

Written Reply of the Arab Republic of Egypt

THE INTERNATIONAL COURT OF JUSTICE

In the proceedings concerning

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 REPLY OF THE ARAB REPUBLIC OF EGYPT

7 May 2025

1. On 2nd May 2025, the Arab Republic Egypt received the following question, put forth by Judge Cleveland within the context of the advisory proceedings concerning 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*:

“Since the 2nd of March 2025, what is the operational status of both sides of the border crossing between Egypt and the Gaza Strip, and what measures has Egypt taken to facilitate humanitarian assistance in and out of the Gaza Strip?”

2. The Arab Republic of Egypt will address the question through the following sections:
 - I – Political and operational context in the border area
 - II - The operational status of both sides of the border crossings between Egypt and the Gaza Strip

First: Humanitarian assistance through the Karam Abo Salem (Kerem Shalom) crossing.

Second: Movement of injured and wounded through the Rafah crossing.

III – Measures Egypt has taken to facilitate humanitarian assistance in and out of the Gaza Strip in response to Israel’s closure of the border crossings.

3. This reply is also relevant to the question put forth by Judge Sebutinde in the Proceedings.

I – Political and operational context in the border area

4. On 2nd March 2025, the Israeli government announced its decision to deny entry to all humanitarian assistance to Gaza through the complete closure of all Israeli crossings to Gaza (6 crossings) and Rafah land crossing from the Palestinian side between Egypt and Gaza (attached are the public statements of Israeli Government officials and Ministers in this regard – Appendix I).

5. This Israeli decision came against the backdrop of the Israeli Defense Forces (IDF) military campaign in the Palestinian city of Rafah on 31 March 2025, and its “evacuation orders” (displacement orders) to the civilian population (attached is the Israeli “evacuation order” – Appendix 2). The IDF gave the Palestinian residents, most of whom have already been displaced multiple times, a few hours to evacuate before launching Israel’s massive ground invasion that included the northern parts of Rafah for the first time. The IDF’s invasion led to an expansion of the “security zone” under the control of Israeli forces, extending it from Philadelphi corridor to Morag corridor. These developments indicate the Israeli forces’ full military control not only over the Rafah land crossing from the Palestinian side, and the border line between Egypt and the Gaza strip, but also all Palestinian territory in Rafah city bordering Egypt.
6. It is important to note that the temporal scope of the question put forth by Judge Cleveland is limited to the period starting 2nd March 2025. During this period the Rafah land crossing between Egypt and the Gaza Strip has served as a crossing for the movement of people, while the Karam Abo Salem crossing has served as a crossing for the movement of humanitarian assistance. The operational status of both sides of the border crossings will be described, in turn, below.

II. The operational status of both sides of the border crossings between Egypt and the Gaza Strip

First: Humanitarian assistance through the Karam Abo Salem (Kerem Shalom) crossing:

7. The way the Karam Abo Salem crossing operates is that the humanitarian assistance which is delivered to Egypt, is brought by Egypt to the crossing (with a manifest and QR code marking the designated recipient) where it is received by the Israeli authorities, who in turn bring in the humanitarian assistance to the recipients in the surrounding Palestinian area.
8. On 2nd March 2025 Israel blocked entry of all humanitarian assistance into the Gaza Strip from Karam Abo Salem crossing, which until then had been receiving humanitarian assistance regularly, while Egypt continued to operate its side of the

crossing. Israel's obstruction took place through the following measures which make it physically and materially impossible for the humanitarian aid to enter Gaza:

- (i) Sealing the iron gates on the Israeli side of the crossing (located opposite the Egyptian gate and beyond the buffer zone);
 - (ii) Reoccupying the Palestinian side of the crossing and "evacuating" the area until Morag corridor, rendering it a "security zone" where nobody is allowed to enter;
 - (iii) Evicting all the Palestinians operating the crossing thus rendering it inoperable.
9. The Israeli authorities notified all international organizations working in the Gaza Strip, the Palestinian Red Crescent, and non-governmental organizations of its decision to deny entry of all humanitarian assistance to Gaza.
10. Israel's decision to obstruct the flow of humanitarian assistance into Gaza led to the piling up of humanitarian assistance on the Egyptian side of the border crossing with no way to get in, in violation of Israel's obligation under article 55 (1) of the Fourth Geneva Convention to "bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate". This obligation is unqualified, leaving no room for discretion for the Occupying Power.
11. The piled up humanitarian assistance is clearly visible in the waiting area in front of the Egyptian gate overlooking the buffer zone, as well as in the warehouses designated for storing the humanitarian assistance in the Egyptian cities of Rafah and El-Arish. In addition, lines of trucks extend for several kilometers inside Egyptian territory, waiting to get in.
12. In this context, and in preparation for an Israeli decision, at any point, to resume operation of the crossing on the Palestinian side, and in order to permit, facilitate and indeed ensure the immediate delivery of life-saving humanitarian assistance as soon as Israeli obstruction is lifted, Egypt has continued to receive humanitarian assistance since 2nd March 2025. During this period, Egypt received 10 aircraft carrying 271 tons of humanitarian relief supplies from several organizations including, but not limited

to, UNICEF, ICRC, the German Red Cross, WHO, in addition to 31 ships carrying 6187 tons of humanitarian relief received from UNRWA, ICRC, WHO, Medecins Sans Frontieres, and Plan International, among others. This is in addition the large stockpiles of humanitarian assistance stuck in Egyptian storage facilities from before 2nd March 2025.

Second: Movement of injured and wounded through the Rafah crossing:

13. Since 18th March 2025, Rafah border crossing, which is dedicated to the movement of people, has also been closed by Israel on the Palestinian side, while Egypt maintains the continued opening of the crossing from its side and the presence of the technical personnel responsible for its full operation. Israel closed the crossing from the Palestinian side through the following measures:

- (i) Israeli forces reoccupied the Palestinian side of the Rafah border crossing and prevented any exit of the wounded and injured. The last injured Palestinians crossed into Egypt on 17 March 2025.
- (ii) Israel prevented EUBAM personnel (who reside in Israel) from reaching the Palestinian side of the crossing to perform their duties.
- (iii) Israel expelled 32 Palestinian officials responsible for operating the crossing from the Palestinian side. They are currently residing in the Egyptian city of El-Arish, pending the resumption of the ceasefire agreement and their return to perform their duties.
- (iv) Israeli forces have also set up concrete barriers to ensure the complete closure of the crossing, and deployed tanks that are clearly visible inside the Palestinian side of the crossing.
- (v) The persistence of active hostilities on the Palestinian side.

III – Measures Egypt has taken to facilitate humanitarian assistance in and out of the Gaza Strip in response to Israel’s closure of the border crossings.

14. In response to the Israeli closure of the border crossings from the Palestinian side, Egypt has taken a number of measures to facilitate humanitarian assistance into and out of the Gaza Strip.
15. Egypt communicated with Israeli authorities on all levels to urge them to reopen the border crossings from the Palestinian side, and to receive and permit the entry of humanitarian assistance, but unfortunately all these efforts have been rejected by Israel. Egyptian Officials asserted during all communications with Israeli officials Egypt’s strong rejection and refusal of blocking the entry of humanitarian assistance into the Gaza Strip.
16. Egypt has also coordinated with its partners and the United Nations to exert pressures on Israel to retract its decision and reopen the crossings from the Palestinian side.
17. Egypt has spared no effort to facilitate the entry of humanitarian assistance into Gaza and to use its position and bilateral relations to mobilise international support and pressure. It has exerted intense diplomatic endeavors to achieve an immediate ceasefire in the Gaza Strip and to ensure that the necessary humanitarian aid reaches the people in the Strip through ending Israeli obstruction of humanitarian relief. For instance:
 - (i) Egypt condemned, in a statement issued by the Ministry of Foreign Affairs on 2 March 2025, the Israeli Government’s decision to deny the entry of humanitarian assistance to the Gaza Strip and close the crossings used for relief operations, which constitute a blatant violation of the ceasefire agreement, as well as international humanitarian law, including the Fourth Geneva Convention and all religious and moral values. Egypt asserted that the use of starvation and siege of the innocent civilian people as a weapon of war cannot be justified under any circumstances or rationale. Egypt called on the international community to

assume its responsibilities to condemn and put an end to all illegal and inhumane practices targeting civilians to achieve political objectives.

- (ii) Egypt's President reiterated Egypt's position bilaterally, including in the joint statement with French President Emmanuel Macron during the visit to the Egyptian city of El-Arish, a transit point for aid into Gaza. The statement reiterated the urgent need for an immediate return to the ceasefire, called for an immediate resumption of aid into Gaza, and the protection of civilians and aid workers. The statements also included firm refusal of any attempt to forcibly transfer the Palestinian People.
- (iii) Egypt's Foreign Minister addressed the urgent need for immediate resumption of humanitarian assistance into the Gaza Strip during all official meetings with his counterparts from other States since the Israeli decision to deny entry of humanitarian assistance. During a joint press conference on March 2, 2025, with the European Union Commissioner for Mediterranean affairs, Dubravka Šuica, the Minister asserted that "using humanitarian assistance as a weapon is unacceptable and a flagrant and clear violation of International Humanitarian Law." In a meeting on May 3, 2025, with the directors of United Nations regional offices in Cairo, the Minister condemned Israeli policies including deliberately preventing the entry of assistance into the Gaza Strip for over two months and using starvation as a systematic policy and tool of collective punishment.
- (iv) The Spokesman of the Egyptian Presidency, in a statement issued on April 8, 2025, reaffirmed Egypt's firm position and laid out Egypt's intensive efforts and diplomatic initiatives to achieve an immediate ceasefire in the Gaza Strip and to ensure the entry of all necessary humanitarian assistance to the people of Gaza, in order to protect innocent lives and safeguard the Palestinian people from the consequences of Israeli aggression.
- (v) Almost immediately after Israel's decision of 2nd March 2025, Egypt led, mobilized and supported a series of diplomatic initiatives at the multilateral level

calling for the unhindered entry of humanitarian assistance into Gaza, including the Statement adopted by the Extraordinary Arab Summit, hosted by Egypt on 4th March 2025; the Joint Statement of the extraordinary session of the Council of Foreign Ministers of the Organisation of Islamic Cooperation held on March 7, 2025; and the Arab-Islamic Committee meeting with Vice-President of the European Commission, Kaja Kallas held in Cairo on March 23, 2025.

18. In addition to the above-mentioned international and bilateral efforts, in its role as mediator, Egypt has included, in all its proposals and deals for the resumption of the ceasefire, a standing and essential provision on allowing access for humanitarian assistance into the Gaza Strip.
 19. For its part, Egypt continues to receive all humanitarian assistance shipments intended for Gaza, in preparation for any potential reopening of the crossings from the Palestinian sides (Appendix 3 – The Egyptian Red Crescent’s role in responding to the Gaza Crisis, including providing aid and managing aid received from third States and international organisations) . Egyptian authorities have apprised Israel counterparts of the situation regarding the accumulation and piling of humanitarian aid on the Egyptian side of the crossing, including the risk of expiry of humanitarian assistance denied entry by Israel, and urged the entry of these supplies into the Strip immediately and as a matter of urgency.
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