also actively facilitate the entry and rapid distribution of humanitarian aid under Articles 23 and 61¹³⁶, and protect relief supplies against looting¹³⁷. Moreover, Israel has an obligation under international humanitarian law to both respect and actively protect humanitarian personnel and facilities¹³⁸.

23. *Third*, Israel has an obligation not to use starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival¹³⁹. This includes wilfully impeding relief supplies.

24. Starvation is a war crime and a serious violation of international humanitarian law codified under Article 8 of the Rome Statute¹⁴⁰.

¹³³ See written statement of Algeria, pp. 30-33; written statement of Bangladesh, paras. 23-25; written statement of Belgium, paras. 26-57; written statement of Bolivia, paras. 74-78, 112; written statement of Brazil, paras. 56-66; written statement of Chile, paras. 50, 120, 122, 127; written statement of China, paras. 21, 25, 34-41; written statement of Colombia, paras. 4.14-4.15, 4.35, 4.60; written statement of Comoros, paras. 90, 92-94; written statement of Egypt, paras. 229-230, 238, 247-250, 265, 285-286; written statement of France, paras. 62-71; written statement of Iceland, paras. 42-47; written statement of Indonesia, paras. 45-67; written statement of Iran, note 5, paras. 16-17; written statement of Ireland, paras. 18-19; written statement of Jordan, paras. 3.112, -3.128; written statement of Kuwait, paras. 30-39; written statement of the League of Arab States, paras. 211-215, 219, 221, 225, 228-229, 244-250; written statement of Luxembourg, paras. 39-44; written statement of Malaysia, paras. 29, 31-50; written statement of the Maldives, paras. 33-47, 54; written statement of Mexico, paras. 55-63; written statement of Namibia, paras. 66-69, 71-78; written statement of the Netherlands, paras. 2.17-2.19; written statement of Norway, paras. 59-61, 225.3; written statement of the Organisation of Islamic Co-operation, para. 74; written statement of Pakistan, paras. 223-233, 237-245; written statement of Palestine, paras. 3.3-3.9, 3.27-3.36; written statement of the Philippines, para. 31 (*d*)-(e); written statement of Poland, paras. 30, 37-41, 44; written statement of the Russian Federation, paras. 30-35; written statement of Saudi Arabia, paras. 39-44; written statement of Senegal, paras. 98-101, 116, 119; written statement of Slovenia, paras. 66-87; written statement of South Africa, paras. 41, 150-151, 155-166, 183, 188; written statement of Spain, paras. 50-54; written statement of Tunisia, paras. 33-35; written statement of Türkiye, pp. 18-20; written statement of the UN Secretary-General, paras. 143-144, 149-156; written statement of Qatar, Section III.B.1.

¹³⁴ See ICRC, Customary International Humanitarian Law Database, Rule 55. See also *Rome Statute of the International Criminal Court, Article-by-Article Commentary* (4th ed.) (Kai Ambos (ed.), Beck/Hart/Nomos 2021), p. 415.

¹³⁵ Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1949), Articles 23, 59, 61.

¹³⁶ *Ibid.*, Articles 23, 61.

¹³⁷ See D. Akande & E.-C. Gillard, *Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict* (2016), <https://www.elac.ox.ac.uk/wp-content/uploads/2022/06/oxfordguidancepdf.pdf>, p. 32, para. 82.

¹³⁸ ICRC, Customary International Humanitarian Law Database, Rules 31, 32; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (1977), Article 71 (2); Rome Statute of the International Criminal Court (1998), Article 8 (2) (b) (iii).

¹³⁹ See written statement of Qatar, paras. 80-91. See also CR 2025/3 (28 Apr. 2025), pp. 73-74, paras. 43-45, State of Palestine (Reichler).

¹⁴⁰ Rome Statute of the International Criminal Court (1998), Article 8 (2) (b) (xxv).

25. Crucially, in November 2024 the Pre-Trial Chamber of the International Criminal Court found that there were reasonable grounds to believe that the war crime of starvation has been committed¹⁴¹. The Pre-Trial Chamber's confidential decision is summarized in the press release included in tab 4 of your folders. Since March 2025, starvation is once again officially Israel's policy¹⁴².

26. It is thus urgently necessary for the Court to recall Israel's obligations to put an end to this illegal policy.

27. *Fourth*, in *South Africa v. Israel*, the Court has ordered Israel to "[t]ake 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"¹⁴³. Qatar, along with at least 21 other participants have pointed to the applicability of the Court's binding provisional measures Orders issued in the *South Africa v. Israel* case¹⁴⁴.

28. Israel's failure to respect these Orders is an added indication that it is, in fact, committing acts of genocide.

29. *Fifth*, Qatar agrees with the 24 participants that have insisted on the application of the Convention on the Rights of the Child, to which Israel is a party¹⁴⁵. Under Article 6, paragraph 2, of

¹⁴¹ International Criminal Court, Press Release, "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 Nov. 2024), <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges> (judges' folder, tab 4).

¹⁴²"Food prices soar as Israel blocks aid into Gaza," *UN News* (3 Mar. 2025), <https://news.un.org/en/story/2025/03/1160731>.

¹⁴³ *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. 51 (2) (a).

¹⁴⁴ See written statement of Belgium, paras. 21-22; written statement of Bolivia, paras. 55, 83-84, 140 (*d*); written statement of Brazil, paras. 61-64; written statement of China, para. 54; written statement of Colombia, para. 4.51; written statement of France, paras. 39-40; written statement of Indonesia, paras. 38, 40-42; written statement of Jordan, paras. 3.150-3.156; written statement of the League of Arab States, paras. 18-20, 207; written statement of the Maldives, paras. 87-89; written statement of Mexico, paras. 94-95; written statement of Namibia, paras. 83-84; written statement of Norway, paras. 12, 129; written statement of Palestine, paras. 4.88-4.93, 5.16; written statement of the Philippines, para. 31 (*d*) (*i*); written statement of Poland, paras. 21-23; written statement of Saudi Arabia, para. 59; written statement of Slovenia, paras. 17-19, 39; written statement of South Africa, paras. 23, 86-91, 179, 289 (*c*), 303; written statement of Spain, para. 29; written statement of Türkiye, p. 16. See also written statement of Qatar, paras. 84-85.

¹⁴⁵ See written statement of Belgium, p. 13; written statement of Bolivia, para. 101, note 81; written statement of Chile, paras. 52, 57; written statement of China, paras. 47-50; written statement of Comoros, paras. 122, 146; written statement of Egypt, paras. 301-303; written statement of France, paras. 78, 82; written statement of Jordan, paras. 3.131-132, 3.136; written statement of the League of Arab States, paras. 292, 315-318; written statement of Malaysia, para. 37; written statement of Maldives, paras. 55-58; written statement of Mexico, paras. 65, 77, 79; written statement of Namibia, para. 70; written statement of Norway, para. 127; written statement of Pakistan, paras. 253-254.8; written statement of Palestine, para. 4.69; written statement of the Philippines, para. 31 (*j*); written statement of Poland, para. 29;

that Convention, which reflects customary international law¹⁴⁶, “States Parties shall ensure to the maximum extent possible the survival and development of the child”¹⁴⁷. Israel is thus under an unequivocal obligation to ensure the adequate nutrition of children and their survival.

30. Respectfully, Qatar calls upon the Court to emphasize the *jus cogens* character of this obligation.

31. I now turn to healthcare. Mr President, Israel has left Gaza’s medical system on “the brink of total collapse”¹⁴⁸.

32. Israel has blocked the entry into Gaza of healthcare workers¹⁴⁹, basic medicines, anaesthesia and life-saving equipment¹⁵⁰. At the same time, Israel has blocked and delayed safe evacuations by international organizations and third States of patients from Gaza, including children awaiting cancer treatment¹⁵¹.

33. This atrocity has occurred in the context of Israel’s widespread and systematic attacks against hospitals¹⁵². In particular, UNRWA health centres have been targeted, with less than a third still functional in Gaza, according to OCHA¹⁵³.

written statement of Saudi Arabia, paras. 45-47; written statement of Senegal, para. 143; written statement of South Africa, paras. 207, 217-218, 248, 252; written statement of Spain, paras. 46, 59; written statement of Türkiye, pp. 20-21; written statement of the UN Secretary-General, paras. 10, 169, 172-173.

¹⁴⁶ See *Prosecutor v. Sam Hinga Norman*, Case No. SCSL-2004-14-AR72(E), Decision on Preliminary Motion Based on Lack of Jurisdiction (Child Recruitment) (31 May 2004), paras. 17-20.

¹⁴⁷ Convention on the Rights of the Child (1989), Article 6 (2).

¹⁴⁸ “Israel attacks push Gaza healthcare ‘to brink of collapse,’” *UN News* (31 Dec. 2024), <https://news.un.org/en/story/2024/12/1158646>; “Israeli strike on hospital ‘further cripples’ Gaza’s fragile health system”, *UN News* (15 Apr. 2025), <https://news.un.org/en/story/2025/04/1162291>.

¹⁴⁹ Human Rights Watch, “Israeli Authorities Block Health Care Workers from Entering Gaza” (27 Feb. 2025), <https://www.hrw.org/news/2025/02/27/israeli-authorities-block-health-care-workers-entering-gaza>.

¹⁵⁰ “Israeli attack puts Gaza City hospital out of service,” *UN News* (14 Apr. 2025), <https://news.un.org/en/story/2025/04/1162191>; OCHA, “Humanitarian Situation Update #282 | Gaza Strip” (23 Apr. 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-282-gaza-strip>; T. Qiblawi *et al.*, “Anesthetics, crutches, dates. Inside Israel’s ghost list of items arbitrarily denied entry into Gaza,” *CNN* (2 Mar. 2024), <https://www.cnn.com/2024/03/01/middleeast/gaza-aid-israel-restrictions-investigation-intl-cmd/index.html>.

¹⁵¹ “Thousands of Gaza patients waiting for urgent medical evacuation,” *UN News* (14 Apr. 2025), <https://news.un.org/en/story/2025/04/1162206>; W. Shurafa & F. Khaled, “Ailing kids wait months for Israeli permission to leave Gaza for treatment. Some die in the meantime,” *AP News* (6 Dec. 2024), <https://apnews.com/article/gaza-medical-evacuation-israel-children-dead-7ad6294bd10970e57b35e6e26bc6fa7b>.

¹⁵² See OHCHR, *Thematic Report: Attacks on hospitals during the escalation of hostilities in Gaza (7 October 2023-30 June 2024)* (31 Dec. 2024), <https://www.ohchr.org/sites/default/files/documents/countries/opt/20241231-attacks-hospitals-gaza-en.pdf>, paras. 19, 35; Al-Haq, *The Systematic Destruction of Gaza’s Healthcare System: A Pattern of Genocide* (2025), https://www.alhaq.org/cached_uploads/download/2025/01/23/destruction-of-gaza-healthcare-system-one-page-view-1737653644.pdf.

¹⁵³ OCHA, “Reported impact snapshot | Gaza Strip (22 April 2025),” <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-22-april-2025>.

34. Israel has also targeted hospitals established or supported by third States, including the only hospital specialized in cancer treatment¹⁵⁴.

35. As a result, more than 1,400 medical professionals have been killed¹⁵⁵ and many have been arbitrarily arrested and tortured, according to the Office of the United Nations High Commissioner for Human Rights¹⁵⁶. This includes the 15 paramedics and aid workers discovered in a mass grave on 30 March 2025¹⁵⁷. More information about this incident can be found at tab 5 of your folders.

36. Mr President, this conduct is a flagrant violation of Israel's obligations under international law¹⁵⁸. Under international humanitarian law, Israel has a duty to respect and to protect medical facilities, staff and transport, notably under Articles 18, 20, 21 and 22 of the Fourth Geneva Convention¹⁵⁹. This means that it must refrain from targeting them.

37. Israel must also, under Article 56 of the Fourth Geneva Convention, ensure that hospital and medical services can properly work¹⁶⁰ and that "[m]edical personnel of all categories [are] allowed to carry out their duties"¹⁶¹.

III. ISRAEL'S CAMPAIGN AGAINST UNRWA IS INCOMPATIBLE WITH ITS INTERNATIONAL OBLIGATIONS

38. Mr President, Members of the Court, I will now turn to my second and final topic, namely Israel's unlawful campaign against the United Nations, in particular UNRWA.

¹⁵⁴ OCHA, "Humanitarian Situation Update #275 | Gaza Strip" (25 Mar. 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-275-gaza-strip>.

¹⁵⁵ OCHA, "Reported impact snapshot | Gaza Strip (22 April 2025)," <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-22-april-2025>.

¹⁵⁶ OHCHR, Press Release, "Pattern of Israeli attacks on Gaza hospitals raises grave concerns – report," (31 Dec. 2024), <https://www.ohchr.org/en/press-releases/2024/12/pattern-israeli-attacks-gaza-hospitals-raises-grave-concerns-report>.

¹⁵⁷ F. Fassihi & C. Koettl. "Video Shows Aid Workers Killed in Gaza Under Gunfire Barrage, With Ambulance Lights On," *New York Times* (4 Apr. 2025), <https://www.nytimes.com/2025/04/04/world/middleeast/gaza-israel-aid-workers-deaths-video.html> (judges' folder, tab 5).

¹⁵⁸ See written statement of Qatar, Sections III.B.1 and III.B.3.

¹⁵⁹ Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1949), Articles 18, 20, 21 and 22. See also Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), Articles 19, 24, 35, and 36; Rome Statute of the International Criminal Court (1998), Article 8 (2) (b) (ix).

¹⁶⁰ International Committee of the Red Cross (ICRC), 1958 Commentary of the Fourth Geneva Convention, Article 56, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-56/commentary/1958?activeTab=>.

¹⁶¹ Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (1949), Article 56.

39. Israel has long seen the United Nations as a thorn in the side of its colonial project in Gaza¹⁶². The presence of the United Nations in the OPT promotes the self-determination and social cohesion of the Palestinian people, by enabling them to enjoy certain very basic economic, social and cultural rights. This is particularly true of UNRWA, which, under normal conditions, operates schools, health clinics and refugee camps, and provides food, shelter and other social services to about 5.9 million Palestinian refugees in the OPT¹⁶³.

40. It is thus not surprising that Israel has repeatedly attempted to thwart UNRWA's operations. Israel has a documented history of conducting intentional military strikes against UNRWA's property and staff during its previous attacks against the Gaza Strip¹⁶⁴. As explained in detail by the State of Palestine on Monday¹⁶⁵, Israel has also called for the defunding of UNRWA on numerous occasions in multilateral fora even before October 2023¹⁶⁶.

41. Recently, Israel even used commercial billboards around the world and paid Google ads to spread misinformation about UNRWA, painting it as a terrorist organization and calling for its dismantlement¹⁶⁷.

42. As the United Nations explained, concerns about the United Nations "must be brought to the attention of the Organization so that the matter may be considered by the United Nations in

¹⁶² See *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*, written statement of Qatar, Vol. II, Annex 1, Expert Report of Prof. Rashid Khalidi, *Settler Colonialism in Palestine (1917-1967)* (20 July 2023).

¹⁶³ See UNRWA, "What we do", <https://www.unrwa.org/what-we-do> (last accessed on 29 Apr. 2025); Letter dated 28 October 2024 from the Secretary-General addressed to the President of the General Assembly, UN doc. A/79/558 (29 Oct. 2024) (judges' folder, tab 6), p. 3.

¹⁶⁴ See United Nations General Assembly, resolution 69/88, UN doc. A/RES/69/88 (16 Dec. 2014); United Nations General Assembly, resolution 64/89, UN doc. A/RES/64/89 (19 Jan. 2010); Letter dated 4 May 2009 from the Secretary-General addressed to the President of the Security Council, Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents in the Gaza Strip between 27 December 2008 and 19 January 2009, UN doc. A/63/855-S/2009/250 (15 May 2009); Letter dated 27 April 2015 from the Secretary-General addressed to the President of the Security Council, Summary by the Secretary-General of the report of the United Nations Headquarters Board of Inquiry into certain incidents that occurred in the Gaza Strip between 8 July 2014 and 26 August 2014, UN doc. S/2015/286 (27 Apr. 2015). See also CR 2025/3 (28 Apr. 2025), pp. 83-84, para. 25, State of Palestine (Ní Ghrálaigh).

¹⁶⁵ CR 2025/3 (28 Apr. 2025), pp. 105-106, paras. 19-21, State of Palestine (Imseis).

¹⁶⁶ See M. Krever, "Israel has long wanted to dismantle the UN's Palestinian refugee agency. The consequences could be disastrous for all," *CNN* (4 Nov. 2024), <https://www.cnn.com/2024/11/03/middleeast/israel-unrwa-knesset-bill-analysis-intl/index.html>; "Israeli laws blocking UNRWA – devastating humanitarian impact for Palestinians?" *UN News* (31 Oct. 2024), <https://news.un.org/en/story/2024/10/1156326>.

¹⁶⁷ UNRWA, "The State of Israel Continues Disinformation Campaign Against UNRWA" (4 Dec. 2024), <https://www.unrwa.org/newsroom/official-statements/state-israel-continues-dis-information-campaign-against-unrwa>; "'Insidious campaign' by Israel is denying lifesaving aid to Gaza says UNRWA chief," *UN News* (17 Apr. 2024), <https://news.un.org/en/story/2024/04/11486760>.

accordance with its legal framework, including the privileges and immunities of the Organization and its personnel”¹⁶⁸.

43. Under this framework, the United Nations has the exclusive prerogative to decide when privileges and immunities cease to apply¹⁶⁹. As the Court is aware, the independent review ordered by the UN Secretary-General concluded that UNRWA has a “more developed approach to neutrality” than similar UN entities or NGOs¹⁷⁰.

44. However, this did not deter Israel, which maintains its offensive against UNRWA. On 28 October 2024, Israel passed legislation which, *inter alia*, prohibits all contacts between Israeli authorities and UNRWA, and prohibits UNRWA from “operat[ing] any representation, provid[ing] any services, or carry[ing] out any activities, directly or indirectly, within the sovereign territory of the State of Israel”¹⁷¹ — which Israel illegally considers as including East Jerusalem. You can find the text of this legislation at tab 6 of your folders.

45. When the law came into effect at the end of January 2025, as you can see from Israel’s letter at tab 7 of your folders, Israel required UNRWA to cease its operations and evacuate all its premises in East Jerusalem with less than one week’s notice¹⁷². This led to the evacuation of international staff from UNRWA’s East Jerusalem offices to Jordan, while local staff were encouraged to stay home for their safety in light of arson attacks and violent protests¹⁷³. Israel has stated its intention to seize UNRWA’s facilities in East Jerusalem and turn them into yet another illegal Israeli settlement¹⁷⁴.

¹⁶⁸ CR 2025/3 (28 Apr. 2025), p. 52, paras. 70-71, United Nations (Hammarskjöld). *See also, e.g.*, written statement of Brazil, para. 88; written statement of Malaysia, para. 73; written statement of the UN Secretary-General, paras. 240-244.

¹⁶⁹ *See* written statement of Qatar, paras. 44, 54, 60. *See also, e.g.*, written statement of China, para. 106; written statement of Luxembourg, para. 32; written statement of the Maldives, para. 79; written statement of Palestine, para. 5.30.

¹⁷⁰ 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 Apr. 2024) (Dossier No. N297), pp. 4-5.

¹⁷¹ Letter dated 28 October 2024 from the Secretary-General addressed to the President of the General Assembly, UN doc. A/79/558 (29 Oct. 2024) (judges’ folder, tab 6), p. 2.

¹⁷² Letter from the Permanent Representative of Israel to the UN to the UN Secretary-General (24 Jan. 2025) (Dossier No. N307) (judges’ folder, tab 7), p. 2.

¹⁷³ “Israel’s new laws banning UNRWA already taking effect,” *United Nations Palestine* (30 Jan. 2025), <https://palestine.un.org/en/288442-israel%E2%80%99s-new-laws-banning-unrwa-already-taking-effect>.

¹⁷⁴ “Israel Land Authority to transform UNRWA complex into major housing development,” *The Jerusalem Post* (11 Oct. 2024), <https://www.jpost.com/israel-news/article-824191>.

46. In parallel, Israeli forces have detained UNRWA staff members, including while on official duty¹⁷⁵. According to a March 2024 UNRWA report, UNRWA staff were held incommunicado and subjected to ill-treatment and torture to obtain forced confessions¹⁷⁶.

47. And, in line with Israel's conduct during past hostilities in Gaza, since October 2023, Israeli forces have destroyed or damaged two thirds of UNRWA facilities¹⁷⁷, and killed at least 290 UNRWA staff members, including in the line of duty¹⁷⁸.

48. Israel's conduct toward UNRWA blatantly violates its international obligations. And while Qatar's statement focuses on UNRWA, the same applies to Israel's conduct toward other United Nations bodies and specialized agencies targeted by Israel, such as the World Food Programme and the World Health Organization¹⁷⁹.

49. As most participants have pointed out¹⁸⁰, Israel has no unilateral right to determine how the United Nations organizes itself in the OPT, and has an obligation to allow it to continue to operate through UNRWA.

50. This primarily stems from Article 2 (5) of the UN Charter, which provides that, as a UN Member, Israel must give "every assistance in any action [the UN] takes" in accordance with the

¹⁷⁵ UNWRA, *Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War* (16 Apr. 2024), https://www.unrwa.org/sites/default/files/content/resources/summary_on_detention_and_alleged_ill-treatmentupdated.pdf, p. 2.

¹⁷⁶ *Ibid.*

¹⁷⁷ P. Lazzarini, @UNLazzarini, post, X (31 Dec. 2024, 3.22 a.m. ET), <https://x.com/UNLazzarini/status/1874008188019732784>. See also P. Lazzarini, @UNLazzarini, post, X (2 Apr. 2024, 1.32 p.m. ET), <https://x.com/UNLazzarini/status/1907486323553734859>.

¹⁷⁸ OCHA, "Reported impact snapshot | Gaza Strip (22 April 2025)", <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-22-april-2025>. See also, e.g., F. Fassihi, "Israel Acknowledges Second Deadly Attack on Aid Workers in Gaza", *New York Times* (24 Apr. 2025), <https://www.nytimes.com/2025/04/24/world/middleeast/israel-gaza-aid-workers-deaths.html>.

¹⁷⁹ See, e.g., United Nations, "Statement on shooting at a WFP convoy in Gaza — World Food Programme" (6 January 2025), <https://www.un.org/unispal/document/statement-on-shooting-at-a-wfp-convoy-in-gaza-world-food-programme/>.

¹⁸⁰ See written statement of Algeria, pp. 20-24, 38-40; written statement of Bangladesh, para. 48; written statement of Belgium, paras. 66-71; written statement of Bolivia, paras. 40-41, 49, 51-54, 57-58; written statement of Brazil, paras. 31-32, 44, 76-80; written statement of Chile, paras. 101-107; written statement of China, paras. 90-91, 93; written statement of Colombia, paras. 4.73-4.82; written statement of Comoros, paras. 50, 53-54; written statement of Egypt, paras. 110-114, 236; written statement of France, paras. 37-40, 43; written statement of Iceland, para. 23, 28; written statement of Ireland, paras. 24-26; written statement of the League of Arab States, paras. 158, 165-167, 169-170; written statement of Luxembourg, para. 27; written statement of Malaysia, paras. 63-66; written statement of the Maldives, paras. 61-67, 77 (b); written statement of Namibia, paras. 99-107, 133; written statement of Norway, para. 185; written statement of the Organisation of Islamic Co-operation, paras. 57, 141; written statement of Pakistan, paras. 178, 180, 184-185, 203.1, 226; written statement of Palestine, paras. 2.48, 5.7; written statement of the Russian Federation, para. 52; written statement of Slovenia, paras. 31-37, 43; written statement of South Africa, paras. 42, 123, 126-132, 181; written statement of Spain, paras. 19-23, 28-30; written statement of Tunisia, paras. 57, 70-71; written statement of the UN Secretary-General, paras. 146, 183, 192; written statement of Qatar, paras. 32-35.

Charter¹⁸¹. The General Assembly established UNRWA in accordance with the Charter. Thus, Israel has no obligation to second guess that mandate or impose conditions on its exercise. Rather, it must co-operate with UNRWA and facilitate its operations¹⁸².

51. Moreover, as a UN agency, UNRWA, its property and personnel enjoy privileges and immunities notably under Article 105 of the UN Charter¹⁸³, under the 1946 General Convention on the Privileges and Immunities of the United Nations¹⁸⁴ and under customary international law¹⁸⁵.

52. These privileges and immunities oblige Israel to allow UNRWA to fully function in Israel and in the OPT¹⁸⁶. These legal protections cannot be abrogated unilaterally by Israel. Therefore, even if UNRWA could be replaced — which it cannot — Israel has no right to demand that it be replaced.

53. Israel's legislation substantially hinders UNRWA's operations throughout the OPT because it prohibits "any contact" between any Israeli authorities and UNRWA or its representatives¹⁸⁷. This in turn could preclude Israeli authorities from providing UNRWA employees with the permits that they require to enter the OPT, and from co-ordinating the passage of aid into the OPT¹⁸⁸. This reason alone is sufficient for the Court to find that Israel is under an obligation to immediately revoke and cease to implement its 28 October 2024 legislation. As explained, the illegality of this legislation is at the heart of the General Assembly's request¹⁸⁹. Qatar thus respectfully asks the Court to make an explicit finding in this regard.

54. Mr President, I will make four additional brief points regarding the United Nations privileges and immunities in the OPT.

¹⁸¹ United Nations Charter, Art. 2 (5).

¹⁸² *See, e.g.*, CR 2025/5 (29 Apr. 2025), p. 59, paras. 20-21, Colombia (Jaramillo Jassir); CR 2025/5 (29 Apr. 2025), p. 21, para. 9, South Africa (Hendricks).

¹⁸³ *Ibid.*, Art. 105.

¹⁸⁴ Convention on the Privileges and Immunities of the United Nations (1946).

¹⁸⁵ *See* written statement of Qatar, para. 26, note 58.

¹⁸⁶ *See, e.g.*, The practice of the United Nations, the specialized agencies and the International Atomic Energy Agency concerning their status, privileges and immunities: study prepared by the Secretariat (1967), UN doc. A/CN.4/L.118 and Add.1 and 2, p. 228, para. 96.

¹⁸⁷ Letter dated 28 October 2024 from the Secretary-General addressed to the President of the General Assembly, UN doc. A/79/558 (29 Oct. 2024) (judges' folder, tab 6), p. 2.

¹⁸⁸ *See* "Israeli laws blocking UNRWA — devastating humanitarian impact for Palestinians?" *UN News* (31 Oct. 2024), <https://news.un.org/en/story/2024/10/1156326>.

¹⁸⁹ Written statement of Qatar, para. 16.

55. *First*, as the UN Legal Counsel stated, under Section 3 of the General Convention, Israel has an “absolute and mandatory obligation to respect the inviolability of United Nations premises, property and assets at all times, including during armed conflict”¹⁹⁰. They therefore cannot be expropriated, confiscated, bombed or otherwise interfered with¹⁹¹. Instead, UN property and personnel must be protected at all times, including from private actors¹⁹².

56. *Second*, the United Nations and its officials enjoy a right of access to the OPT. As stated, Israel’s occupation is illegal, and Israel has no standing to obstruct entry of the United Nations into the OPT. Moreover, both Article 105, paragraph 2, of the UN Charter¹⁹³ and the General Convention require Israel to ensure the freedom of movement of UN officials¹⁹⁴, including the Secretary-General¹⁹⁵, and of experts on mission, such as Special Rapporteurs¹⁹⁶.

57. *Third*, Israel’s detention of UN personnel for words spoken or acts done in the exercise of their functions violates their immunity from legal process guaranteed under Section 18 of the General Convention¹⁹⁷. Israel’s arbitrary detention of UNRWA personnel infringes at least on the United Nations right to visit and communicate with detained staff members¹⁹⁸.

¹⁹⁰ CR 2025/3 (28 Apr. 2025), p. 50, para. 57, United Nations (Hammarskjöld).

¹⁹¹ Convention on the Privileges and Immunities of the United Nations (1946), Section 3.

¹⁹² See Fourth report on relations between States and international organizations (second part of the topic), by Mr Leonardo Díaz-González, Special Rapporteur, UN doc. A/CN.4/424 and Corr. 1 (1989), p. 166, para. 105; The practice of the United Nations, the specialized agencies and the International Atomic Energy Agency concerning their status, privileges and immunities: study prepared by the Secretariat (1967), UN doc. A/CN.4/L.118 and Add.1 and 2, p. 228, para. 96; UNGA, Resolution 69/88, UN doc. A/RES/69/88, para. 17; UNGA, Resolution 64/89, UN doc. A/RES/64/89 (19 Jan. 2010), para. 15; L. Bartholomeusz, “The Legal Framework for Protection of United Nations Humanitarian Premises during Armed Conflict,” *Max Planck Yearbook of United Nations Law Online* (Vol. 18, No. 1, 2014), p. 74; *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (A. Reinisch (ed.), OUP, 2016), p. 129.

¹⁹³ United Nations Charter, Art. 105 (2).

¹⁹⁴ Convention on the Privileges and Immunities of the United Nations (1946), Section 18 (d). See also The practice of the United Nations, the specialized agencies and the International Atomic Energy Agency concerning their status, privileges and immunities: study prepared by the Secretariat (1967), UN doc. A/CN.4/L.118 and Add.1 and 2, p. 289, para. 364.

¹⁹⁵ See written statement of Qatar, para. 67.

¹⁹⁶ See Convention on the Privileges and Immunities of the United Nations (1946), Section 22; *The Conventions on the Privileges and Immunities of the United Nations and its Specialized Agencies: A Commentary* (A. Reinisch (ed.), OUP 2016), p. 459; A. J. Miller, “United Nations Experts on Mission and their Privileges and Immunities,” *International Organizations Law Review* (2007), pp. 43-44. See also Facsimile to the Chief of the Special Procedures Centre for Human Rights, United Nations Office at Geneva (26 Apr. 1996), UN Jurid. Yearbook 1996, p. 438.

¹⁹⁷ Convention on the Privileges and Immunities of the United Nations (1946), Section 18.

¹⁹⁸ See Respect for the privileges and immunities of officials of the United Nations and the specialized agencies, Report of the Secretary-General, UN doc. A/C.5/36/31 (4 Nov. 1981), p. 2, para. 6.

58. *Fourth*, Qatar, like 19 other participants and the United Nations itself, emphasizes that the United Nations privileges and immunities cannot be overridden by military necessity or considerations of security¹⁹⁹. This is because they arise directly from the UN Charter and thus prevail over all international obligations in accordance with Article 103 of the Charter²⁰⁰. This has been the United Nations consistent position²⁰¹.

59. Mr President, in conclusion, Qatar is of the view that Israel has flagrantly violated its obligations under international law in relation to the presence and activities of the United Nations, other international organizations and third States in and in relation to the OPT. This includes: its obligations to respect international organizations' privileges and immunities; its obligation under the UN Charter to co-operate with the United Nations; its obligations under international humanitarian law; and its obligation to respect the Palestinians' right to self-determination.

60. As a result, Israel is under an obligation to cease these violations²⁰², to provide full reparation for the damage caused by them²⁰³ and to provide guarantees and assurances of non-repetition²⁰⁴.

61. Finally, although the scope of this advisory opinion is limited to Israel's own obligations, Qatar would like to recall that all States have an obligation not to render aid to Israel in its violations of these obligations to the extent that they impede the Palestinian people's right to self-determination²⁰⁵.

¹⁹⁹ See CR 2025/3 (28 Apr. 2025), p. 51, para. 61, United Nations (Hammarskjöld); written statement of Brazil, para. 88; written statement of Chile, para. 80; written statement of China, paras. 66-67; written statement of Egypt, paras. 67, 121, 131; written statement of Ireland, para. 42; written statement of Jordan, paras. 3.84-3.88; written statement of Kuwait, para. 22; written statement of the League of Arab States, para. 192; written statement of Luxembourg, para. 23; written statement of Malaysia, para. 75; written statement of the Maldives, paras. 83-84; written statement of Mexico, para. 83; written statement of Namibia, paras. 123-125; written statement of the Netherlands, para. 5.2; written statement of Pakistan, paras. 127, 158; written statement of Palestine, paras. 5.27-5.28; written statement of the Philippines, para. 31 (c); written statement of Saudi Arabia, para. 75; written statement of South Africa, para. 135; written statement of the UN Secretary-General, paras. 195, 207-210; written statement of Qatar, para. 43.

²⁰⁰ United Nations Charter, Art. 103.

²⁰¹ Note to the Under-Secretary-General of the Department of Peacekeeping Operations, United Nations (11 July 2003), UN Jurid. Yearbook 2003, p. 522, para. 11.

²⁰² See, 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. 267-268.

²⁰³ See, e.g., *ibid.*, paras. 269-271.

²⁰⁴ See International Law Commission, Articles on the Responsibility of States for Internationally Wrongful Acts, Article 30 (b).

²⁰⁵ See *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. 279; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I)*, p. 200, para. 159.

62. Mr President, honourable Members of the Court, this concludes my submissions on behalf of the State of Qatar. Qatar is grateful to all States and international organizations that have presented their views on the urgent question posed by the General Assembly.

63. Qatar remains deeply appreciative of the Court's sustained attention to these critical matters, and of its unwavering commitment to the maintenance of international peace and security, and the enforcement of international law, particularly for those populations whose rights and protections are under the greatest threat. Let us be guided, always, by the enduring principle that *salus populi suprema lex esto*. The welfare of the people shall be the supreme law.

64. Thank you, Mr President. Thank you, honourable Members of the Court, for your kind attention.

The PRESIDENT: I thank the representative of Qatar for his presentation. I now invite the next participating delegation, the United Kingdom, to address the Court and I call upon Ms Sally Langrish to take the floor.

Ms LANGRISH:

I. INTRODUCTION

1. Mr President, Members of the Court, it is an honour for me to appear before you in these proceedings, and to do so on behalf of the United Kingdom of Great Britain and Northern Ireland. The United Kingdom welcomes this opportunity to emphasize its support for the role of the Court, for the United Nations, and for international law.

2. Let me reaffirm at the outset the United Kingdom's condemnation of Hamas for their outrageous actions on 7 October 2023, and their ongoing threats to Israel. The hostages have endured and continue to endure unimaginable cruelty. We call for the immediate and unconditional release of all hostages.

3. The United Kingdom has consistently urged Israel to ensure access to humanitarian assistance, in accordance with its international obligations. In a speech on 20 March 2025, the Foreign Secretary made it clear that the United Kingdom was "resolute in calling on Israel to abide by international law and to lift the unacceptable restrictions on aid and demand the protection of

civilians”²⁰⁶. The United Kingdom’s announcement of the suspension of arms export licences on 2 September 2024 was underpinned by the clear risk that certain military exports to Israel might be used in violation of international humanitarian law²⁰⁷, an assessment that was based in part on Israel’s restrictions on the provision of humanitarian assistance.

4. On Tuesday this week, the Foreign Office Minister of State addressed the UN Security Council. He called for “a return to the ceasefire to end the relentless death and destruction that Palestinians face daily”. He stated:

“It is unacceptable that Israel has blocked humanitarian support from entering Gaza for nearly two months, meaning that Palestinian civilians, including one million children, are facing starvation, disease and death.

UN and other workers must be able to deliver life-saving assistance safely, and in line with humanitarian principles”²⁰⁸.

5. Mr President, Israel must facilitate full, rapid, safe and unhindered humanitarian provision to the population of Gaza, including food, water and electricity, and must ensure access to medical care in accordance with international humanitarian law.

6. The United Kingdom voted in favour of resolution 79/232 in line with its strong commitment to international rule of law. Our vote in no way detracts from the United Kingdom’s commitment to Israel’s security, or its commitment to negotiations between the two parties towards a two-State solution²⁰⁹. Only the achievement of that goal will put an end to the continuing humanitarian tragedy.

7. Mr President, Members of the Court, the United Kingdom is of the view that the Court has jurisdiction and that there are no compelling reasons not to give an opinion. We wish, however, to stress the importance of the principle that a State is not obliged to allow its disputes to be submitted to judicial settlement without its consent. We urge the Court, as it has often done, to reaffirm that

²⁰⁶ Available at: <https://www.gov.uk/government/speeches/middle-east-foreign-secretary-statement-20-march-2025#:~:text=The%20UK%20is%20now%20working,is%20in%20no%20Done's%20interest>.

²⁰⁷ <https://www.gov.uk/government/news/uk-suspends-around-30-arms-export-licences-to-israel-for-use-in-gaza-over-international-humanitarian-law-concerns>.

²⁰⁸ Lord Collins, Minister of State at the Foreign, Commonwealth and Development Office, addressing the UN Security Council on 29 March 2025, available at: <https://www.gov.uk/government/speeches/we-must-reinvest-in-efforts-to-achieve-a-two-state-solution-uk-statement-at-the-un-security-council>.

²⁰⁹ UN doc. A/79/PV. 54, Resumption 1, 1 December 2024: UK statement available at: <https://www.gov.uk/government/speeches/the-uk-voted-in-favour-of-this-resolution-in-line-with-our-strong-commitment-to-the-international-rule-of-law-uk-statement-in-the-un-general-assembly#:~:text=We%20have%20made%20clear%20that,service%20to%20the%20civilian%20population>.

principle of consent. Having said that, rendering the present advisory opinion would not, given the terms of the question focusing on obligations, circumvent that principle. This is particularly so since the United Nations has “a direct and special interest” in this case²¹⁰.

8. Mr President, I would request that you now invite Sir Michael Wood to the podium to address certain questions of United Nations law and then, following Sir Michael, I shall return.

9. Thank you, Mr President.

The PRESIDENT: I thank Ms Langrish. I now invite Sir Michael Wood to address the Court. You have the floor.

Sir Michael WOOD:

II. OBLIGATIONS AS A MEMBER OF THE UNITED NATIONS

1. Mr President, Members of the Court, it is an honour to address you and to do so on behalf of the United Kingdom.

2. I shall first say a few words about the question before the Court. I shall then address the obligations of Israel as a Member of the United Nations.

1. The question before the Court

3. I make four points about the question:

- First, the question asks about “the obligations of Israel, as an occupying Power and as a member of the United Nations”. While it does not ask about the obligations of any other actor, the question is framed in general terms and at least in some respects the Court’s response is likely to be relevant to the obligations of all Members of the United Nations and to the obligations of all occupying Powers.
- Second, the question is limited to the “obligations” of Israel. It does not expressly ask about the rights of Israel, in particular its right of self-defence. But any answer must have regard to Israel’s rights. In addition, and as noted by the Secretary-General, the focus of the question on the

²¹⁰ CR 2025/3, Statement on behalf of the Secretary-General of the United Nations, p. 44, para. 8 (Hammar skjöld).

obligations of Israel does not prejudice in any way the obligations of other relevant actors²¹¹, such as Hamas.

- Third, the question does not ask about violations. It has been suggested by a number of speakers that the Court should address questions of State responsibility but, in our submission, to do so would distort the question for which States, including the United Kingdom, voted.
- Fourth, the question covers a wide range of United Nations bodies, as was well explained in the Secretary-General's written statement²¹².

2. The obligations of Members of the United Nations under the Charter, the 1946 General Convention and other instruments

4. Mr President, Members of the Court, I now turn to the obligations of Members of the United Nations under various provisions of the Charter, in particular Articles 104 and 105, as well as the obligations under the 1946 (General) Convention on the Privileges and Immunities of the United Nations. On Monday the distinguished Legal Counsel of the United Nations set out the position with great authority.

The privileges and immunities of the United Nations

5. Mr President, Members of the Court, we agree with the UN Legal Counsel on the importance of States fully respecting their obligations concerning the legal capacity, privileges and immunities of the United Nations so as to enable the organs of the United Nations to fulfil their mandates.

6. Compliance in good faith with Articles 104 and 105 of the Charter and the General Convention is of the greatest importance for the effective functioning of the United Nations throughout the world²¹³.

7. Before turning to some of the obligations of UN Member States under the Charter and Convention, I must mention the obligation of the United Nations to co-operate with the host State. Section 21 of the General Convention provides that:

²¹¹ Written statement submitted on behalf of the Secretary-General of the United Nations, February 2025, para. 3.

²¹² *Ibid.*, paras. 14-103.

²¹³ CR 2025/3, pp. 48-49, paras. 46-47 (Hammarskjöld).

“The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.”

In this context, it is important also to recall Article 100 of the Charter, which states that United Nations staff “shall not seek or receive instructions from any government or from any other authority external to the Organization”. And they “shall refrain from any action which might reflect on their position as international officials responsible only to the Organization”.

8. As others have said, under the General Convention, the United Nations enjoys immunity from “every form of legal process”, immunity for its property, and perhaps most importantly for present purposes its premises are inviolable.

9. UN officials are “immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity”.

10. As stated on behalf of the Secretary-General, the privileges and immunities owed to the United Nations are applicable to UNRWA, a subsidiary organ of the General Assembly, and must be respected at all times²¹⁴.

United Nations Charter, Article 2, paragraph 5

11. Mr President, Members of the Court, I now turn to Article 2 (5) of the Charter, to which a number of participants have referred. It is not clear that, in the present context, this very general provision adds anything to the more specific obligations applicable to Israel as an occupying Power and as a Member of the United Nations. It may not be necessary on the present occasion for the Court to delve into the questions that have been raised concerning the scope of Article 2 (5). The “co-operation” at issue in the present case is more easily covered by other provisions of the Charter and IHL. If the Court were, however, to find it necessary to refer to Article 2 (5), it may wish to exercise some caution. This, I think, seems to have been the approach of the UN Legal Counsel on Monday²¹⁵.

12. I should recall that, on the relatively rare occasions when Article 2 (5) has been invoked, this has usually been in very general terms. As early as 1949 in the *Reparation for Injuries* Advisory Opinion, the Court considered the need of protection for agents of the Organization, and in that

²¹⁴ CR 2025/3, p. 44, para. 9; p. 49, para. 49; pp. 47-54, paras. 44-81 (Hammar skjöld).

²¹⁵ CR 2025/3, pp. 51-52, paras. 66-68 (Hammar skjöld).

particular context stressed “the importance of the duty to render to the Organization ‘every assistance’”²¹⁶.

13. As you are aware, Members of the Court, Article 2 (5) has two limbs, which are closely related. Under the first, all Member States are required to “give the United Nations every assistance” in “any action” — “any action” — that the United Nations takes in accordance with the Charter. Under the second, all Members are required to “refrain from giving assistance” to any State against which the United Nations is taking “preventive or enforcement action”.

14. Should the Court consider it necessary to address Article 2 (5), the United Kingdom’s position is that the first limb applies only to “action” taken by the Security Council²¹⁷. If Article 2 (5) were to provide for an obligation to render “every assistance” to “any action” in a wider sense, that would impose unspecified and potentially unlimited obligations on Members. It would call into question the carefully defined system of competences of the principal organs as laid down in the Charter. The Court has heard from some participants the view that even recommendations adopted by UN organs are binding on Member States, towards the implementation of which they must give every assistance. That view, in our submission, is unrealistic and does not reflect practice. The rare past references to Article 2 (5) do not suggest that the General Assembly can impose obligations on Members where none existed²¹⁸. Only decisions of the Security Council can do that.

15. The word “action”, as opposed to co-operation, is employed in the Charter with particular reference to action by or authorized by decisions of the Security Council. This can be seen, for example, in Articles 11 (2) and 24, and in Chapter VII which is entitled “Action with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression”.

²¹⁶ *Reparation for Injuries Suffered in the Service of the United Nations, Advisory Opinion, I.C.J. Reports 1949*, p. 183.

²¹⁷ See, for example, Statement of Romania, S/PV.1803, para. 15; Statement of Yugoslavia, S/PV.1800, para. 41.

²¹⁸ See, for example, Statement of Israel, A/PV.1439, 12 October 1966, p. 10; Statements of Liberia, A/PV.1585, para. 16; S/PV.1632, para. 28; Statement of India, A/PV.923, 22 November 1960, p. 952, para. 39; Statement of Ghana, A/PV.2182, 28 November 1973, p. 4, para. 43; Statement of the USSR, A/C.4/SR.1479, 13 November 1963, p. 306, para. 11; 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.

16. While the General Assembly can make recommendations to Member States, only the Security Council “is given a power to impose an explicit obligation of compliance”, as the Court noted in the *Certain Expenses Opinion*²¹⁹.

17. The drafting history of Article 2 (5) supports this view. The Dumbarton Oaks Proposals contained two separate paragraphs²²⁰, which were combined at San Francisco, without discussion. That suggests that they cover similar ground. Indeed, at San Francisco, one delegate stressed that the first limb of Article 2 (5) should be understood to refer to action taken by the Security Council as this was the “only organ of the Organisation having authority to take action”²²¹. That statement was not challenged by any delegation²²².

18. This interpretation is supported by the virtually uniform and consistent practice of the United Nations and Member States with respect to UN missions and staff. The latest edition of the Simma Commentary on the Charter, after an extensive evaluation, concludes that the practice “supports the narrow interpretation which conceives the obligation to give assistance to apply only for enforcement measures under Chapter VII of the Charter”²²³.

19. Mr President, Members of the Court, to be clear, the obligations of Israel as a Member of the United Nations of course have to be read together with its obligations as an occupying Power throughout the Occupied Palestinian Territory.

20. And with that, Mr President, I request that you invite Ms Langrish back to the podium to discuss that matter. I thank you, Mr President.

The PRESIDENT: I thank Sir Michael Wood. I now give the floor back to Ms Sally Langrish.

²¹⁹ *Certain Expenses of the United Nations (Article 17, paragraph 2, of the Charter)*, Advisory Opinion, I.C.J. Reports 1962, p. 163.

²²⁰ Reproduced in Goodrich, Hambro and Simons, *Charter of the United Nations* (3rd ed.), 1969, 666.

²²¹ The delegate of Norway: see Helmut Aust, Article 2 (5) in Bruno Simma et al. (eds.), *The Charter of the United Nations: A Commentary* (4th ed., Oxford University Press, 2024), 369-370.

²²² US Department of State, Report to the President on the Results of the San Francisco Conference (26 June 1945).

²²³ Helmut Aust, Article 2 (5) in Bruno Simma et al. (eds.), *The Charter of the United Nations: A Commentary* (4th ed., Oxford University Press, 2024) 375, MN 16.

Ms LANGRISH:

III. OBLIGATIONS AS AN OCCUPYING POWER

An occupying power's obligations under international humanitarian law

1. Mr President, Members of the Court, I shall now address you on Israel's obligations, under international humanitarian law, as an occupying Power. You have ample material before you on international humanitarian law, so I can be relatively brief.

2. I shall conclude my statement by referring to the obligations owed to the International Committee of the Red Cross, a matter to which the United Kingdom attaches great importance and which we suggest could be reflected in your advisory opinion.

3. As is stated in Article 43 of the 1907 Hague Regulations, under the law of occupation, Israel as the occupying Power "shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety" (*l'ordre et la vie publique*)²²⁴. This fundamental principle reflects customary international law²²⁵ and is elaborated on in the provisions of Geneva Convention (GC) IV of 1949²²⁶.

4. Two provisions of GC IV are particularly relevant: Articles 59 and 55. I will address these in turn.

Article 59 GC IV

5. Under Article 59 of (GC) IV, Israel is bound to facilitate the provision of foodstuffs, medical supplies and clothing into the Occupied Palestinian Territory. A number of points bear emphasis.

6. First, Article 59 provides that if the whole or part of the population of an occupied territory is "inadequately supplied", the occupying Power shall agree to and facilitate relief schemes on behalf of the population²²⁷. Once this obligation is triggered, the occupying Power is required to "agree to relief schemes on behalf of the said population". That obligation continues to apply for so long as

²²⁴ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, Article 43.

²²⁵ See the ICRC's Customary International Humanitarian Law study (2005), available at <https://ihl-databases.icrc.org/en/customary-ihl>.

²²⁶ Geneva Convention relative to the protection of civilian persons in time of war (1949), 75 UNTS 287 (hereinafter "GC IV").

²²⁷ *Ibid.*, Art. 59 (1) 1.

part of the population is inadequately supplied. A refusal to negotiate or agree to relief schemes will constitute a violation of Article 59.

7. Second, the occupying Power must “facilitate [relief schemes] by all means at its disposal”. This obligation is “unconditional”²²⁸. Facilitation requires wholehearted co-operation “in the rapid and scrupulous execution of these schemes”²²⁹. This includes the provision of transport, storage and distribution facilities²³⁰.

8. Third, relief schemes “may be undertaken either by States or by impartial humanitarian organizations”²³¹. In circumstances where the civilian population of the Occupied Palestinian Territory is inadequately supplied, Israel “may not withhold consent to offers to conduct humanitarian relief operations that are exclusively humanitarian and impartial in nature”²³².

9. The United Kingdom considers that UNRWA is an “impartial humanitarian organization” for the purposes of Article 59 of GC IV. In so far as impartiality is understood as meaning “neutrality”²³³, UNRWA also satisfies that requirement. The Colonna report states that “since 2017 UNRWA has established and updated a significant number of policies, mechanisms and procedures to ensure compliance with the obligation to uphold the principle of neutrality”²³⁴.

10. The United Kingdom has made clear its serious concern about the two recent Knesset laws. We have reiterated our support for UNRWA’s mandate to provide essential services and humanitarian assistance to Palestine refugees in the Occupied Palestinian Territory.

11. At the same time, the United Kingdom has been clear that UNRWA should abide by the highest standards of neutrality and that any allegations otherwise should be independently investigated.

²²⁸ ICRC, *Commentary on the Fourth Geneva Convention: Convention (IV) Relative to the Protection of Civilian Persons in Time of War* (1958), 320.

²²⁹ *Ibid.*

²³⁰ *Ibid.*

²³¹ GC IV, Art. 59 (2).

²³² Emanuela-Chiara Gillard and Dapo Akande, *Oxford Guidance on the Law Relating to Humanitarian Relief Operations in Situations of Armed Conflict* (United Nations Office for the Coordination of Humanitarian Affairs 2016) 20 [42] D (iii); GC IV, Art. 59 (2).

²³³ See, e.g., CR 2025/7, United States of America, p. 11, para. 18 (Simmons); Written Statement of China, paras. 26, 53; Written Statement of the Philippines, para. 29.

²³⁴ Catherine Colonna, ‘Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality’ (2024), 36.

12. The United Kingdom notes that UNRWA has adopted a “High-Level Action Plan” to respond to the Colonna report’s recommendations. So far, UNRWA has fully implemented five recommendations, including sharing staff lists with Israel and providing for a centralized Neutrality Investigations Unit with international staff. The United Kingdom supports UNRWA’s continued work and commitment to the principle of neutrality, in line with the Colonna report.

13. Any alleged involvement of UNRWA staff in the barbaric terrorist attacks of 7 October 2023 and subsequent allegations must be thoroughly investigated. The United Kingdom expressed its deep concern in respect of Emily Damari, a United Kingdom national who was taken hostage on 7 October; and about reports that she was held in an UNRWA facility. The United Kingdom welcomed the UNRWA Commissioner-General’s call for an independent investigation into any reported misuse of UN premises by Palestinian militants, including Hamas.

14. Overall, an occupying power retains a discretion, in principle, as to which States or organizations provide assistance²³⁵. However, in circumstances where (i) the occupying power is unable to meet the needs of the population; (ii) no other offer of assistance will be sufficient to render adequate assistance; and (iii) the humanitarian need is grave and urgent, it would be incompatible with a good-faith performance of Article 59 to refuse an offer of assistance from an organization that has capacity. Such refusal would be incompatible with the obligation to use “all means at its disposal” to facilitate relief schemes on behalf of the population.

Article 55 GC IV

15. Mr President, I turn now to Article 55 of GC IV. Pursuant to Article 55, an occupying power has a duty to ensure the food and medical supplies of the population to the “fullest extent of the means available to it”. Where the “resources of the occupied territory are inadequate”, the occupying power comes under an additional obligation “in particular, [to] bring in the necessary foodstuffs, medical stores and other articles”. This extends to bringing in supplies necessary for an adequate standard of living, including clothing, bedding and shelter.

16. Article 55 does not prescribe the method of compliance. What is essential is that the occupying power takes measures to ensure the necessary food and medical supplies for the

²³⁵ See also CR 2025/7, United States of America, p. 9, para. 8 (Simmons).

population. This requires the occupying power to maintain at a reasonable level the material conditions under which the population of the occupied territory lives.

17. It is open to an occupying power to procure the supply of food and medical supplies through a third party, including through a relief scheme under Article 59. In a situation where an occupying power decides to meet its obligations through a third party, such as UNRWA, the occupying power must ensure the safety and security of that third party as far as possible.

18. In circumstances where an occupying power has failed to ensure the food and medical supplies of the population, a failure to agree to, and facilitate, relief being provided by that impartial organization is likely to constitute a violation of both Article 59 and Article 55.

19. This conclusion is reinforced by two obligations, which both inform the content of Articles 59 and 55 and also constitute independent obligations.

20. First, Israel is under an obligation under customary international law to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need.

The PRESIDENT: Excuse me for interrupting, could you please speak more slowly? Thank you.

Ms LANGRISH: Forgive me, Mr President.

21. Second, Article 55 requires an occupying power to allow a protecting power to verify the state of food and medical supplies in occupied territories. That obligation can only be temporarily restricted for imperative military reasons. Restrictions are moreover only authorized as an exceptional measure and may not at any time be of a general or permanent nature.

Article 60

22. Finally, it should be recalled that Article 60 makes clear that the fact that humanitarian agencies are providing services and assistance to the population does not relieve the occupying power of any of its responsibilities under Articles 55, 56 and 59.

Obligations in connection with the International Committee of the Red Cross

23. Mr President, Members of the Court, as a concluding point, it is important to highlight the International Committee of the Red Cross. The ICRC plays a vital role in protecting the lives and

dignity of victims of armed conflict, providing assistance and promoting respect for international humanitarian law. As Members of the Court are well aware, the law of occupation provides a “special position” for the ICRC that “shall be recognized and respected at all times”²³⁶. With respect to visits to protected persons, this is spelt out in detail in Article 143 of GC IV.

24. Under Article 30 of GC IV, “Protected persons shall have every facility for making application to . . . the International Committee of the Red Cross”. The right to be visited by the ICRC equally applies to protected persons charged with offences by the occupying power. Visits to detainees by the ICRC “may not be prohibited except for reasons of imperative military necessity, and then only as an exceptional and temporary measure”²³⁷. The exception is expressed in narrow terms. The provision applies equally to the hostages being held in Gaza.

25. Mr President, there have been repeated, credible reports of ill-treatment of Palestinian detainees held in Israeli custody since the 7 October 2023 attacks²³⁸. ICRC visits and access to those interned at times of conflict is aimed precisely at ensuring that they are treated humanely and with dignity, and to provide some information to their families and loved ones as to their well-being.

26. It should be noted that neither the ICRC — nor anyone else — has been able to visit and access the Israeli and other hostages being held in Gaza by Hamas and other militants. Hostages released have shared horrific stories of ill-treatment and abuse that may amount to torture. This also is completely unacceptable, but cannot serve as justification for Israel to deny the ICRC access to Palestinian detainees since October 2023.

27. Mr President, Members of the Court, in our statement today we have aimed to assist the Court by indicating our views on the question put to the Court and on the obligations of Israel, both as a Member of the United Nations and as an occupying Power.

28. Mr President, Members of the Court, that concludes our oral statement in these proceedings and we thank you for your attention.

²³⁶ GC IV, Art. 142.

²³⁷ *Ibid.*, Art. 143.

²³⁸ Statement by the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on one-year anniversary of the October 7th attacks, 7 October 2024, <https://www.un.org/unispal/document/statement-by-special-rapporteur-on-torture-07oct24/>.

The PRESIDENT: I thank the representatives of the United Kingdom for their presentation. This concludes this afternoon's sitting. The oral proceedings will resume tomorrow at 10 a.m., in order for China, Senegal, Slovenia, Sudan, Switzerland and the Comoros to be heard on the question submitted to the Court. The sitting is closed.

The Court rose at 5.40 p.m.
