

INTERNATIONAL COURT OF JUSTICE

WRITTEN STATEMENT OF

THE ISLAMIC REPUBLIC OF IRAN

In advisory 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”**

27 February 2025

Table of Contents

Introduction	3
I. The <i>sui generis</i> nature of the Palestinian issue	3
II. Non-eligibility of the Israeli occupying regime to the membership of the United Nations from the outset	5
III. Jurisdiction of the Court to render the advisory opinion requested.....	6
IV. Obligations violated by the Israeli regime under international law.....	6
A. Violation of international humanitarian law	6
B. Violation of international human rights law.....	7
V. Obligations of the United Nations and third States towards the Palestinian people to ensure their presence and activities in Palestine	9
Conclusion.....	11



Introduction

1. This written statement is filed pursuant to the Order of 23 December 2024 issued by the International Court of Justice (hereinafter *the ICJ* or *the Court*) and subsequent orders concerning the request for an advisory opinion made by the General Assembly of the United Nations in its resolution A/Res/79/232 of 19 December 2024.

2. The current crisis in Palestinian territories is not a stand-alone phenomenon; it is the result of decades of occupation by the Israeli regime and horrendous violations of each and every principle of international law, in defiance of numerous international instruments, advisory opinions of the ICJ and the Palestinian people's inalienable right to self-determination.

3. Therefore, the question posed to the Court does not, in our view, address the root of the existing situation and only touches upon a fraction of countless violations committed, on a daily basis, by the Israeli occupying regime. With a view to accompanying the General Assembly in taking a step, however minuscule, in realization of the rights of the Palestinian people emanating from their right to self-determination, we decided to participate in the present proceedings.

1. The *sui generis* nature of the Palestinian issue

4. History of the persistent and blatant violation of each and every principle of international law by the Israeli regime in Palestine, its non-compliance with numerous resolutions of the United Nations Security Council and General Assembly, coupled with systematic violation of the rights of all Palestinians, persistent egregious violation of principles of the UN Charter, treaty and customary obligations as an occupying regime, has

made this case of prolonged occupation, from a legal perspective, a *sui generis* case.

5. The *sui generis* nature of the issue of Palestine also originates from the acknowledgment, by the international community, of the right of the self-determination of the Palestinian people, under prolonged foreign occupation.

6. The Israeli regime's occupation is associated with the term "prolonged" because the Israeli regime has occupied the Palestinian territories for more than seven decades, and that it is categorized as a prolonged occupation¹ as also referred to by the Court in the *Israeli practices* advisory opinion. In fact, it is the only "instance of a long-time Occupying Power openly recognizing that status."²

7. The unique tragic situation of the Israeli regime's occupation of Palestine has been marked by the former's persistent disregard for the UN Charter, international law, including international humanitarian law and international human rights law, as well as United Nations Security Council and General Assembly resolutions. The horrendous crimes committed by the Israeli regime and the violation of the right to self-determination of the Palestinian people have been confronted with the legitimate struggles of the latter in conformity with international law. As a result, the Palestinian people, including in Gaza, are currently deprived of all essential needs and cannot exercise their most rudimentary human rights emanating from international human rights law and international humanitarian law.

8. Furthermore, the prolonged occupation of the Palestinian territories by the Israeli regime as well as its brutality has become banalized, which has undermined the basic needs of the Palestinians. Therefore, the principles and the protection of international human rights and humanitarian law should apply cumulatively in such a situation in which

¹ ICJ, *Wall* advisory opinion (2004), Separate Opinion of Judge Elaraby.

² Koutroulis, V., "The Application of International Humanitarian Law and International Human Rights Law in Situation of Prolonged Occupation: Only a Matter of Time?", p. 171.

deterioration of the lives of civilians persists as a tangible anticipation. Hence, it is submitted that the cumulative application of international human rights law and international humanitarian law is necessary in the *sui generis* case of the Palestinian issue.

9. Thus, in presenting its views on the current question put to the Court, the Islamic Republic of Iran considers the *sui generis* nature of the topic.

II. Non-eligibility of the Israeli occupying regime to the membership of the United Nations from the outset

10. The Islamic Republic of Iran has consistently and unequivocally voiced the illegitimacy of the formation of such an entity as a subject under international law. The Israeli regime, having been illegitimately established from inception, has never been considered as a legitimate entity and thus it is submitted that its very membership to the United Nations is a manifest disregard for the purposes and principles of the United Nations as enshrined in the Charter. Furthermore, the unprecedented horrendous disregard for each and every fundamental principle of international law, in one way or another, by the Israeli occupying regime, calls into question, once again, the legitimacy of its so-called membership of the United Nations. Shredding the United Nations Charter by the Israeli regime in an official recorded United Nations meeting in broad daylight before the cameras speaks the truth about its ill intent with respect to the purposes and principles of the UN Charter as well as the obligations enshrined therein.

11. Declaring the United Nations Secretary-General “*persona non grata*”³ and using vituperative language against the United Nations by the Israeli occupying regime’s agents, including at the very session adopting the General Assembly resolution requesting the current advisory opinion describing the General Assembly’s decision as having “added a new act to

³ “Israel Declares UN Chief António Guterres *Persona Non Grata*”, Available at: <https://www.nytimes.com/2024/10/02/world/middleeast/israel-guterres-un-ban-persona-non-grata.html>.

the circus”,⁴ are very much indicative of the Israeli regime’s incapacity and disqualification in the international community.

III. Jurisdiction of the Court to render the advisory opinion requested

12. Article 65 (1) of the Statute of the Court, owing from Article 96 of the UN Charter, clearly states that “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”.

13. The above is confirmed not only by the very text of the Statute and Rules of the Court, but also by the Court’s jurisprudence, in particular, given the past two advisory opinions of 9 July 2004 and 19 July 2024 in the Wall and Policies and Practices cases respectively. It is therefore submitted that the Court’s jurisdiction is established in the present case, and that there are no compelling reasons for the Court not to exercise its jurisdiction.

IV. Obligations violated by the Israeli regime under international law

14. The Israeli occupying regime has breached its obligations, among others, under international humanitarian law as well as international human rights law:

A. Violation of international humanitarian law

15. Actions and omissions of the Israeli occupying regime have amounted to gross and systematic violation of international humanitarian law including Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War

⁴ See Official Records of the 54th plenary meeting of the United Nations General Assembly held on 19 December 2024, contained in document A/79/PV.54, p. 47; available at: <https://documents.un.org/doc/undoc/gen/n24/410/09/pdf/n2441009.pdf>.

on Land, The Hague, 18 October 1907 (the Hague Regulations) as well as the Geneva Convention relative to the Protection of Civilian Persons, in Time of War of 12 August 1949 (the Fourth Geneva Convention) 5, besides customary international humanitarian law.

16. Under the law of belligerent occupation, the occupying regime is obliged to carry out certain measures with a view to ensuring and facilitating the unhindered provision of urgently needed supplies essential to the survival of the civilian population as well as of basic services and humanitarian and development assistance as underlined in the question posed to the Court.

17. These obligations require that the occupying regime ensure the essential needs of the civilian population under international humanitarian law whether from its own end or through the presence and activities of the United Nations, its agencies, other humanitarian organizations or third States are met.

B. Violation of international human rights law

18. The Palestinian people in Gaza have been deprived of the basic necessities essential to their survival contrary to their inalienable right to self-determination and relevant specific human rights. Apart from deliberate targeting of civilians and protected persons, wanton destruction of homes, schools, hospitals, fuel and energy structures, by the Israeli

⁵ Articles 43, 48 and 56 of the **Hague Regulations (1907)** as well as Articles 23, 33, 47, 50, 53, 55, 56, and 62 of the **Fourth Geneva Convention** unequivocally account for the obligations of the Israeli occupying regime to cooperate with the United Nations, its agencies and bodies, other international organizations and third States to provide the civilian population in Palestine access to urgently needed supplies essential to their survival. It is recalled that according to the legal maxim "*quando lex aliquid alicui, concedit, concedere videtur id sine quo res ipsa esse non potest*", whoever grants a thing is deemed also to grant that without which the grant itself would be of no effect. Therefore, the obligation to cooperate with the abovesaid international organizations and third States contains activities and presence of the same due to the unique and exceptional character of the prolonged occupation of the Palestinian territories by the Israeli occupying regime.

occupying regime, the prolonged siege imposed by the Israeli regime has led to the deprivation of the civilians in Gaza of their most fundamental human rights.

19. Even before October 2023, two-thirds of Gaza's inhabitants required external aid to meet their nutritional needs as a result of Israel's blockade. Now, almost everyone left in Gaza requires assistance,⁶ but the Israeli regime's checkpoints and bombardment threaten its delivery.⁷

20. Many children have died of malnutrition or dehydration, alarming the start of a new phase of mortality through starvation.⁸ In southern Gaza, where limited aid is more accessible, rates of infant malnutrition have doubled in the last month, and severe wasting has increased fourfold.⁹ Formula milk and clean water are scarce, and under-nutrition and dehydration have led to insufficient milk supply among lactating parents.¹⁰

21. Such catastrophic conditions in Gaza require scrutiny of extensive and consistent human rights violations by the Israeli occupying regime, in particular, in terms of the specific rights to life, food, water, and health. It

⁶ World Food Programme (WFP) deputy chief WARNS Security Council of imminent famine in northern Gaza unless conditions change. World Food Programme, 2024; Available at: <https://www.wfp.org/news/wfp-deputy-chief-warns-security-council-imminent-famine-northern-gaza-unless-conditions-change>; [Accessed 23 February 2025].

⁷ Gupta G, Shao E, et al., "Why isn't more aid getting to Gazans?" The New York Times 2024. Available at: <https://www.nytimes.com/interactive/2024/03/20/world/middleeast/gaza-aid-delivery.html>, [Accessed 23 February 2025]; see also Saleh H. Starvation stalks children of northern Gaza, 2024. Available: <https://www.ft.com/content/d236431b-b9bd-4d6c-b5a1-de36a7a0cf5c>; [Accessed 23 February 2025].

⁸ OHCHR. "Gaza: halt the war now to save children from dying of imminent famine, UN committee WARNS", Available at: <https://www.ohchr.org/en/press-releases/2024/03/gaza-halt-war-now-save-children-dying-imminent-famine-un-committee-warns>; [Accessed 23 February 2025].

⁹ UNICEF, "Acute malnutrition has doubled in one month in the north of Gaza strip: UNICEF", UNICEF, 2024. Available at: <https://www.unicef.org/press-releases/acute-malnutrition-has-doubled-one-month-north-gaza-strip-unicef>; [Accessed 23 February 2025].

¹⁰ Williams J. Inews.Co.UK. 2023. "My baby is crying constantly": Gaza runs out of milk formula as infants starve", Available at: <https://inews.co.uk/news/world/baby-crying-constantly-gaza-milk-formula-2731293>. [Accessed 23 February 2025].

is submitted that obstruction of humanitarian aid from the United Nations, its agencies and bodies, other international organizations and third States have led to the violation of the above rights.

22. It is further submitted that the willful obstruction of humanitarian aid in Gaza as well as commission of international crimes, including genocide, ethnic cleansing and war crimes have appeared as a bar to humanitarian aid in Palestinian territories and particularly in Gaza.

V. Obligations of the United Nations and third States towards the Palestinian people to ensure their presence and activities in Palestine

23. The ICJ has opined that the Palestinian people have the right to self-determination,¹¹ the prolonged character of the Israeli regime's unlawful policies and practices aggravates their violation of the right of the Palestinian people to self-determination,¹² and that "the sustained abuse by [the Israeli regime] of its position as an occupying regime [...] through an assertion of permanent control over Palestine and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders the presence of the [Israeli regime] in Palestine unlawful".¹³

24. In *Policies and Practices* advisory opinion, the ICJ further stated that "all States are under an obligation not to recognize as legal" the situation arising from the unlawful presence of the Israeli occupying regime in Palestine "and not to render aid or assistance in maintaining the situation created by the continued presence of [the Israeli occupying regime] in Palestine. The Court also opined that "the United Nations, and specially the General Assembly, as well as the Security Council, should consider the precise modalities and further action to bring to an end as rapidly as

¹¹ *Wall Opinion*, pp. 182-183, para. 118.

¹² *Ibid.*, p. 68, para. 243.

¹³ *Ibid.*, p. 72, para. 261.

possible the unlawful presence of [the Israeli occupying regime] in Palestine”.¹⁴

25. Furthermore, the right to self-determination of peoples under foreign occupation has been recognized by the Court as a rule of *erga omnes*. This obliges all the members of the international community, *i.e.* the United Nations and member States, to recognize the self-determination of the Palestinian people. It is further submitted that this imposes an obligation upon the United Nations and third States to provide the Palestinian people humanitarian assistance in order to protect their rights emanating from self-determination. This includes their *presence* and *activities* in the Palestinian territories to ensure the rights of the Palestinian people to life, food, water, and health, among others.

26. Additionally, Article 1 (3) of the United Nations Charter prescribes a purpose of the Organization to be “to achieve international cooperation in solving problems of a[n]... humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all [...]”.

27. In the same context, Article 55 stipulates that the United Nations must promote, among others, “higher standards of living, [...], conditions of economic and social progress and development, solutions of international economic, social, health, and related problems; [...] universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”. In tandem with the same, Article 56 underlines the pledge of all Members “to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55”.

28. The United Nations, and in particular, the UNRWA, have been obstructed by the Israeli occupying regime in their efforts associated with higher standards of living and conditions of economic and social

¹⁴ ICJ, Advisory Opinion on Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, p. 79, para. 285.

development as well as solutions of international health problems associated with the people of Gaza. The current proceedings, including the present written statement, in its relevant sections, highlight the Israeli occupying regime's affront with the United Nations and its agencies.

29. It follows that, under the above Article 56, States are under an obligation to assist the United Nations, in particular, "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".

Conclusion

30. To sum up, in view of the *sui generis* nature of the Palestinian issue, due to the prolonged occupation of Palestinian territories and the concurrent commission of international crimes, a decades-long siege imposed on the Gaza Strip, we request the Court to provide innovative solutions and effective responses to alleviate the sufferings and plight of the Palestinian people by ensuring the presence and activities of the United Nations, its agencies and bodies, other international organizations as well as States in Palestinian territories.

All the above is without prejudice to the long-standing position of the Islamic Republic of Iran concerning the non-recognition of the Israeli regime.