

DECLARATION OF THE INSTITUTE OF INTERNATIONAL LAW ON THE PRESENT SITUATION IN THE MIDDLE EAST

1. In accordance with its Statutes, the Institute acts “by contributing, within the limits of its competence, to the maintenance of international peace and security and to the respect for the law applicable in case of armed conflict”. Building on a tradition that earned it the Nobel Peace Prize in 1904, and inspired by its relevant resolutions and declarations,¹ the Institute considers that, in the present context of the situation in the Middle East, it is its duty to recall the need for unconditional respect for international law, particularly its fundamental principles and all rules of international humanitarian law.
2. The Institute recalls that acts such as murder, deprivation of liberty, enforced disappearance of persons, deportation or forcible transfer of population, as part of a widespread or systematic attack directed against any civilian population, with the knowledge of the attack, constitute crimes against humanity.
3. The international community has repeatedly condemned terrorism in all its forms and manifestations, whatever the motivations given. Terrorist acts constitute an attack on basic rules of human coexistence, is one of the most serious threats to international peace and security, and are prohibited both in domestic legal systems and in international law.
4. The Institute recalls that, where the right of self-defense is applicable, the conditions required by international law, such as necessity and proportionality, must be respected.

¹ “The application of international humanitarian law and fundamental human rights in armed conflicts involving non-state entities” (Berlin, 1999); “Bruges Declaration on the Use of Force (Bruges, 2003); “Universal jurisdiction in criminal matters with regard to the crime of genocide, crimes against humanity and war crimes (Cracow, 2005); “Current problems of the use of force in international law - Self-defense” (Santiago, 2007); “Angers Declaration for the 150th anniversary of the Institute of International Law – Justitia et Pace” (Angers, 2023).

5. The Institute recalls that any military operation *ipso facto* entails the application of all international humanitarian law, including the rules relating to occupation, as well as all other rules applicable in times of armed conflict. In particular, the taking of hostages, armed reprisals, indiscriminate attacks against civilian populations, attacks against hospitals (unless they are used to commit acts harmful to the enemy and after due warning naming a reasonable time limit), the use of human shields, are prohibited by international humanitarian law. Health, hygiene, safety and nutrition conditions for civilian populations must be ensured, as well as preferential treatment for children.
6. As Article 1 common to the four Geneva Conventions of 1949 on the law of armed conflict prescribes, all State Parties, whether parties to hostilities or not, undertake to respect and to ensure respect for their provisions in all circumstances.
7. The Institute recalls that violations of international obligations engage the responsibility of States and that persons responsible for international crimes defined by international law are likely to be prosecuted and sentenced in accordance with the law in force.
8. Faithful to its motto “*Justitia et Pace*”, the Institute emphasizes the need to find a just and peaceful settlement of all international disputes, based on the respect for the fundamental principles of international law, such as:
 - the prohibition of the threat or use of force in international relations, either against the territorial integrity or political independence of any State, or in any other manner incompatible with the purposes of the United Nations;
 - equal rights of peoples and their right to self-determination;
 - the peaceful settlement of disputes, in such a way that international peace and security as well as justice are not endangered;
 - universal and effective respect for human rights.
9. The Institute of International Law expresses its solidarity and compassion with all the victims and their bereaved families. It calls upon all parties to the conflict to respect international law, putting an end to hostilities, releasing all hostages, allowing civilian populations to be spared from violence and to live with dignity and security, guaranteeing all peoples the exercise of their right to self-determination, including the

right of the Palestinian people as proclaimed and recalled by the United Nations, with two States, Israel and Palestine, living in peace within secure borders.

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