

COUR INTERNATIONALE DE JUSTICE INTERNATIONAL COURT OF JUSTICE

INTERNATIONAL COURT OF JUSTICE

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)

COMMENTS SUBMITTED ON BEHALF OF
THE SECRETARY-GENERAL OF THE UNITED NATIONS

I. Introduction

1. The Deputy-Registrar of the International Court of Justice (“the Court”), by his letter dated 28 August 2025 to the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, transmitted copies of the documents which the Court received from the State of Palestine and the State of Israel following the Court’s request for explanations of 13 August 2025, and conveyed that “any comments the United Nations may wish to make on these submissions should be filed no later than 8 September 2025.”

2. The present comments are filed, pursuant to the letter mentioned above, to supplement the communication dated 27 August 2025 submitted to the Court on behalf of the Secretary-General of the United Nations.

II. Humanitarian principles

3. As mentioned in the explanations dated 27 August 2025 submitted to the Court on behalf of the Secretary-General of the United Nations, the United Nations has remained central to the humanitarian response in the Gaza Strip, where it conducts its essential humanitarian mandate guided by the four humanitarian principles – humanity, neutrality, impartiality and independence – in line with General Assembly resolution 46/182 of 19 December 1991 entitled “Strengthening of the coordination of humanitarian emergency assistance of the United Nations” and other resolutions of the United Nations.

4. These humanitarian principles guide all aspects of the work of United Nations entities carrying out humanitarian activities, including in the Gaza Strip. The fact that the United Nations bases its humanitarian activities on these principles should not, in any circumstance, be characterized as an obstacle to humanitarian assistance.

5. United Nations entities undoubtedly qualify as an “impartial humanitarian organization” under Article 59, second paragraph, of the Fourth Geneva Convention. As underlined in previous submissions by the United Nations, as long as part of the population of an occupied

territory is inadequately supplied, the occupying Power is required to agree to the relief schemes of such United Nations entities and facilitate them by all the means at its disposal (Article 59, first paragraph, Fourth Geneva Convention).

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

7. As mentioned on previous occasions in the present advisory proceedings, the United Nations considers very seriously any credible allegations against the Organization. In instances where Member States have concerns regarding the conduct of United Nations personnel, in line with the legal framework applicable to the United Nations pursuant to the Charter of the United Nations and the 1946 Convention on the Privileges and Immunities of the United Nations, such concerns must be brought to the attention of the Organization so that the matter may be considered by the United Nations in line with its legal framework.

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

9. However, the ability of the United Nations to further inquire into such allegations depends on the full cooperation of Member States, including the provision of relevant documents and materials, without which the Organization may not have sufficient basis to take further action in specific cases. In this regard, Member States are requested to provide the Secretariat with all evidence supporting the allegations.

III. Information concerning the humanitarian situation in the Occupied Palestinian Territory, including the Gaza Strip

10. Throughout the present advisory proceedings, the Secretariat has presented information describing the humanitarian situation in the Occupied Palestinian Territory, specifically in the Gaza Strip, since October 2023. The Secretariat has relied primarily on information collected directly by United Nations entities and other entities which are part of the broader United Nations system operating in the Gaza Strip and information collected from other sources and reported by the entities mentioned above.¹ However, due to the varying and limited access to parts of the Gaza Strip during the hostilities, United Nations entities reporting on the situation have had to adjust their reporting methodology. Where they have relied on information provided by other sources, this would be done with the appropriate attribution and clarification.²

¹ With respect to the reporting of aid deliveries to the Gaza Strip, the scope of information covered in reports of United Nations entities has depended on their ability to monitor the arrival of trucks at the crossings. From October 2023 to May 2024, United Nations entities reported on both humanitarian and commercial truckloads, based on information collected by United Nations monitors physically present on the Gaza Strip side of the crossings. Between 7 May 2024 and the ceasefire in January 2025, the United Nations was generally unable to monitor commercial truckloads and therefore reported only on humanitarian truckloads, with weekly snapshots carrying a corresponding disclaimer. See <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-8-january-2025>. By contrast, the crossings dashboard (online platform maintained by OCHA, UNRWA and WFP and presenting data in truckloads as recorded by UNRWA and WFP) continued to reflect both humanitarian and commercial truckloads, the latter based on available, albeit incomplete, information provided by humanitarian partners. For example, for the period from May to September 2024, the dashboard indicates approximately 18,000 truckloads in total, compared with some 11,000 when limited to humanitarian consignments. See: <https://app.powerbi.com/groups/me/reports/0fde50da-0915-4a0f-8f54-eb22907d9148/ReportSection?ctid=0f9e35db-544f-4f60-bdcc-5ea416e6dc70&experience=power-bi&bookmarkGuid=c7478e06-a4dc-42b3-bfb2-7e81105a0e09>. Since the resumption of limited aid entry into the Gaza Strip on 19 May 2025, the mechanism established pursuant to Security Council resolution 2720 (2023) has been monitoring and reporting on the number of humanitarian consignments entering the Gaza Strip processed through the mechanism, based on information collected on-the-ground by United Nations monitors and by humanitarian partners. See: <https://app.un2720.org/tracking>.

² As far as the number of United Nations personnel who have died in the Gaza Strip is concerned, the United Nations reports only those fatalities that have been verified by the Organization itself. See footnote 39 of the explanations to the Court of 27 August 2025, which clarifies how these figures are adjusted after additional information is verified and confirmed. As far as the fatality figures for other deaths are concerned, United Nations reports such figures, attributing the source of information to the authorities in the Gaza Strip, due to the limited access by United Nations entities to and within the Gaza Strip and in the absence of independently verified figures or alternative sources. Since early 2024, in addition to providing figures for the total number of fatalities, United Nations entities have included age and gender breakdowns of those fatalities. See <https://www.un.org/unispal/document/hostilities-in-the-gaza-strip-and-israel-reported-impact-day-159-ocha-14mar24/> and <https://reliefweb.int/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-reported-humanitarian-impact-8-may-2024-1500>.

11. The Secretariat has consistently referred to the obligation of the occupying Power to agree to relief schemes on behalf of the population of an occupied territory and to facilitate them by all the means at its disposal, if the whole or part of such population is inadequately supplied.³

12. In order to properly assess whether part of the population of the Occupied Palestinian Territory, including the Gaza Strip, is inadequately supplied, it has been necessary to ascertain the overall needs of the population of the Occupied Palestinian Territory, including the Gaza Strip, and the extent to which such needs are met. Such an analysis would consequentially clarify whether any part of the population is inadequately supplied. In preparing materials for submission to the Court, particularly in response to the questions put by Vice-President Sebutinde and by Judge Gómez Robledo at the end of the oral proceedings and to the Court's request of 13 August 2025, the Secretariat has taken into account such considerations and has, therefore, made conscious efforts to include information concerning the overall needs of the population of the Gaza Strip and the extent to which such needs are met. It is recalled that the dossier of documents likely to throw light upon the question formulated by the General Assembly in its resolution 79/232 of 19 December 2024, which was submitted by the Secretariat to the Court on 30 January, 10 and 20 February, and 19 March 2025, further includes a number of documents which contain information concerning the overall needs of the population of the Gaza Strip and the extent to which such needs are met.

13. The population in the Gaza Strip continues to be inadequately supplied. The information concerning the specific quantity of humanitarian assistance which was delivered in the Gaza Strip (e.g. numbers of trucks, tons of food, water and medical equipment, and number of meals) is not sufficient to ascertain whether the population of the Occupied Palestinian Territory, including the Gaza Strip, is adequately supplied. Such information should be considered in the context of the overall needs of the population in the Gaza Strip, (e.g. the total amount of food that is required every month to cover basic food assistance needs, the total amount of essential

³ Written statement dated 27 February 2025 submitted on behalf of the Secretary-General of the United Nations, section III (b) (ii); oral statement dated 28 April 2025 presented on behalf of the Secretary-General of the United Nations, paras. 17-26; explanations dated 27 August 2025 submitted on behalf of the Secretary-General of the United Nations, paras. 44 and 45.

drugs that should be in stock, the total amount of diesel that is required to carry out humanitarian operations).

The above comments are hereby submitted to the International Court of Justice on behalf of the Secretary-General of the United Nations.

New York, 8 September 2025



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