

Cour internationale de Justice

Enregistré au Greffe le :

International Court of Justice 30 JAN. 2004/25
Filed in the Registry on :



EMBASSY OF SUDAN
The Hague

سفارة السودان
لاهاي

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السفير
Ambassador

The President of the International Court of Justice
The Hague
The Netherlands

The Hague, 30 January 2004

Excellency,

Upon instruction of my government and in accordance with the statute of the Court and its Order of 19 December 2003 (General list No 131), I have the honour to enclose herewith a written statement on the position of the Government of the Sudan on the illegality of the construction of a wall in the occupied Palestinian Territory by Israel.

Please accept my highest consideration,

Yours,

Abuelgasim A Idris
Ambassador of The Sudan to The Netherlands

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Statement of The Government of The Sudan to the ICJ
on the construction of a wall by Israel in The Occupied Palestinian Territory

The Government of The Sudan objects to the construction of the wall being built by Israel in the occupied Palestinian Territory including in and around East Jerusalem, for the following reasons:

First, the construction of the wall is in clear violation of recognized principles of International Law and of the obligations and responsibilities of an occupying power under International Humanitarian Law.

Second, while Israel claims the wall is intended for security reasons, however its action is neither “ proportionate” nor “ necessary” within the criteria and measures accepted by I.H.L, including its construction of the wall inside the occupied territories. The wall, as such, can only be seen as intended to annex an occupied territory, and in a minimum, to prejudice a final resolution to the conflict based on UN resolutions. It also interferes with territorial sovereignty and the inalienable right for self- determination of the Palestinian People, in violation of International Law.

Third, It clearly violates all relevant UN resolutions and actions including, inter alia, the armistice line of 1949 and subsequent resolutions embodied in UN General Assembly Resolution (A/RES/ES-10/14 of 8 December 2003). It further threatens international peace and security and hinders efforts by the International Community to achieve a lasting solution to the conflict.

Fourth, The report of the UN Secretary General (A/ES-10/248 of 24th November 2003) clearly states that Israel has not complied with the demand stated in Resolution ES-10/13 that it “ stop and reverse the construction of the wall in the occupied Palestinian Territory, including in and around East Jerusalem, which is in departure of the Armistice line of 1949 and is in contradiction to relevant provisions of International Law”.

W/mt

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Fifth, As The UN Secretary General's report clearly evidence, the Barrier has severe negative humanitarian and socio-economic impact on the occupied Palestinian population, in violation of Israel's obligations under International Humanitarian Law and International Human Rights Law.

Sixth, Any attempts by any country to distance itself from its obligations to respect International Humanitarian Law including the Geneva Conventions, which are universal and embody recognized principles of Customary International Law, are unacceptable.

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