

# District Court Reaffirms Immunity of UN Subsidiary Organs Under U.S. Law

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**Introduction.** In a significant decision for U.S. law on international organization privileges and immunities, a federal district court in the Southern District of New York [has held](#) that the United Nations Relief & Works Agency (“UNRWA”), as a subsidiary organ of the United Nations, is entitled to absolute immunity in the United States under the Convention on the Privileges and Immunities of the United Nations (the “General Convention”). In reaffirming this immunity, the court rejected the Trump administration’s argument that UNRWA fell outside the ambit of the General Convention because it was not, in fact, a subsidiary organ of the UN.

In this Client Update, we provide an overview of recent jurisprudence on international organization privileges and immunities in the United States and consider the significance of the recent decision for the UN system.

**Recent Developments in the United States.** The U.S. law of international organization privileges and immunities has been in flux since at least 2019, when the Supreme Court held in [Jam v. International Finance Corporation](#) that the International Organization Immunities Act (“IOIA”)—the main statutory source of privileges and immunities in the United States—entitles designated organizations to immunity only to the same extent as that afforded to foreign governments. *Jam* reversed the commonly held understanding that international organizations were entitled to *absolute* immunity under the IOIA and instead linked the scope of their immunity to the Foreign Sovereign Immunities Act (“FSIA”), which includes several exceptions to immunity, including for commercial activity, certain noncommercial torts and allegations of material support for terrorism.

Although *Jam* narrowed the scope of immunity for many international organizations, it was thought to have little practical impact on the UN’s principal and subsidiary organs, as the General Convention provides an independent basis for their absolute immunity. The General Convention has been held to be directly enforceable in the United States without implementing legislation from Congress, and to thus “unequivocally grant[]

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the United Nations absolute immunity without exception.”<sup>1</sup> The U.S. government has consistently endorsed this view before U.S. courts, intervening “in accordance with the United States’ treaty obligations” in support of the UN’s immunity.<sup>2</sup>

But the scope of the General Convention’s application was called into question in April 2025, when the U.S. Department of Justice (“DOJ”) took the surprising position that UNRWA was not the type of entity covered by the General Convention. In a [letter](#) to the federal district judge sitting in *Estate of Tamar Kedem Siman Tov v. UNRWA et al.*, DOJ reversed the Biden administration’s prior [intervention](#) in the case and challenged UNRWA’s very status as a *subsidiary organ* entitled to immunity under the General Convention.

In its letter, DOJ reasoned that UNRWA operates more like a UN *specialized agency* than a subsidiary organ, including because the UN purportedly does not control its “*day-to-day activities*.” And according to DOJ and the plaintiffs, none of the bases on which a UN specialized agency might be afforded protection under U.S. law are available here because (i) unlike some UN specialized agencies, UNRWA has not been specifically designated as an IO under the IOIA and (ii) the United States is not party to the Convention on the Privileges and Immunities of the Specialized Agencies, the multilateral treaty that provides privileges and immunities to those entities.

**The District Court’s Decision.** On September 30, 2025, the district court rejected this argument. In a 26-page opinion, the court confirmed (i) that the General Convention, which is “binding on the United States as a matter of international law”, granted absolute immunity to the UN and its subsidiary organs and (ii) that UNRWA was indeed a subsidiary organ of the UN entitled to such immunity.

With regard to UNRWA’s status as a subsidiary organ, the court found that none of the evidence proffered—including of UNRWA’s formation history, operational structure or day-to-day activities—supported an inference that UNRWA operates as a UN specialized agency or that it was ever considered as such within the UN system. Accordingly, it found that UNRWA, along with the agency officials named as co-defendants in the suit,

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<sup>1</sup> *Brzak v. United Nations*, 597 F.3d 107, 111–12 (2d Cir. 2010). (Debevoise was counsel to the United Nations in *Brzak*.)

<sup>2</sup> Letter from Damian Williams, U.S. Attorney for the Southern District of New York, to Hon. Analisa Torres regarding *Estate of Tamar Kedem Siman Tov v. UNRWA*, 24 Civ. 4765 (AT), dated July 30, 2024, p. 1 (Biden administration writing in support of UNRWA’s immunities). See also similar statements from prior administrations, e.g., in *LaVenture et al. v. United Nations et al.* (2d Cir. 2018) (first Trump administration); *Georges v. United Nations* (2d Cir. 2016) and *Sadikoglu v. United Nations Development Programme* (SDNY 2011) (Obama administration).

were immune under the General Convention, and dismissed the plaintiffs' claims in their entirety.

Because the court found clear support for UNRWA's immunity under the General Convention, it did not consider the application of any "alternative grants of immunity" to UNRWA under the IOIA. In particular, it declined to rule on the argument—raised in a footnote of the DOJ letter—that UNRWA was not "currently eligible for designation under the IOIA" in light of President Trump's February 2025 executive order withdrawing U.S. funding to the agency. However, citing to Second Circuit precedent in *Brzak* and the district court in *Sadikoglu*, the court reaffirmed that where, as here, the General Convention applied, the scope of immunities applicable to other international organizations under the IOIA was not relevant,<sup>3</sup> and that "to the extent there exists any conflict between the [General Convention] and the FSIA as it relates to [a UN subsidiary organ's] immunity, the [General Convention] would control."<sup>4</sup>

It is not yet clear whether the plaintiffs will appeal the decision to the Court of Appeals for the Second Circuit.



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<sup>3</sup> Citing *Brzak*, at 112.

<sup>4</sup> Quoting *Sadikoglu*, 2011 WL 4953994, at \*5.

