

## **International organizations and human rights in Gaza after the 7th of October**

**Yousef Zaghoul Hasan**

**Dr. Ayman Yousef**

(Arab American University)

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### **Abstract :**

The events of October 7, 2023 is considered to be a turning point in the course of events related to the Palestinian-Israeli conflict, which reached an unpredictable outcomes. It is no longer possible to find solutions that satisfy the Palestinian people and guarantee their basic rights recognized by the international community, in light of Israel's rejection of the a truce or stopping the fighting, which led to the destruction of most aspects of life in the Gaza Strip and the deprivation of its civilian population of the most basic necessities of life. The population is facing an unprecedented war of extermination, ethnic cleansing, and genocide, which requires immediate intervention. The UN Security Council has not issued any resolution to stop the fighting in the Strip due to the US veto against such resolutions, and the support of some western countries of Israel. On the other hand, South Africa has submitted its claim to the International Court of Justice with the aim of criminalizing the State of "Israel" and accusing it of committing war crimes and genocide against the Palestinians in the Gaza Strip. In order to limit the tragic situation, South Africa submitted an additional request calling for interim measures to protect civilians and to stop the Israeli army at its limits, until the outcome

of the lawsuit and the court's decision are submitted to the Security Council. However, the court's decision has frustrated and disappointed the hopes of the Palestinians and their supporters, so the harshness and tragedy of the conditions experienced by the residents of the Strip has increased. Hence, this research paper presents an analysis and critique from a legal and humanitarian perspective, with some details that can help researchers and those interested in the Palestinian issue to identify the origin and the root causes of the conflict, while presenting a set of relevant political science and international law theories, with the aim of analyzing the arguments and the event after the 7th, especially those related to human rights principles and institutions.

**Keywords:**

( International organizations, October 7, 2023 events, International Court of Justice, International Criminal Court, interim measures, human rights, genocide, war crimes )

**Introduction**

The UN resolutions issued against the Palestinians have not helped them obtain their state, or restore even a small part of their rights. Rather, it is striking that successive Israeli governments have persisted in seizing and confiscating Palestinian lands for building and expanding settlements and weakening the Palestinian economy, besides other arbitrary Israeli measures, in light of the state of despair and failure that the Palestinian people are experiencing regarding the international role in providing protection for citizens and preserving their land and national economy, in addition to the systematic and deliberate undermining of the role of the Palestinian Authority in managing the government in the West Bank and Gaza Strip. It is important to note that the Palestinian territories under the administration of the Palestinian government are distributed between the Palestinian Authority in the West Bank, based on bilateral agreements concluded between the Palestinian and Israeli sides, and the Hamas movement authority, which has extended its influence in the Gaza Strip and has enjoyed popular support based on the right of the Palestinian people to independence and non-

recognition of the State of Israel, and its right to obtain all its rights recognized by the international community, taking into account the movement's failure to obtain international or Arab support, besides the total siege and various wars against the Gaza strip, which prompted Hamas to attack a group of military bases surrounding the Gaza envelope, and to capture hundreds of "Israeli" soldiers and civilians in exchange for the release of Palestinian prisoners in the occupation's prisons, which was the spark through which the Israeli government declared that it was in a "state of war," so it declared an emergency government, and began its military operation, which enjoyed unparalleled Western support (Human Right Centre, 2024).

The events after October 7, 2023 are considered a pivotal stage in the Palestinian-Israeli conflict. Contemporary history has not witnessed war crimes that humanity is ashamed of after the First and Second World Wars as the number of victims of the Israeli aggression on the Gaza Strip. The Israeli army committed massacres against civilians beyond imagination, with the comprehensive destruction of all infrastructure, including roads, electricity, communications and water networks, damaging and targeting schools, hospitals, mosques, churches, government and international headquarters and institutions. It also worked to bulldoze agricultural lands in order to cut off the means of life for the Palestinian people, seeking to displace them and remove them from their land, knowing that the vast majority of the residents of the Gaza Strip are displaced Palestinians.

In light of the bloody events experienced by the residents of the Gaza Strip, demonstrations swept most of the world's capitals and universities in support of the Palestinians' right to life and protection, accusing the Israeli army of committing war crimes and genocide. On the other hand, several international voices emerged demanding Israel to stop its crimes against the Palestinians in international institutions, which called for an immediate cessation of fighting. However, Israel, supported by the American veto, did not stop for a moment from bombing civilians and targeting schools

and shelters, and even UNRWA schools and headquarters targeted during the Israeli brutal aggression.

In the same context, on 12/29/2023, the State of South Africa took the initiative to submit an official request to the International Court of Justice, accusing Israel of committing genocide in the Gaza Strip, which took the lives of thousands of Palestinians as a result of systematic bombing, with the aim of imposing a policy of forced displacement and ethnic cleansing. In the lawsuit, it requested the provision of temporary protective measures for the Palestinians (ICJ, 2024).

In order to identify the course of events in the Gaza Strip, the outcomes of the conflict, and the paths of the lawsuit filed with the International Court of Justice by the State of South Africa, descriptive, analytical, and deductive approach was used, by returning to international humanitarian law and laws related to human rights, and to the ongoing events of the war in the Gaza strip.

The importance of the study stems from the researcher's attempt to demonstrate the impact of the international public and official movement on the one hand, and the position on the Palestinian issue in international organizations on the other hand, and to review the most prominent decisions related to Palestinian rights, with a focus on the lawsuit submitted to the court, and to demonstrate its impact on the future of the Palestinian-Israeli conflict, in order to anticipate the future of the Palestinian issue in the foreseeable future.

### **The problem of the study**

The Gaza Strip is witnessing war crimes and an unprecedented campaign of genocide and ethnic cleansing in recent decades, as the number of civilian victims and the destruction of all aspects of life exceeded many times what all countries of the world have suffered in the last two decades, which necessitated international intervention to stop these crimes. In an initiative by the State of South Africa to support the rights of the Palestinians, it filed a lawsuit with the International Court of Justice accusing the Israel

of committing war crimes and genocide, violating all international treaties and human rights resolutions. However, this did not stop the Israel from continuing to commit massacres against civilians (more than 45 thousands were killed, and about 110 thousands were injured), and cutting off their livelihoods, with the aim of subjecting them to the fait accompli, surrendering them, and accepting the Israeli conditions, which primarily aim to displace the Palestinians from their land and ending the Palestinian issue forever. Accordingly, the research paper aims to answer the main question: What is the role and the effectiveness of international organizations in defending human rights in the Gaza Strip following the events of October 7, 2023.

### **Study Questions**

1. What are the most prominent theories of international relations that explain international security according to the current events in the Gaza Strip following the events of October 7, 2023?
2. What is the impact of the position of international community organizations on the conditions of Palestinians in the Gaza Strip in light of the war of extermination carried out by the Israeli army against the civilian population?
3. What is the impact of the lawsuit filed by the State of South Africa on Palestinians in the Gaza Strip currently and in the future?
4. What are the reasons of the failure international organizations and bodies to protect the civilians and to stop the war in Gaza?

### **Study objectives**

The study aims to identify the role of international organizations in protecting the rights of Palestinians in the Gaza Strip following the events of October 7, 2023, by achieving a set of the following sub-objectives:

1. Clarifying a set of theories explaining the bloody events in the Gaza Strip, which show the state of modern colonialism and the position of international law on this conflict.
2. Identifying the position of the international community towards Palestinian human rights in the Gaza Strip at the legal and humanitarian levels.
3. Revealing the tangible results of the decisions of international organizations and their effects on the conditions of Palestinians in the Gaza Strip and the extent of their protection of their basic human rights.
4. Clarifying the importance of the lawsuit filed by the State of South Africa with the International Court of Justice regarding the war crimes and genocide committed by the Israeli occupation army against the Palestinians in the Strip.
5. Anticipating the results of the decision of the International Court of Justice and the results that can be achieved, which are primarily aimed at protecting the rights of Palestinians in the Gaza Strip in accordance with international treaties, charters and protocols related to human rights.

### **Literature Review**

The study of (Omar, 2024; Al-Zeer, 2024) was interested in identifying the role of international organizations in defending human rights in the Gaza Strip through the decisions issued by them, with a focus on the role of the International Court of Justice in prosecuting Israel as a result of the violations it commits against the Palestinian people in the Strip. And revealing the details of the lawsuit filed by South Africa against Israel in the International Criminal Court, and the role of the countries that signed the Convention on the Prevention and Punishment of the Crime of Genocide in light of the court's decision. The study concluded that the court lacks executive power even if its decisions are binding on member states, and that the implementation of these decisions must be done through the intervention of the UN Security Council, which will be met with an American veto, according to experts' expectations, and based on the history of

previous and current unprecedented American support for Israel, no matter what crimes or violations it commits that exceed international humanitarian law.

Al-Rafei's study (2024) concluded that the decision taken by the International Court of Justice was disappointing, as it was satisfied with the necessity of the State of "Israel" to respect international humanitarian law, and demanded that it stop the acts of genocide it is committing against the Palestinians in the Strip, without taking any additional measures to end the war or even to support international relief efforts in providing food and medicine to the residents of the Strip, who have lost all the necessities of life as a result of the comprehensive destruction carried out by the occupation army forces without stopping. In the same context, the study (Turks, 2024) concluded that the main objective of the lawsuit filed by the State of South Africa is to save what remains of the Palestinian people as a result of the genocide campaign committed by the Israeli occupation against civilians, children, women, the elderly and the sick. Despite the International Court of Justice issuing interim measures, it has failed to maintain international peace and security in enforcing the law. Although the authority of the court is discretionary, the UN Security Council has nevertheless failed to reach a solution to end the process of deliberate destruction and killing of civilians, and participation in the ethnic cleansing campaign practiced by the Israeli occupation forces without regard or respect for international humanitarian law.

On the other hand, the study (Dannenbaum, and Dill, 2024) presented a "neutral" view of the events in the Gaza Strip, as the study considers that both the Palestinian and Israeli sides have committed crimes against civilians, which led to the killing and capture of hundreds of Israelis, in exchange for tens of thousands of Palestinian victims and the comprehensive destruction of the infrastructure in the Gaza Strip, with the Palestinian side clinging to the prisoners it is holding and stipulating their release on ending the aggression and returning to normal life and obtaining food and medical aid, with the condition of releasing Palestinian prisoners in Israeli prisons. Amid the

continued intransigence of the two sides, without reaching a solution that ends the state of conflict, destruction and "mutual" killing, the study recommended the necessity of international intervention to end the conflict, and to stop providing weapons to the Israeli side, while securing the basic rights of civilians in the Gaza Strip.

The study (Arribas, 2024) aimed to conduct a critical analysis of the path followed by the International Court of Justice in issuing its provisional measures, as it addressed each of (the court's jurisdiction, the merits of human rights and their connection to the required measures, irreparable harm and urgency). The study also provided an explanation of the court's position and an extensive critical analysis, and the court's decision was linked to other orders with the aim of understanding what is meant by the provisional measures issued.

### **Theoretical and methodological framework of the study**

#### **First Section: Context and historical development of human rights**

##### **First topic: The Evolution of Human Rights throughout History –historical review:**

Throughout human history, human rights-often referred to as the fundamental freedoms and rights that every person is entitled to-have undergone substantial change. Their evolution has been influenced by cultural, social, and political changes, but they have their roots in ancient philosophies and religious ideas. The paper highlights significant historical periods and their effects as it examines the turning points that formed the contemporary understanding of human rights.

## **First: The context and historical development of human rights**

### **1. Early Religious and Philosophical Underpinnings**

Human rights have their roots in ancient civilizations, when the concept of human dignity was established through philosophical and religious concepts. Although it was restricted to specific classes, the Code of Hammurabi (c. 1754 BCE) offered some of the earliest legal ideas to advance justice and fairness in ancient Mesopotamia.

Philosophers such as Socrates, Plato, and Aristotle investigated ideas of equality, justice, and the common good in ancient Greece. The universality of human reason and the notion of a natural rule that cuts over social bounds were central to the philosophy of the Stoics, a school that emerged in the third century BCE.

Early ideas on human rights were also influenced by religious traditions. Buddhism, Christianity, and Islam, for example, all emphasized the intrinsic value of people as well as the necessity of justice and compassion. Christianity and Islam's belief that "all humans are equal before God" served as the moral basis for later legal systems.

### **2. Natural Law and the Middle Ages :**

The idea of natural law rose to popularity in the Middle Ages, especially because to the writings of theologians like St. Thomas Aquinas. Aquinas maintained that people had some unalienable rights since natural law was derived from divine reason. Even while these concepts were frequently linked to religious teaching, they started to express broadly applicable justice principles.

Magna Carta (1215) and other medieval charters were important in restricting absolute power and acknowledging individual rights. Magna Carta, which was first created to safeguard the rights of English barons, established the foundation for the rule of law and served as an inspiration for later legal advancements.

### **3. The Enlightenment and the Birth of Modern Rights:**

Human rights underwent a sea change during the Enlightenment (17th and 18th centuries), when intellectuals placed a strong emphasis on liberty, individualism, and reason. Philosophers who supported the inherent rights of life, liberty, and property, such as Montesquieu, Jean-Jacques Rousseau, and John Locke, contested the divine authority of monarchs.

A pillar of contemporary democracy is Locke's idea of a social compact, according to which the agreement of the governed gives governments their legitimacy. The American Revolution (1775–1783) and the French Revolution (1789–1799) were two revolutionary revolutions that were impacted by these concepts. The concepts of equality, freedom, and justice were expressly stated in documents like the French Declaration of the Rights of Man and of the Citizen (1789) and the United States Declaration of Independence (1776).

### **4. The 1800s and the first part of the 1900s :**

Human rights concepts were expanded in the 19th century to meet more general social and economic problems. Slavery was outlawed in the United States (1865) and the British Empire (1833) as a result of growing anti-slavery movements. Additionally, the women's suffrage movement arose, promoting voting rights and gender equality.

The Industrial Revolution raised awareness of the need for anti-exploitation safeguards and labor rights. As a result of the critiques of capitalism systems by intellectuals such as Karl Marx, socialist and labor movements emerged, calling for social welfare, equitable pay, and improved working condition

The League of Nations' founding and the atrocities of World War I (1914–1918) brought attention to the necessity of international collaboration in averting conflict and defending human rights. Nevertheless, the effectiveness and scope of these initiatives were constrained.

## **5. Post-War Developments and the Universal Declaration of Human Rights:**

The Second World War (1939–1945) was a turning point in the development of human rights. The necessity for a comprehensive framework to shield people from state oppression was highlighted by the Holocaust and subsequent tragedies. The United Nations (UN) was founded in 1945 with the intention of advancing human rights, security, and peace.

The Universal Declaration of Human Rights (UDHR), a historic declaration outlining everyone's fundamental rights and freedoms, was adopted by the UN General Assembly in 1948. The UDHR, which was drafted under the direction of individuals like Eleanor Roosevelt, upheld rights to equality, nondiscrimination, and life, liberty, and security. Binding international treaties, such as the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social, and Cultural Rights (1966), were developed in the following decades. These treaties make up the International Bill of Human Rights, along with the UDHR.

## **6. Current Issues and Broadening Perspectives**

Human rights grew to include new concerns including digital privacy, environmental preservation, and the rights of marginalized groups in the late 20th and early 21st centuries. As our idea of equality and dignity evolved, movements supporting racial justice, LGBTQ+ rights, and indigenous rights gained traction.

The effects of climate change and the possible abuse of surveillance technologies are just two examples of the new problems brought about by globalization and technological development. At the same time, responsibility for human rights abuses has been reinforced by global institutions such as the International Criminal Court (ICC) and regional human rights courts.

## **Second Topic: The nature of the international system and the legal character**

From the above, we find a change and development in the concepts of human rights. Some of them called for class discrimination, and others equated all people with rights and duties. In general, rights can be classified into: rights that follow values (original and derived), others related to the individual exercising his rights within the group, individual, collective and solidarity rights, and there are rights based on material things and the needs of individuals to satisfy their desires and aspirations to extend control and influence (Ghali, 1993).

There are those who have classified rights according to the different perspectives on them. There are basic and non-basic rights according to their importance, there are individual rights and collective rights according to the people who benefit from them, there are civil and political rights on the one hand and economic, social and cultural rights on the other hand, and there are solidarity rights which are called the third generation of rights (Muhammad, 2005).

The international system is based on sources that fall within the scope of international law, which have been transferred to national constitutions and legislation. We can consider the United Nations Charter to be the main source of the current international system that defines human rights, and through it a group of resolutions and charters were issued, such as “the Universal Declaration of Human Rights in 1948, the International Covenant on Civil and Political Rights in 1966, the International Covenant on Economic, Social and Cultural Rights, and the two optional protocols attached to it” (United Nations, 1987).

In the same context, a group of resolutions and treaties supporting human rights emerged as secondary sources of laws regulating human rights, including the “Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination in 1963, the Declaration on the Protection of Women and Children in Emergency and Armed

Conflict in 1974, and the Declaration on the Right of Peoples to Peace in 1984.” In addition to issuing a group of relevant international agreements, the most prominent of which is the “Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly in 1948 (Al-Juwaili, 1994).

## **Section Two: Study concepts and implications**

### **First Topic: Human rights**

A main group of human rights has been identified based on the United Nations Charter and the Universal Declaration of Human Rights, and is considered the basis upon which a set of laws are based. Human rights vary between basic and secondary rights. The Human Rights Council has approved a group of basic rights under main headings that include the right to development (Sustainable Development Goals), the right to food (Food and Agriculture Organization of the United Nations), workers’ rights (International Labor Organization), gender equality (United Nations Entity for Gender Equality and the Empowerment of Women), in addition to the rights of children, indigenous peoples, and persons with disabilities (people with special needs) ([www.un.org](http://www.un.org)).

Human rights do not discriminate between all human beings on the basis of their nationality, place of residence, gender, national or ethnic origin, color, religion or language. All are equal in human rights, which are all interrelated, interdependent and indivisible rights (General Assembly Resolution, 1966).

### **Second Topic: International organizations sponsoring human rights:**

The United Nations, through its institutions, is considered the official international body defending human rights, as it has issued dozens of relevant resolutions, treaties and charters, in addition to defining basic human rights. Among its most prominent achievements are the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Economic, Social and Cultural Rights (1966), and the International Covenant on Civil and Political Rights and the First and Second Optional

Protocols (1966). In addition to ratifying a number of international treaties and instruments such as (the Convention on the Prevention and Punishment of the Crime of Genocide, 1948, the International Convention on the Elimination of All Forms of Racial Discrimination, 1965, the Convention on the Elimination of All Forms of Discrimination against Women, 1979, the Convention on the Rights of the Child, 1989, and the Convention on the Rights of Persons with Disabilities, 2006), the Human Rights Council (2006) is entrusted with the responsibility of promoting and protecting human rights, addressing cases of violation, making recommendations, and responding to emergencies in the field of human rights.

It is important to note that all decisions are binding for member states, whether within the organization or those that have joined a group of international charters and treaties. However, it requires the intervention of the Security Council to impose a fait accompli policy on member states that are not bound by those decisions (see the United Nations Charter, 1945).

The International Criminal Court is the international body responsible for prosecuting individuals, while the International Court of Justice has the right to prosecute states (Botta, 2009). Its jurisdiction is conditional on the acceptance of its jurisdiction by the states parties to the dispute. The court has a judicial role, which is to express its opinion on the rule of international law regarding the legal dispute presented to it. It is also entrusted with an advisory role regarding the legal issues presented to it in order to achieve international peace and security, in cooperation with the United Nations General Assembly and the Security Council. However, its decisions are not binding, but they clearly demonstrate the rules and position of international law (Hamadi, 2022).

### **Section Three: The position of the international community towards Palestinian human rights in the Gaza Strip:-**

The international community, through the United Nations, has recognized the right of colonized peoples to resist the occupier by all possible means, as UN General Assembly Resolution No. (2637) of 1970 stipulated "the legitimacy of the struggle of colonized peoples for their freedom by all means at their disposal, and that those countries and peoples have the right in their just struggle to seek and receive all necessary moral and material aid in accordance with the purposes of the Charter." Despite the differences in the official positions of countries towards the events of October 7, 2023, this does not negate the right of the Palestinian people to resist the occupation and the siege imposed on the Strip for more than sixteen years, with the destructive wars launched by the Israeli forces on the Strip, which cannot be compared to the bloody events experienced by the residents of the Strip after the start of the military operation on the Strip. In self-defense, one of the members of the Israeli team, Tal Becker, told the judges of the International Court of Justice that "Israel is waging a war of defense against Hamas, not against the Palestinian people, and that the tragic and heartbreaking suffering experienced by civilians in this war is like that of all wars... and that when a state is attacked, it has the right to defend itself and its citizens." In the same context, Israeli lawyer Malcolm Shaw added, "There is no genocidal intent here, and this is not genocide... and the atrocities committed by Hamas do not justify violating the law in response, but they do justify exercising the legitimate and inherent right of a state to defend itself as stipulated in the United Nations Charter" (UN News, 2024).

#### **First Topic: The position of the international and official community**

When reviewing the positions of countries and governments on what has been happening in the Gaza Strip since October 7, 2023, we find different positions, which appear clearly in the sessions of the UN Security Council, and the position of countries on the Palestinian issue in general, and the right of the Palestinian people to resist

Zionist colonialism by all available ways and means, as explicitly approved by the United Nations General Assembly, as Article (51) of the United Nations Charter, in Chapter Seven thereof, states that “Nothing in this Charter shall impair or diminish the inherent right of states, individually or collectively, to defend themselves if an armed attack occurs against a Member of the United Nations..”.

Reviewing the American, European (especially France, Germany, Italy and Britain) and Canadian positions, we find that they have given Israel the right to defend itself and its people in accordance with international law, which gave these countries the right to provide political, military and financial support to Israel. While the Russian delegate stressed in the emergency session of the United Nations General Assembly that "Israel does not have the right to defend itself in the current conflict as it is an occupying state", and accused Israel of committing war crimes and an ongoing and unprecedented humanitarian catastrophe in light of American support and absolute rejection of the United Nations Charter (Ezz El-Din, 2023).

We conclude from the above that the countries supporting the Israeli violations and its brutal aggression against civilians in the Gaza Strip are among the countries that bear legal and moral responsibility as a result of their direct and indirect involvement in the war of extermination, especially with providing continuous military support, which recently led to rebellion against international law, and the declaration of war on Lebanon, Syria, Yemen, and any country that sponsors “terrorism” and threatens its security and existence.

### **Second Topic: The public position and non-civil rights and legal institutions**

Despite the fundamental disagreement in the public position and in the human rights institutions, given that many of them consider Hamas as a “terrorist” movement according to the definition of a group of countries, this did not prevent them from defending civilians in the Gaza Strip, and their refusal to reduce the war as if it is only between Hamas and Israel, or between Israel and Gaza, which strips the people of the

Gaza Strip, who are the most affected by this war, out of their humanity. The Israeli emergency government announced its aim to eliminate Hamas and its military capabilities, in light of internal claims calling for the reoccupation of the Gaza Strip, and even considering the people of the Strip as “human animals”, which gave Israel the “legitimacy” to target civilians and destroy infrastructure under the pretext of Hamas’s establishment of tunnels under civilian facilities, and their spread among the civilian population (Al-Khatib, 2023).

It has raised the views of many researchers and academics in international humanitarian law, as Stephen Walt and John Marchmeier pointed out that the close relationship between the United States and Israel has existed since the 1967 war, but it is not in line with the US interests, since Israel has not and will not be able to defend itself, so how can it defend US interests (Middle East Council on Global Affairs, 2024), and that what happened after the events of October 7, 2023 is a natural reaction on the Israel’s violation of international law and its continued aggression against the Palestinians for more than 75 years. It is noteworthy to consider the Hamas movement as a popular struggle movement, that exists under the Israeli occupation of the Palestinian territories, and that the only solution is the two-state solution (Ezz El-Din, 2023).

On the other hand, a group of “resistance movements” in Arab countries adopted the principle of supporting the Palestinian people in the Gaza Strip and their absolute rejection of any justification that would allow the Israel to attack the Gaza Strip. Rather, they linked their fate to the fate of the Strip, as “Ansar Allah – Yemen, Hezbollah – Lebanon, and the Tishreen Brigades – Iraq” began targeting military bases deep inside Israel. In return, the Israeli army expanded its war to include Lebanon, Syria, Yemen, Iraq, and Iran (Al-Jamal, 2024).

In terms of public positions, most countries of the South, and Arab and Islamic peoples, stand in support of the Palestinian people, and strongly condemn the Israeli attacks on the Gaza Strip. We find the broad mass marches that swept through most Arab and

Islamic capitals, in addition to what was witnessed by many European capitals and major American cities and universities opposing the war of extermination and ethnic cleansing against the Palestinians, which strongly support the right of the Palestinian people to their independence and liberation from the brutal Israeli occupation, and their salvation from the repeated attacks and fierce wars waged by the occupying state against the people of the Gaza Strip (Hammouri, 2023).

### **Section Three: The impact of the decisions of the international community on the situation of the Palestinians in the Gaza Strip**

The International Court of Justice issued its decision regarding the lawsuit filed by the State of South Africa against "Israel", accusing it of committing war crimes and genocide and aiming at ethnic cleansing and displacing the civilian population from their land, as the President of the Court said, "The catastrophic humanitarian situation in the Gaza Strip is at risk of serious deterioration" (Arribas, 2024).

The International Criminal Court also issued its decision regarding an arrest warrant for Israeli Prime Minister Benjamin Netanyahu, former Israeli Defense Minister Yoav Galant, in addition to Hamas leader Mohammed al-Masri, known as Mohammed Deif, accusing them of committing crimes against humanity and war crimes, while the arrest request for Ismail Haniyeh and Yahya Sinwar was withdrawn after confirming their deaths (UN News, 2024).

The following is a statement of the impact of the UN resolutions in general on the humanitarian situation in the Gaza Strip, and specifically as a result of the International Court of Justice's decision:

## **First Topic: The campaign of genocide**

Despite all the Israeli violations of the Genocide Convention that the world watches on television and news websites, South Africa was only able to bring the State of Israel to court under the settlement clause of the Genocide Convention, and thus the court did not consider any of the rights referred to in the claim except those associated with the previous convention (Lattimer, 2024).

It is important to note that the claim submitted by the State of South Africa included the following interim measures: “First: The State of Israel must immediately suspend its military operations in and against Gaza. Second: Israel must ensure that no steps are taken in furtherance of those military operations. Third: Both the Republic of South Africa and the State of Israel, in accordance with their obligations under the Convention on the Prevention and Punishment of the Crime of Genocide with respect to the Palestinian people, must take all reasonable measures within their powers to prevent genocide. Fourth: The State of Israel, in accordance with its obligations under the Convention, must desist from committing any of the acts falling within the scope of Article II of the Convention. Fifth: The State of Israel, in relation to the Palestinians, must cease taking all measures, including the revocation of relevant orders and/or prohibitions, to prevent: a. their forced expulsion and displacement from their homes. b. the denial of: 1. access to adequate food and water. 2. Access to humanitarian assistance, including adequate fuel, shelter, clothing, hygiene and sanitation. 3. Medical supplies and assistance. 4. the destruction of Palestinian life in Gaza. Sixth: The State of Israel must ensure that it does not commit any of the acts described in points (4) and (5) or participate in direct or public incitement or attempt to commit genocide or conspiracy or complicity in that...” (ICJ, 2024).

As mentioned above, the court’s decision included an explicit text requesting that the State of Israel take practical measures to stop the war crimes and genocide it is committing against civilians in the Gaza Strip, and to stop destroying buildings and

infrastructure, with the necessity of facilitating the passage of relief aid, food and medical assistance, and providing energy to hospitals operating in the Strip. Despite the frankness and clarity in this decision, the occupation army is still bombing civilians. If it does not find a building, it bombs the camps for the displaced, and recently began evacuating the rest of the hospitals operating in the Strip with the aim of depriving the population of treatment (Hemchi, 2023).

### **Second Topic: Stopping the war to restore aspects of life and secure the basic needs of the civilian population**

It is important to note here that the Israeli emergency government has set three stages for the war, which Yoav Galant summarized by saying, “In the first stage, there will be a military campaign with fire, and then with maneuver, the purpose of which is to destroy the activists and destroy the infrastructure in order to defeat and destroy the Hamas movement. As for the second stage, it is expected that the fighting will decline in the future to a lesser extent, and will focus on eliminating the pockets of resistance that will remain in the Strip. The third stage will be to create a new security system in the Gaza Strip, remove Israel’s responsibility for life in the Strip, and create a new security reality for the citizens of Israel and the residents of the area surrounding the Strip,” which means that cutting off all means of life from the Strip will be the final stage intended to be reached after destroying the infrastructure under the pretext of eliminating “the remaining resistance fighters in the Strip” (Zboon, 2023).

It is well known that the Israeli army has bulldozed and occupied agricultural lands, demolished most homes and residential complexes, even official and international ones. It has not left a single facility untargeted, whether government buildings, headquarters of international human rights organizations, or even schools of the United Nations Relief and Works Agency for Palestine Refugees. It has also destroyed - and continues to destroy - most places of worship in the Strip, including mosques, churches, and shelters (Turks, 2024; Al-Rafei, 2024).

The Palestinian people in general and all free peoples who support the Palestinians, and the residents of the Gaza Strip in particular, are awaiting the final decision of the International Court of Justice, which is expected to convict the State of Israel of committing war crimes and genocide against civilians in the Strip. This decision, if it occurs, requires submitting a case to the UN Security Council to take "appropriate" measures to deter Israel and oblige it to abide by the court's decisions, and its pledge to protect civilians located within the "occupied" territories it has taken control of in the Gaza Strip.

### **Discussion and Conclusions**

This study came in an attempt to reveal the impact of the decisions of the International Court of Justice on the conditions of the Palestinians in the Gaza Strip as a result of the war of extermination and ethnic cleansing committed by the Israeli occupation army against the Palestinians for more than a year, which has not left any means of destruction without using it against civilians and infrastructure, and in doing so it seeks to achieve one of its declared goals in the war, which is "cutting off life", to the point of their surrender and submission to the dictates that it seeks to impose later.

In light of international efforts to contain the Palestinian-Israeli conflict, dozens of UN resolutions were issued aiming to end it, but the successive Israeli governments did not abide by any of them. All resolutions condemning Israel were vetoed by the US and a number of western countries that support the Israeli presence on Palestinian lands, with the exception of some of the resolutions, which, even if they were approved, did not enter into force as a result of Israeli intransigence and US political, economic and military support, which has never stopped providing unlimited support Israel.

In an international effort to provide protection to the Palestinian people, the State of South Africa took the initiative to file a lawsuit against Israel at the International Court of Justice, through which it aimed to criminalize the Israel for its flagrant violations of international charters and treaties, which it is supposed to abide by, as one of the

member states of the United Nations, which has joined a group of international agreements, especially the prevention of genocide and ethnic cleansing.

Given the bureaucracy of the procedures and their lengthy duration, the State of South Africa has demanded that temporary measures must be taken to stop the Israeli crimes, which would help to protect civilians and infrastructure, or what remains of them, and restore at least some aspects of life, whether residents of the Strip to obtain water, food, medicine, etc. , or in to resolve the Palestinian issue with a final and just solution, as the process of ending the war and/or declaring a truce by the International Court of Justice requires the issuance of a final judicial decision, which takes a long time to issue.

The decision of the International Court of Justice was disappointing to the Palestinian people, as the court was content to stress the need for Israel to respect the previous measures that were approved in the genocide case, and summarized the case by confirming that the current conditions in the city of Rafah require an immediate and effective implementation of those measures, but it refuses to take additional urgent measures, which means issuing a “non-binding” decision to stop the war and stop its violations of international humanitarian law in the Gaza Strip.

Although the decision of the International Court of Justice, which called on the State of Israel to implement interim measures to preserve the rights of the Palestinians, is a binding decision, this did not prevent it from continuing to violate all ethical standards and international treaties related to human rights, without exception, which requires direct intervention by the UN Security Council to impose it on the ground in the event that the occupying state does not fully abide by its results, which is the reality of what is happening in terms of bombing buildings, bulldozing lands, demolishing homes and residential complexes, and even holy places, and UN headquarters have not been spared from the Israeli war machine.

The media plays an important and vital role in opposing the Zionist project aimed at displacing Palestinians from their land and eliminating the so-called two-state solution, which is faced with a fierce media campaign to defend Israel, which often presents false and baseless claims, especially its claim to fight "terrorism". It is obvious that the Palestinian people defend their right to freedom and independence, and to remain in their historical land as an indigenous people on this land, which is what the United Nations resolutions have recognized, without restricting the means of defending themselves against colonialism.

It is interesting to note that what is happening in the international arena of wars and mutual threats between many countries will certainly lead all parties of the conflict to sit at the negotiating table, especially the major powers, with the aim of negotiating to find solutions and end the state of mutual destruction, which can end the Arab-Israeli conflict in general, and the Palestinian-Israeli conflict in particular, either by referring to what was agreed upon in the United Nations Charter and other international treaties, agreements and protocols, or by reformulating international humanitarian law similar to what happened at the end of the First and Second World Wars.

Therefore, we need to review all values, ideas, and philosophies, and all theories and schools of political science that were produced by the Western system. We do not need to justify actions, whether by Palestinians or Israelis. Rather, we must search for the causes of the conflict and rely on a human moral standard that treats everyone equally without exception, and take into consideration the authentic historical right of the Palestinian people to remain on their land, and to preserve their property, land, and investments. We must also return the displaced and the displaced to their land and homes and compensate them for all the material and moral losses they suffered as a result of the brutal Zionist occupation of the Palestinian territories, and release all prisoners in the occupation prisons, as the Palestinian side has continuously demanded

through international forums, which have been of no use, so the Palestinians have resorted to using force in this regard.

Regardless of the views for or against the events of October 7, 2023, the usurped Palestinian rights, the state of suffocating siege, and the repeated attacks on the -the destruction, theft, and forced and voluntary displacement of the Palestinian people.

The study concludes with the urgent need to review the humanitarian and moral role of the United Nations and its international organizations, in light of the possession of the veto power, which has wasted the rights of the Palestinians, and continues to do so, in light of the Israeli intransigence supported by American support and Western countries without limits. With the importance of the existence of consensus among all Palestinian currents and parties, and the pursuit of unifying the goal and direction, to protect the Palestinian right and Palestinian constants at the very least from being lost as a result of conflicting opinions and orientations towards resisting the Israeli occupation.

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