

**INTER
MUN**
2024



UNITED NATIONS



INTERNATIONAL COURT OF JUSTICE

BACKGROUND

**“LEGAL CONSEQUENCES ARISING FROM THE
POLICIES AND PRACTICES OF ISRAEL IN THE
OCCUPIED PALESTINIAN TERRITORY,
INCLUDING EAST JERUSALEM”**

“(SOUTH AFRICA V. ISRAEL)”

WELCOME

Advocates, Judges,

Welcome to the International Court of Justice of the 2024 Jesuit School System's Model United Nations (INTERMUN) presented by Instituto Cultural Tampico.

The Court Chair expresses profound gratitude for your esteemed participation in our Court and your keen interest in the selected debate topic within the Court's jurisdiction. We trust that your experience as a judge or advocate will be both enjoyable and enriching, and it is an honor for us to preside over this exceptional Court.

The topic that the Chair chose this year are The Legal Consequences Arising From The Policies and Practices of Israel in The Occupied Palestinian Territory, Including East Jerusalem.

The Head of The Court recognizes the courage you have shown by choosing the International Court of Justice for finding a course of action for the peacekeeping between Israel and Palestine.

We once again extend our sincere appreciation for your invaluable contribution to this Court. We extend our best wishes and deepest thanks.

Sincerely

- The Chair of the International Court of Justice.

President: Viviana Martínez Assad
Moderator: Gustavo Azuara Gómez
Secretary: Axel Pérez Hernández

TABLE OF CONTENTS

HISTORY OF THE COURT

INTRODUCTION

HISTORICAL BACKGROUND

OBJECTIVE

DELEGATIONAL JUDGES

ADVOCATES

BIBLIOGRAPHY

HISTORY OF THE COURT

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). It was established in June 1945 by the Charter of the United Nations and began work in April 1946.

The seat of the Court is at the Peace Palace in The Hague (Netherlands). Within the six principal organs of the United Nations, it is the only one not located in New York (United States of America).

The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.

The creation of the Court represents the culmination of a long process of developing methods for the pacific settlement of international disputes, the origins of which can be traced back to classical times.

Article 33 of the United Nations Charter lists the following methods for the pacific settlement of disputes between States: negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, which should also be added to good offices. Some of these methods involve the services of third parties. For example, mediation places the parties to a dispute in a position in which they can themselves resolve their dispute thanks to the intervention of a third party. Arbitration goes further, in the sense that the dispute is submitted to the decision or award of an impartial third party, so that a binding settlement can be achieved. The same is true of judicial settlement (the method applied by the International Court of Justice), except that a Court is subject to stricter rules than an arbitral tribunal, particularly in procedural matters.

INTRODUCTION

The United Nations has played a significant role in addressing the enduring conflict between Israel and Palestine, and the UN has been actively involved in seeking a peaceful resolution to the Israeli-Palestinian conflict.

On 7 October 2023, Palestinian armed groups in Gaza launched thousands of rockets toward Israel and breached through the perimeter fence of Gaza at multiple locations, entering into Israeli towns and killing and capturing Israeli forces and civilians. The Israeli military declared “a state of war alert,” and began striking targets in the Gaza Strip, including residential buildings and health care facilities. Since then, thousands of people have been killed and more than one million have been displaced, as parts of Gaza have been reduced to rubble.

Since 1967, Israel’s policies and practices in the Occupied Palestinian Territory (oPt) have been blighting Palestinian society, economy, and environment. They are at the core of Israel’s overarching strategy of fragmentation of the Palestinian people, to maintain domination over them and prevent and pre-empt any challenge to the “Jewish character” of the State of Israel. In maintaining a military occupation and preventing establishment of a viable Palestinian state in line with international law, these policies and practices and their repercussions flagrantly negate equality in rights between Israelis and Palestinians.

Israel’s policies and practices in the occupied Palestinian Territory constitute a matrix of control and domination, that seeks to control the land and dominate the people; a matrix comprising policies and practices that, in violation of international law, have fragmented the Palestinian people and the occupied territory and eviscerated the economy rendering it asymmetrically dependent on Israel. A rights-based approach to development and relief efforts grounded in human rights and international law is therefore called for.

In the ongoing conflict between Israel and Hamas, international justice is being summoned, with several complaints lodged at the International Criminal Court (ICC) following the 7 October attack by Hamas in Israel and the response by Israeli Defense Forces in Gaza.

Public hearings have also been set for February 2024 by the International Court of Justice (ICJ) on the “legal consequences arising from Israel’s policies and practices in the Occupied Palestinian Territory, including East Jerusalem,” within the framework of a request for an advisory opinion prior to the current conflict, emanating from the United Nations General Assembly.

The ICC has announced its intention to investigate possible war crimes committed in both Israel and Gaza, through its prosecutor, the British Karim Kahn.

During his visit to the Rafah crossing point on 29 October, located between Egypt and the Gaza Strip, Karim Khan stated in his declaration that “hostage-taking is a serious violation of the Geneva Conventions,” and called for the release of the 239 individuals held by Hamas.

He also reminded Israel of its “obligation to comply with the laws of armed conflict,” stating that “impeding relief supplies may constitute a crime”. Referring to the presence of military advocate generals within the Israeli army, he declared: “They will need to demonstrate that any attack, any attack that impacts innocent civilians or protected objects, must be conducted in accordance with the laws and customs of war, in accordance with the laws of armed conflict.

And I want to be quite clear so there’s no misunderstanding: In relation to every dwelling house, in relation to any school, any hospital, any church, any mosque – those places are protected, unless the protective status has been lost. And I want to be equally clear that the burden of proving that the protective status is lost rests with those who fire the gun, the missile, or the rocket in question.”

In 2021 the ICC had already opened an investigation into crimes committed within what it calls the “situation in Palestine,” starting from 13 June, 2014 (Gaza War, operation “Protective Edge”).

However, Israel is not among the 139 States that have signed the Rome Statute and disputes the ICC’s competence. On its part, the State of Palestine ratified the Rome Statute in 2015 and seized the ICC. It ruled in 2021 that its “territorial jurisdiction extends to the territories occupied by Israel since 1967, namely Gaza, the West Bank, and East Jerusalem.”

The International Court of Justice (ICJ), competent to deal with disputes between states, released a statement on 23 October regarding a request for an advisory opinion submitted on 30 December 2022 by a resolution of the United Nations General Assembly prior to the outbreak of the current conflict.

This resolution, adopted by 87 states, with 53 abstentions and 26 votes against, concerns the “legal consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem.”

The International Court of Justice (ICJ) began hearing arguments in South Africa’s genocide case against Israel Thursday, setting off the most significant international challenge yet to Israel’s war in Gaza.

Under international humanitarian law, proving allegations of genocide is incredibly difficult. And even if South Africa does prove that Israel is committing genocide — or that it is failing to prosecute incitement to genocide or prevent genocide from occurring — ICJ decisions aren't necessarily easy to enforce. But these initial arguments aren't yet entering that complicated territory. Instead, they're about whether the ICJ will issue a preliminary order for Israel to stop its onslaught in Gaza immediately; the Court will rule on that issue after hearing arguments from South Africa and Israel Thursday and Friday. Though Israel could ignore that ruling if it's issued, it could make Israel's allies less inclined to support the war.

The ICJ has scheduled public hearings for 19 February 2024 in The Hague, following the receipt of written reports from numerous states. The two specific questions posed by the UN General Assembly to the ICJ are as follows:

“What are the legal consequences arising from the ongoing violation by Israel of the right of the Palestinian people to self-determination, from its prolonged occupation, settlement and annexation of the Palestinian territory occupied since 1967, including measures aimed at altering the demographic composition, character and status of the Holy City of Jerusalem, and from its adoption of related discriminatory legislation and measures?”

“How do the policies and practices of Israel affect the legal status of the occupation, and what are the legal consequences that arise for all States and the United Nations from this status?”

Israel disputes the ICJ's jurisdiction over this matter. The request for an advisory opinion stems from a report published in October 2022 by a commission of inquiry mandated by the UN Human Rights Council and led by South African judge Navanethem Pillay. The report concluded that “There are reasonable grounds to conclude that the Israeli occupation of Palestinian territory is now unlawful under international law due to its permanence and the Israeli Government's de-facto annexation policies”. The document was described as “partial and biased, disqualified by its hatred for the State of Israel” by the Israeli Ministry of Foreign Affairs.

The Israeli-Palestinian conflict is driven by several factors: ethnic, national, historical, and religious. This brief essay focuses on the religious dimension of the conflict, which both historical and recent events suggest lies at its core. That much is almost a truism. What is less often appreciated, however, is how much religion impacts the identity of actors implicated in this conflict, the practical issues at stake, and the relevant policies and attitudes -- even of non-religious participants on both sides.

HISTORICAL BACKGROUND

On January 7, Israel announced it had successfully destroyed the fighting force of Hamas in northern Gaza and is shifting its focus to the central and southern parts of the territory. Almost two million Gazans, more than 85 percent of the population, have fled their homes since Israel began its military operation. Attacks on medical infrastructure and a lack of basic supplies have reduced the number of functioning hospitals to only nine, all of which are in the south, and the World Health Organization has warned of disease spread in addition to mounting civilian casualties. Meanwhile, the United States is conducting shuttle diplomacy amid simmering regional tensions. Israel has killed Hezbollah fighters in Lebanon, and increased its air strikes against alleged Iran-linked targets in Syria. Iran-backed groups have launched dozens of attacks on U.S. military positions in Iraq and Syria, and Yemen's Houthi rebels have targeted missiles at Israel and commercial ships in the Red Sea.

Following the outbreak of war between Israel and Hamas on October 7, 2023, President Joe Biden made a strong statement of support for Israel. On the same day that Israel declared war against Hamas, the United States announced that it would send renewed shipments of arms and move its Mediterranean Sea warships closer to Israel. While the UN Security Council called an emergency meeting to discuss the renewed violence, the members failed to come to a consensus statement. Given the history of brutality when Israel and Palestinian extremist groups have fought in the past, international groups quickly expressed concern for the safety of civilians in Israel and the Palestinian territories as well as those being held hostage by militants in Gaza. In the first month of fighting, approximately 1,300 Israelis and 10,000 Palestinians were killed. Increasing loss of life is of primary concern in the conflict.

While the United States said there was "no direct evidence" that Iranian intelligence and security forces directly helped Hamas plan its October 7 attack, Iran has a well-established patronage relationship with Hamas and other extremist groups across the Middle East. Israel has exchanged artillery fire with Iran-backed Hezbollah almost daily and struck Syrian military targets and airports, prompting concern that the war could expand north. To the south, Yemen's Houthi rebels have launched multiple rounds of missiles at Israel as well. Meanwhile, the Islamic Resistance of Iraq, a coalition of Iranian-backed militias, has claimed responsibility for dozens of attacks on U.S. military targets in Iraq and Syria since the war began.

A 2023 effort by the United States to help broker a normalization accord between Israel and Saudi Arabia was thrown into chaos by the October conflict. Saudi Arabia has long advocated for the rights and safety of Palestinian Arab

populations in Israel, the West Bank, and Gaza. Especially in Gaza, those populations are now in the path of IDF operations, jeopardizing the progress the Israelis and Saudis made toward a common understanding. However, the United States says the Saudis have indicated they are still interested in the deal.

The Balfour Declaration

The Israeli-Palestinian issue goes back nearly a century when Britain, during World War I, pledged to establish a national home for the Jewish people in Palestine under the Balfour Declaration. British troops took control of the territory from the Ottoman Empire at the end of October 1917.

The Balfour Declaration, issued by the British government in 1917, announced Britain's promise for a "national home for the Jewish people" in Palestine, which was then under the rule of the Ottoman Empire. The promise appeased the Zionist movement, who believe in a Jewish right to the land of Jerusalem -- or Zion.

Following the end of World War I, the region of Palestine was conceded by the Ottoman Empire and was placed under the rule of the British via a mandate from the League of Nations.

Jewish Immigration to Palestine

A large-scale Jewish migration to Palestine began, accelerated by Jewish people fleeing Nazism in Europe. Between 1918 and 1947, the Jewish population in Palestine increased from 6 percent to 33 percent.

Palestinians were alarmed by the demographic change and tensions rose, leading to the Palestinian revolt from 1936 to 1939. Meanwhile, Zionist organizations continued to campaign for a homeland for Jews in Palestine. Armed Zionist militias started to attack the Palestinian people, forcing them to flee. Zionism, which emerged as a political ideology in the late 19th century, called for the creation of a Jewish homeland.

The mandate was criticized for not taking into account the wants and needs of the Palestinians who resided in the land and wanted independence. Britain's promise, as well as Nazi persecution and the Holocaust during World War II, is cited as what led tens of thousands of Jewish civilians to migrate to Palestinian land into the 20s and 30s. Ongoing clashes between Palestinian Arabs and Jewish migrants in the region led to hundreds of deaths.

The UN Partition Plan

As violence ravaged Palestine, the matter was referred to the newly formed United Nations. In 1947, the UN adopted Resolution 181, which called for the partition of Palestine into Arab and Jewish states, handing over about 55 percent of the land to Jews. Arabs were granted 45 percent of the land, while Jerusalem was declared a separate internationalized territory.

The city is currently divided between West Jerusalem, which is predominantly Jewish, and East Jerusalem with a majority Palestinian population. Israel captured East Jerusalem after the Six-Day War in 1967 along with the West Bank – a step not recognised by the international community.

The Old City in occupied East Jerusalem holds religious significance for Christians, Muslims, and Jews. It is home to Al-Aqsa Mosque compound, which is known to Muslims as al-Haram al-Sharif and to Jews as Temple Mount. In 1981, the UN designated it a World Heritage Site.

In February 1947, the British proposed that the United Nations consider the future of Palestine and take over relations in the region amid ongoing tension. The United Nations later adopted a resolution to split Palestine into two independent states -- a "Jewish State" and an "Arab State" with Jerusalem under UN trusteeship, despite opposition from Palestinian Arabs of the region.

Jerusalem, a city with religious significance to many groups, would remain under international control administered by the United Nations. Palestinians refused to recognize the resolution, and violent conflict between both groups continued.

The Nakba

Leading up to Israel's birth in 1948, more than 750,000 Palestinians were ethnically cleansed from their homes by Zionist militias. This mass exodus came to be known as the Nakba or catastrophe.

A further 300,000 Palestinians were displaced by the Six-Day War in 1967. Israel declared the annexation of East Jerusalem in 1980, but the international community still considers it an occupied territory. Palestinians want East Jerusalem as the capital of their future state. The first yearslong uprising from Palestinian forces in their struggle for self determination began in 1987.

It ended in 1993, when Israel's then-Prime Minister of Israel Yitzhak Rabin, and then-leader of the Palestine Liberation Organization (PLO) Yasir Arafat signed the Oslo accords, which declared the PLO as a representative for the Palestinian people and recognized Israel's "right to exist in peace," according to the United States Department of State.

The Oslo Accords

In 1993, Palestinian leader Yasser Arafat and Israeli Prime Minister Yitzhak Rabin signed the Oslo Accords, which aimed to achieve peace within five years. It was the first time the two sides recognised each other.

A second agreement in 1995 divided the occupied West Bank into three parts – Area A, B and C. The Palestinian Authority, which was created in the wake of the Oslo Accords, was offered only limited rule on 18 percent of the land as Israel effectively continued to control the West Bank.

A second Intifada (2000) from Palestinian forces, which ended in 2005, led to the Palestinian people's autonomous control of the West Bank and Gaza. In 2005, Israel disengaged from the Gaza Strip, uprooting its settlements in the region. The following year, Hamas won an election to control the Gaza Strip, kicking out representatives of the PLO. The armed takeover of Gaza by Hamas in 2007 prompted Israel to impose a blockade on Gaza.

Israeli Settlements and Checkpoints

However, the Oslo Accords slowly broke down as Israeli settlements, Jewish communities built on Palestinian land in the West Bank, grew at a rapid pace.

The settlement population in the West Bank and East Jerusalem grew from approximately 250,000 in 1993 to up to 700,000 in September this year. About three million Palestinians live in the occupied West Bank and East Jerusalem.

The building of Israeli settlements and a separation wall on occupied territories has fragmented the Palestinian communities and restricted their mobility. About 700 road obstacles, including 140 checkpoints, dot the West Bank. About 70,000 Palestinians with Israeli work permits cross these checkpoints in their daily commute.

Settlements are considered illegal under international law. The UN has condemned settlements, calling it a big hurdle in the realization of a viable Palestinian state as part of the so-called “two-state solution”.

Blockade of Gaza

Israel imposed a blockade on Gaza in 2007 after the Hamas group came to power. The siege continues till date. Israel also occupies the West Bank and East Jerusalem – the territories Palestinians want to be part of their future state.

Israel imposed a total blockade on the Gaza Strip on October 9, cutting its supplies of electricity, food, water, and fuel in the wake of a surprise Hamas attack inside Israel. At least 1,200 people were killed in that attack. Following

the armed takeover, the surrounding countries of Israel and Egypt imposed a blockade on the Gaza Strip which greatly restricts the movement of people and goods into and out of the area.

These restrictions have been a concern of humanitarian groups around the world about the conditions in which Palestinians are forced to live. According to the European Commission, Palestinians are "denied adequate housing, access to services while subjected to forced evictions and movement restrictions."

"In Gaza, recurrent cycles of hostilities, greater divisions, and a blockade have considerably worsened people's living conditions," the European Civil Protection and Humanitarian Aid Operations states on its website.

Actual Israel and Palestine

Today, about 5 million Palestinians live in Gaza, the West Bank and East Jerusalem and 1.6 million Palestinians are citizens of Israel. This makes up about half of their total population. The other half lives in other countries, including Arab countries. There are about 14.7 million Jews around the world today, of which 84 percent live in Israel and the United States. The rest live in other countries including France, Canada, Argentina and Russia.

According to the United Nations, 81% of the population in Gaza lives in poverty with food insecurity plaguing 63% of Gaza citizens. The unemployment rate is 46.6%, and access to clean water and electricity remains inaccessible at "crisis" levels, the agency states. In the years following, Hamas and Israel continue to engage in combat. Roughly 6,400 Palestinians and 300 Israelis had been killed in the ongoing violence since 2008, not counting the recent fatalities, the UN reported.

Hamas launched missile attacks on Israel, and Israel fired massive strikes in retaliation. Israel engaged in major, large-scale military operations including: the 22-daylong 2008 "Operation Cast Lead;" the 2012 "Pillar of Defense" eight-day operation; and the "Protective Edge" operation in 2014.

Thousands of people have died and thousands more have been injured since the militant group Hamas launched an unprecedented surprise attack on Israel on Oct. 7. Israel retaliated with a bombing campaign and total siege of the neighboring Gaza Strip. In Israel, at least 1,400 people have been killed and 6,900 others have been injured since Oct. 7, according to Israeli officials.

In the Gaza Strip, at least 11,078 people have been killed and another 27,490 have been injured, according to the Hamas-run Gaza Health Ministry. The attacks by both Hamas and Israel's military have put a harsh spotlight on the region's ongoing conflict, prompting protests around the world.

The Role of The United States in This Conflict

Following the outbreak of war between Israel and Hamas on October 7, 2023, President Joe Biden made a strong statement of support for Israel. On the same day that Israel declared war against Hamas, the United States announced that it would send renewed shipments of arms and move its Mediterranean Sea warships closer to Israel. While the UN Security Council called an emergency meeting to discuss the renewed violence, the members failed to come to a consensus statement. Given the history of brutality when Israel and Palestinian extremist groups have fought in the past, international groups quickly expressed concern for the safety of civilians in Israel and the Palestinian territories as well as those being held hostage by militants in Gaza. In the first month of fighting, approximately 1,300 Israelis and 10,000 Palestinians were killed. Increasing loss of life is of primary concern in the conflict.

While the United States said there was “no direct evidence” that Iranian intelligence and security forces directly helped Hamas plan its October 7 attack, Iran has a well-established patronage relationship with Hamas and other extremist groups across the Middle East. Israel has exchanged artillery fire with Iran-backed Hezbollah almost daily and struck Syrian military targets and airports, prompting concern that the war could expand north. To the south, Yemen’s Houthi rebels have launched multiple rounds of missiles at Israel as well. Meanwhile, the Islamic Resistance of Iraq, a coalition of Iranian-backed militias, has claimed responsibility for dozens of attacks on U.S. military targets in Iraq and Syria since the war began.

A 2023 effort by the United States to help broker a normalization accord between Israel and Saudi Arabia was thrown into chaos by the October conflict. Saudi Arabia has long advocated for the rights and safety of Palestinian Arab populations in Israel, the West Bank, and Gaza. Especially in Gaza, those populations are now in the path of IDF operations, jeopardizing the progress the Israelis and Saudis made toward a common understanding. However, the United States says the Saudis have indicated they are still interested in the deal.

Why is religion at the core of this conflict?

Several religious factors pertinent to Islam and Judaism dictate the role of religion as the main factor in the conflict, notably including the sanctity of holy sites and the apocalyptic narratives of both religions, which are detrimental to any potential for lasting peace between the two sides. Extreme religious Zionists in Israel increasingly see themselves as guardians and definers of how the Jewish state should be, and are very stringent when it comes to any concessions to the Arabs. On the other hand, Islamist groups in Palestine and

elsewhere in the Islamic world advocate the necessity of liberating the “holy” territories and sites for religious reasons, and preach violence and hatred against Israel and the Jewish people.

Religion-based rumors propagated by extremists in the media and social media about the hidden religious agendas of the other side exacerbate these tensions. Examples include rumors about a “Jewish Plan” to destroy al Aqsa mosque and build the Jewish third temple on its remnants, and, on the other side rumors that Muslims hold the annihilation of Jews at the core of their belief.

In addition, worsening socio-economic conditions in the Arab and Islamic world contribute to the growth of religious radicalism, pushing a larger percentage of youth towards fanaticism, and religion-inspired politics.

The advent of the Arab spring, ironically, also posed a threat to Arab-Israeli peace, as previously stable regimes were often challenged by extreme political views. A prominent example was the Muslim Brotherhood in Egypt, who after succeeding to the presidency in 2012, threatened to compromise the peace agreement with Israel based on their religious ideology – even if they did not immediately tear up the treaty.

Israel and Occupied Palestinian Territories 2022

Israel’s continuing oppressive and discriminatory system of governing Palestinians in Israel and the Occupied Palestinian Territories (OPT) constituted a system of apartheid, and Israeli officials committed the crime of apartheid under international law. Israeli forces launched a three-day offensive on the occupied Gaza Strip in August during which they committed apparent war crimes. This compounded the impact of a 15-year ongoing Israeli blockade that amounts to illegal collective punishment and further fragments Palestinian territory. Israel escalated its crackdown on Palestinians’ freedom of association. It also imposed arbitrary restrictions on freedom of movement and closures that amounted to collective punishment, mainly in the northern West Bank, ostensibly in response to armed attacks by Palestinians on Israeli soldiers and settlers. The year saw a rise in the number of Palestinians unlawfully killed and seriously injured by Israeli forces during raids in the West Bank. Administrative detentions of Palestinians hit a 14-year high, and torture and other ill-treatment continued. Israeli forces demolished al-Araqib village in the Negev/Naqab for the 211th time. A further 35 Palestinian-Bedouin towns in Israel were still denied formal recognition and residents faced possible forcible transfer. Authorities failed to process asylum claims for thousands of asylum seekers, and imposed restrictions on their right to work.

Armed conflict between Israel and Palestinian armed groups in Gaza

On 5 August, Israel launched an offensive on the Gaza Strip targeting the Palestinian Islamic Jihad and its armed wing, destroying or damaging some 1,700 Palestinian homes and displacing hundreds of civilians. The Israeli army and Palestinian armed groups committed apparent war crimes during the three days of fighting. (See State of Palestine entry.)³

According to the UN, 49 Palestinians were killed, including 31 civilians. Amnesty International established that Israeli forces killed 17 of the civilians, including eight children. Seven civilians, including four children, were killed by a rocket that misfired apparently launched by a Palestinian armed group. On 7 August, an Israeli missile, apparently fired by a drone, hit Al-Falluja cemetery in Jabalia refugee camp, killing five children and injuring one, in an apparent direct attack on civilians or indiscriminate attack.

West Bank

Israeli forces killed 151 Palestinians in the occupied West Bank, including East Jerusalem, and injured 9,875, according to OCHA-OPT, amid a surge of military incursions that involved excessive use of force, including unlawful killings and apparent extrajudicial executions.⁴ Defense for Children International-Palestine reported that Israeli forces or settlers killed 36 children across the West Bank and East Jerusalem.

On 11 May, Israeli soldiers killed Shirin Abu Akleh, a Palestinian-US Al Jazeera correspondent, and injured her colleague, while they were covering an Israeli army raid in Jenin Camp. In September, the Israeli authorities admitted that an Israeli soldier “likely” killed the journalist but concluded that no criminal offense had been committed.

Discrimination for Palestinians in Occupied Palestinian Territory and Forced Evictions

In the West Bank, 175 permanent checkpoints and other roadblocks, as well as scores of temporary irregular barriers and a draconian permit regime, supported by a repressive biometric surveillance system, continued to control and fragment Palestinian communities.

In October, Israeli authorities placed additional restrictions on freedom of movement in the occupied West Bank reportedly in response to Palestinian attacks on Israeli soldiers and civilians, through sweeping and arbitrary closures that severely disrupted everyday life and amounted to unlawful collective punishment. In April, the Israeli army closed checkpoints into Jenin in a move that appeared designed to stifle Jenin’s businesses and trade with Palestinian citizens of Israel. In October, Israeli forces re-imposed a closure on Jenin and closed off Nablus for three weeks, and Shuafat refugee camp in

occupied East Jerusalem for over a week, gravely affecting the freedom of movement of hundreds of thousands of Palestinian civilians living in those areas and restricting access to medical aid and other essential services.

According to COGAT, a unit of the defense ministry, Israel revoked the permits to work in Israel of 2,500 Palestinians as a means of collective punishment.

A new procedure issued by the Israeli military authorities came into effect in October, restricting the ability of foreign passport holders to live with their Palestinian spouses in the West Bank by limiting their visas to a maximum of six months, requiring couples to request permanent residency status in the West Bank, which is subject to Israeli approval.

In Gaza, the illegal Israeli blockade entered its 16th year. According to Gaza-based human rights organization Al-Mezan, nine patients, including three children, died while waiting for Israeli permits to receive life-saving treatment outside of the Gaza Strip, amid a complex bureaucratic entanglement between Israel, the Palestinian Authority and the Hamas administration.

The only power plant in Gaza was forced to shut for two days in August because of a week-long Israeli closure of all crossings, which prevented the delivery of fuel.

Tens of thousands of Palestinians remained at risk of forced evictions in Israel and the OPT, including some 5,000 living in shepherding communities in the Jordan Valley and South Hebron Hills. Israeli authorities demolished 952 Palestinian structures across the West Bank, including East Jerusalem, displacing 1,031 Palestinians, and affecting the livelihoods of thousands of others.

On 4 May, the Israeli Supreme Court upheld a decision to forcibly transfer over 1,000 residents of Masafer Yatta in the South Hebron Hills from their ancestral land, which Israel had designated as “firing zone 918”, a military training zone closed to Palestinian access.

In July, the Israeli Supreme Court legalized the settlement outpost of Mitzpe Kramim, built on private Palestinian land in the occupied West Bank, claiming that it was “purchased in good faith”. This reversed its 2020 decision that ordered the government to evacuate the outpost.

According to OCHA, 2022 was the sixth consecutive year that saw an increase in state-backed settler violence against Palestinians in East Jerusalem and the West Bank, reaching a peak in October during the olive harvest season. The Israeli army and police continued to fail to investigate complaints by Palestinians about such violence.

In Israel, the authorities continued to deny official recognition to 35 Palestinian villages in the Negev/Naqab, depriving them of essential services. In January, the Israeli Land Authority and the Jewish National Fund began planting trees on lands belonging to the village of Saawa al-Atrash in the Negev/Naqab to forcibly transfer its Palestinian population.

In December, Israeli authorities demolished tents and structures in al-Araqib for the 211th time since 2010.

Arbitrary Detention, Torture and other Ill-Treatment

Israeli authorities increased their use of administrative detention, prompting a mass boycott of Israeli military Courts by hundreds of detainees including Salah Hammouri, who went on hunger strike together with 29 others in protest at their detention without charge or trial. By 31 December, 866 individuals, all but two of them Palestinians, were administratively detained, the highest number in 14 years.

On 15 April, Israeli police arrested more than 400 Palestinians, including children, journalists and worshippers, during a raid on the al-Aqsa mosque compound in the Old City of Jerusalem. According to the Palestinian Red Crescent, at least 152 Palestinians were injured by rubber bullets, live ammunition and stun grenades, and were beaten. Most were released after several hours.

Israeli forces continued to subject Palestinian detainees to torture and other ill-treatment. As in previous years, the internal investigation unit of the police, Mahash, failed to properly investigate complaints of torture. On 24 November, the Beersheba District Court extended, by four months, the solitary confinement of Ahmad Manasra, imprisoned as a 13-year-old in 2015 and held in solitary confinement since November 2021, an act that amounts to torture. The same Court had rejected in September his appeal for early release on medical grounds despite his severe mental health condition.

On 18 August, Israeli soldiers raided the offices of seven Palestinian civil society organizations in Ramallah, vandalizing equipment, seizing files, and issuing closure orders based on the 1945 Defense (Emergency) Regulations.⁵

On 29 September, the Israeli Central Elections Court disqualified the Palestinian party Balad from running in Israeli parliamentary elections because it called for a “state for all of its citizens”, in violation of Israel’s Basic Law. The Israeli Supreme Court reversed the decision in October.

On 24 November, the Israeli military renewed by 45 days and for the fourth time the detention of four Jewish Israeli teenagers – Einat Gerlitz, Evyatar Moshe Rubin, Nave Shabtay and Shahar Schwartz – who were first imprisoned in

September for refusing, on grounds of conscience, to enroll in compulsory military service.

Relation of South Africa with Palestinian-Israeli Conflict and how is South Africa Demanding for Peace in the Gaza Strip

South Africa's 84-page application states that "The acts and omissions by Israel complained of by South Africa are genocidal in character because they are intended to bring about the destruction of a substantial part of the Palestinian national, racial and ethnical group," in violation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

"Genocides are never declared in advance, but this Court has the benefit of the past 13 weeks of evidence that shows incontrovertibly a pattern of conduct and related intention," Adila Hassim, one of the attorneys arguing South Africa's case, told the judges and crowd assembled at the Peace Palace in the Hague Thursday.

Israel has stridently rejected the filing, calling it a "blood libel" — a reference to a false accusation that originated in the Middle Ages that Jewish people would murder Christians and use their blood in rituals, and which was used as a justification for oppression of Jewish communities.

On Friday, Israel's legal team responded to South Africa's arguments by saying the Israeli operations in Gaza were a natural response to the events of October 7, when Palestine Islamic Jihad and Hamas militants attacked Israeli towns and villages, killing around 1,200 people and taking about 240 hostages. As part of its argument, the Israeli team showed video footage and audio from the attacks.

"In terms of the legal arguments, I think that the Israeli lawyers made some significant arguments, but I don't think that they are going to be sufficient, at this stage of the proceedings" to keep the Court from ruling in South Africa's favor, at least in part, Adil Haque, professor of international law at Rutgers University, told Vox.

"At this stage in the proceedings, South Africa just has to establish that its claims are plausible," which is a fairly low legal bar, said Haque. South Africa will likely have a more difficult time proving that Israel is committing genocide, is failing to prevent genocide, or is failing to punish incitement to genocide.

In the meantime, Israel's war in Gaza, the Palestinian enclave ruled by Hamas, continues. Since October, Israel has killed more than 23,000 people, including more than 10,000 children, according to Gaza's ministry of health; internally displaced 1.9 million; and damaged or destroyed nearly 70 percent of the homes and 50 percent of the buildings in the region.

South Africa's 84-page application states that "The acts and omissions by Israel complained of by South Africa are genocidal in character because they are intended to bring about the destruction of a substantial part of the Palestinian national, racial and ethnical group," in violation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

"Genocides are never declared in advance, but this Court has the benefit of the past 13 weeks of evidence that shows incontrovertibly a pattern of conduct and related intention," Adila Hassim, one of the attorneys arguing South Africa's case, told the judges and crowd assembled at the Peace Palace in the Hague Thursday.

Israel has stridently rejected the filing, calling it a "blood libel" — a reference to a false accusation that originated in the Middle Ages that Jewish people would murder Christians and use their blood in rituals, and which was used as a justification for oppression of Jewish communities.

On Friday, Israel's legal team responded to South Africa's arguments by saying the Israeli operations in Gaza were a natural response to the events of October 7, when Palestine Islamic Jihad and Hamas militants attacked Israeli towns and villages, killing around 1,200 people and taking about 240 hostages. As part of its argument, the Israeli team showed video footage and audio from the attacks.

"In terms of the legal arguments, I think that the Israeli lawyers made some significant arguments, but I don't think that they are going to be sufficient, at this stage of the proceedings" to keep the Court from ruling in South Africa's favor, at least in part, Adil Haque, professor of international law at Rutgers University, told Vox.

"At this stage in the proceedings, South Africa just has to establish that its claims are plausible," which is a fairly low legal bar, said Haque. South Africa will likely have a more difficult time proving that Israel is committing genocide, is failing to prevent genocide, or is failing to punish incitement to genocide.

In the meantime, Israel's war in Gaza, the Palestinian enclave ruled by Hamas, continues. Since October, Israel has killed more than 23,000 people, including more than 10,000 children, according to Gaza's ministry of health; internally displaced 1.9 million; and damaged or destroyed nearly 70 percent of the homes and 50 percent of the buildings in the region.

OBJECTIVE

The Court Chair's aim is to cultivate a community of skilled diplomats and future leaders with a visionary outlook. Through active participation in our proceedings, delegates will be equipped with the essential skills of diplomacy, critical analysis, and open-mindedness.

We would like our judge and advocate to make a profound research about the theme. This Court chair thinks it has several negative effects nowadays. If the impact of genocide is lasting, individuals change their habits and behaviors, and they keep in the back of their minds the possibility of an attack taking place any day.

By directing our attention toward the harmful consequences inflicted upon the realization of economic, social, and cultural human rights, the objective of the of the International Convention on the Prevention and Punishment of the Crime of Genocide is to improve international cooperation among states in devising and adopting effective measures for the crime of genocide.

As we have experienced, the advocates have to be full of real arguments that lead into convincing the judges to make the verdict that will be convenient for them, but we will make sure the case in the Court is developed respectfully and always aiming to find the best solution. Judges will adopt an impartial and open-minded approach to decide the verdict.

With this goal in mind, we encourage delegates to actively participate in active discussions, and broaden their perspectives throughout our deliberations. Through this process, we aspire to cultivate in each delegate a sense of responsibility towards the greater world and a commitment to positive change.

DELEGATIONAL JUDGES

Judge of the Republic of South Africa, Frans Hlongwane

South Africa filed its request for provisional measures on Dec. 29, 2023, amid the rising humanitarian toll in Gaza. In its application to the ICJ, South Africa “unequivocally condemns” Hamas’s actions and states that its “foreign policy objective [is] the attainment of a durable peace between Israel and the State of Palestine, with two States existing side by side within internationally recognized borders, based on those existing on 4 June 1967.” As a legal matter, South Africa alleges that Israel is violating its obligations under the Convention Against Genocide.

South Africa’s government had lodged an “urgent request” with the U.N.’s International Court of Justice to consider whether Israel’s military operations targeting the southern Gaza city of Rafah are a breach of provisional orders the Court handed down last month in a case alleging genocide. South Africa said it asked the Court to weigh whether Israel’s strikes on Rafah, and its intention to launch a ground offensive on the city where 1.4 million Palestinians have sought shelter, breaches both the U.N. Genocide Convention and preliminary orders handed down by the Court last month in a case accusing Israel of genocide.

The top United Nations Court said that it notes the “perilous” situation in the southern Gaza city of Rafah, but has declined South Africa’s request for urgent measures to safeguard Palestinians being threatened by an Israeli ground assault there.

Judge of the State of Israel, Shoham Diskin

On the morning of 7 October, waves of Hamas gunmen stormed across Gaza’s border into Israel, killing about 1,200 people. Hamas also fired thousands of rockets. Those killed included children, the elderly and 364 young people at a music festival. Hamas took more than 250 others to Gaza as hostages. The BBC has also seen evidence of rape and sexual violence during the Hamas attacks.

The group, whose name stands for Islamic Resistance Movement, wants to create an Islamic state in place of Israel. Hamas rejects Israel’s right to exist and is committed to its destruction. Hamas justified its attack as a response to what it calls Israeli crimes against the Palestinian people. These include security raids on Islam’s third holiest site - the al-Aqsa Mosque, in occupied East Jerusalem - and Jewish settlement activity in the occupied West Bank.

Hamas also wants thousands of Palestinian prisoners in Israel to be freed and for an end to the blockade of the Gaza Strip by Israel and Egypt - something both countries say is for security. It has fought several wars with Israel since it took power, fired thousands of rockets and carried out other deadly attacks.

Israel immediately began a massive campaign of air strikes on targets in Gaza, in response to the Hamas attack. Prime Minister Benjamin Netanyahu said Israel's aims were the destruction of Hamas and the return of the hostages.

The future of the West Bank and East Jerusalem is one of the most difficult issues of the Israel-Palestinian conflict.

An internationally backed plan for peace is known as the "two-state solution". It would mean an independent Palestinian state in the West Bank and Gaza, with East Jerusalem as its capital. This Palestinian state would exist alongside Israel. Israel's most important ally, the US, sees a two-state solution as the way forward once the Gaza war ends.

Judge of the Arab Republic of Egypt, Raffy Zogby

The Egyptian government has steadfastly opposed admitting Gaza residents into Egypt, including Israeli and other suggestions that Gaza residents could be temporarily housed in neighboring Sinai. Egyptian officials seek, at almost all costs, to avoid the refugee burden that such regional states as Jordan, Lebanon, Türkiye, and other states have borne in hosting large refugee populations from Iraq and Syria that fled wars there. Some Egyptian leaders suspect that Israel - in order to ensure that no threat re-emerges from Gaza - seeks to permanently displace Gaza's civilian population in Egypt and other parts of the Arab world. From a security standpoint, Egyptian authorities also fear adding to the decade-long terrorism threat emanating from Islamic State affiliates and other Islamist factions operating in the Sinai Peninsula. Some Egyptian officials reportedly assess that Hamas or other Palestinian militants would operate in any refugee camps in the Sinai and potentially empower existing Sinai militant groups.

Egypt has presented what is described as an ambitious plan to end the war in Gaza with a ceasefire. The proposal, which was presented to Israel, Hamas, the United States and European governments on Monday would see Israel fully withdraw from the Gaza Strip, all captives held by Hamas, and many Palestinian prisoners, freed, and a united technocratic Palestinian government installed in the enclave.

Judge of the Formerly Islamic Republic of Afghanistan, Ghulam Amanullah

The Taliban's terrorist-supporting, extremist Islamist regime, which nurtured and protected al-Qaeda and Osama bin Laden at the time of the 9/11 attacks and has not changed its position since, has regained control of Afghanistan, with ISIS marking the US withdrawal in a series of bloody terrorist attacks.

According to Ismail Haniyeh, head of Hamas's political bureau, once Israel has completely evacuated all of the West Bank, Hamas will take it over and establish a Palestinian Islamic State there. In his view, Israeli localities in the West Bank are the main obstacle to the establishment of such a state, as they could lead to Israel's annexation of the region or large parts of it. This would grant Israel permanent borders, cut off the Gaza Strip from the West Bank, and split the Palestinian people. The Taliban governed Afghanistan's Ministry of Foreign Affairs also came in support of Palestine and claimed Hamas attack as "Israeli trampling" on the rights of Palestinians. In a press statement from Afghanistan's MFA read, "Islamic Emirate of Afghanistan has carefully monitored the recent events in the Gaza Strip and considers the occurrence of such events.

Judge of the Federal Republic of Germany, Brigitte Hartmann

Since Israel launched its latest war on Gaza, Germany has stood firmly by its ally. Even as warnings of a genocide committed by Israeli forces have mounted, the German government has not budged. On October 12, Chancellor Olaf Scholz proclaimed that "there is only one place for Germany" which is "side by side with Israel" and indeed it has not moved from this stance.

The German government has not only provided wide-ranging political and diplomatic support for Israel, but has also fast-tracked arms exports to facilitate the Israeli slaughter of Palestinian civilians.

The German political elite has vehemently rejected calls for a ceasefire in Gaza and relentlessly repeated the false claim that under international law, Israel has the "right to defend itself" from the Palestinian population it occupies. It continues to disregard decades of apartheid and ethnic cleansing.

It is thus unsurprising that the crackdown on protests and police violence have increased in recent weeks. Numerous pro-Palestinian demonstrations have been banned, sometimes only minutes before they were supposed to begin, or allowed to take place only with heavy police presence. The freedom of speech in regards to pro-Palestinian activism has also been suppressed. Pro-Palestinian symbols, such as the keffiyeh scarf, have been banned by some institutions.

The genocide in Gaza has further strengthened the already omnipresent xenophobic and racist sentiments in Germany. The German authorities have actively sought to portray Muslims and Arabs in particular, and ethnic minorities in general, as dangerous to German society.

Judge of the State of Qatar, Sulaiman Singh

Qatar aims to be a political power broker in the Middle East as witnessed by its efforts in brokering the temporary Israel-Hamas truce. However, with the triumphs also come a fair bit of challenges.

In addition to the balancing act in its foreign policy, Qatar also acted as a mediator in various conflicts in the Middle East, for example, stepping in between Hamas and Fatah (a rival political party in Palestine) since 2006 and other such conflicts in Yemen, Lebanon, South Sudan, and Libya throughout the last two decades. Qatar's role as a mediator in conflicts has helped it gain a strong presence in the region as did its support for revolutionary movements across the Arab states during the Arab Spring of 2011.

As most observers have pointed out, the now ended ceasefire between Hamas and Israel would not have been possible without Qatar's aggressive efforts to bring down tensions. Hosting both Israeli and Hamas leaders in negotiations, it managed to achieve a ceasefire that was extended at least twice. Overall, Qatar's role in the conflict between Israel and Palestine is aimed at ensuring that some semblance of peace and reconstruction takes place after the war settles.

However, through these mediation efforts, Qatar also intends to carve out a larger stage for itself as a middle power and political power broker in the Middle East, a region rife with conflicts.

Judge of the United States of America, Patricia Miller

Multiple U.S. administrations have proposed road maps for a peace process that would result in two states, one Israeli and one Palestinian. However, critics say President Donald Trump limited prospects for a two-state solution by implementing controversial policies regarding core components of the conflict. Though the Joe Biden administration has reiterated U.S. support for a two-state solution, it has reversed only some of Trump's changes while leaving others in place. Meanwhile, violence between the two sides has reached levels not seen since the last Palestinian uprising ended in 2005.

The Middle East has long been of central importance to the United States as successive administrations pursued a broad set of interrelated goals including securing vital energy resources, staving off Soviet and Iranian influence, ensuring the survival and security of Israel and Arab allies, countering terrorism, promoting democracy, and reducing refugee flows. Correspondingly, the United States has sought to resolve the Israeli-Palestinian conflict, which has been a major driver of regional dynamics, with an eye toward obtaining these strategic objectives while balancing its support for Israel and pushing for broader regional stability. At the same time, the dispute has been a core concern of the American Jewish community and Christian Evangelicals, both strong supporters of Israel.

The United States has been a central player in the Israeli-Palestinian conflict for more than half a century. It became involved shortly after World War II, joining the United Kingdom in a 1946 inquiry that recommended one hundred thousand Holocaust survivors relocate to Palestine, which would be neither a Jewish nor an Arab state. The United States then became the first country to recognize Israel as a sovereign nation in 1948.

Judge of the Republic of Argentina, Guillermo Guzmán

The 53-year-old economist Javier Milei, who upended traditional politics to win election last year, was greeted warmly by Israel's Foreign Minister Israel Katz at Ben Gurion airport near Tel Aviv.

Milei, on his first official visit since taking office barring a brief swing through the Davos economic forum in Switzerland, said, "My plan is to move the embassy to west Jerusalem." Confirmation of the widely expected announcement found favor with Prime Minister Benjamin Netanyahu, whose office said he "warmly welcomes" the move.

Right-winger Netanyahu and the libertarian Milei, who has been compared with former US president Donald Trump – who moved the US embassy to Jerusalem in 2018, are set to meet for talks on Wednesday, with the aim of deepening ties between the two countries.

Palestinian group Hamas said it "strongly condemns" Milei's announcement. Hamas, the group that governs Gaza, said it viewed the move "an infringement of the rights of our Palestinian people to their land, and a violation of the rules of international law, considering Jerusalem as occupied Palestinian land".

ADVOCATES

ADVOCATES OF THE REPUBLIC OF SOUTH AFRICA

- **Advocate #1 of the Republic of South Africa: Robert van der Merwe**
- **Advocate #2 of the Republic of South Africa: Tshepo Mahlangu**

ADVOCATES OF THE STATE OF ISRAEL

- **Advocate #1 of the State of Israel: Amiyt Rabinovitch**
- **Advocate #2 of the State of Israel: Niyr Ashknaziy**

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