



A Weaponizing the Law Conference in the Gaza Strip to discuss the legal battle against Israel

March 26, 2023

Overview

- ▶ Within the framework of the legal battle the Palestinians are waging against the State of Israel, on March 18, 2023, a conference was held in the Gaza Strip with the theme, "Jurists Confronting the Occupier." It was organized by the International Center for Law Studies, which has its offices in the Gaza Strip and despite its protestations of independence, is closely affiliated with Hamas and is headed by Faraj al-Ghoul, chairman of the Legal Committee of Hamas' Legislative Council.
- ▶ Speakers at the conference stressed the importance of using lawfare to attack Israel, claiming it was no less important than the "military" and political activities against it. The conference offered recommendations, including **the need to use the law as a weapon against Israel as a fundamental "resistance" [anti-Israeli activity] method** at every level and in international forums.
- ▶ Using the law as a weapon against Israel is not new, and for years has been an integral part of the political "struggle" waged by the Palestinian Authority (PA) and often part of its activity to delegitimize Israel. The political, propaganda and military objectives are the following:
 - ◆ Tying Israel's hands in its fight against terrorism and making it difficult for Israel to defend itself.
 - ◆ Smearing Israel's image, especially in Western eyes, by representing it as guilty of "war crimes" and damaging Israel's foreign relations.
 - ◆ Eroding faith in Israel's institutions, especially its security forces and legal system, and defaming its leadership.
- ▶ In the past lawfare was used to attack Israel by bringing civil or criminal suits in courts in various countries against Israel's political and military leaders based on universal legal authority, appealing to international courts such as the International Criminal Court and the

International Court of Justice in The Hague (the ICC and the ICJ),¹ encouraging the appointment of international commissions to investigate the activities Israel carries out in the PA territories as part of its fight against Palestinian terrorism.²

Additional Information

► On March 18, 2023, the International Center of Law Studies, which refers to itself as "independent" and whose offices are in the Gaza Strip, held a conference with the theme "Jurists Confronting the Occupier." Speeches were given by members of the Hamas leadership and guest speakers, among them Richard Falk, former UN representative in Judea, Samaria and the Gaza Strip.³ The speakers stressed the importance of legal warfare against Israel and the fact that it worried Israel. The conference ended with recommendations for future action.



The conference (Safa, March 18, 2023)

► Each speaker received ten minutes. Among them were Faraj al-Ghoul, chairman of the International Center for Law Studies and of the Legal Committee of Hamas' Legislative Council; Mahmoud al-Zahar, a member of Hamas' political bureau, and chairman of the fundamental principles' committee; Musa Abu Marzouq, a member of the Hamas political

¹ For example, the UN General Assembly's [political] decision on December 8, 2003, to ask the ICJ for an advisory opinion against Israel's border security fence.

² For example, the Goldstone Commission of 2009, which received active help from Hamas and Palestinian NGOs.

³ Richard Falk is professor emeritus of international law at Princeton University. In 2008 he was appointed by the UN Human Rights Council as UN special rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. He is known for his extreme positions against Israel. In 2008 he was declared persona non grata by Israel and denied entry to Israel, Judea, Samaria and the Gaza Strip because of his monolithic position regarding the Israeli-Palestinian conflict. On January 7, 2009, during Operation Cast Lead, he accused Israel of violating international humanitarian law and carrying out crimes against humanity, and called for those responsible to be prosecuted.

less important that military, security or political weapons. He claimed the Palestinians had successfully documented [alleged] "Israeli war crimes" and presented files against Israel to international courts of law. He claimed the international immunity given to Israel encouraged it to commit "additional crimes against the Palestinians." He also claimed Israel committed crimes against the Palestinian on a daily basis without any action being taken against it. He called on the ICC to stop its double standard and to prosecute the Israeli leadership. He said **they had begun using the law as a weapon against Israel**, and the entire world had to use it to denounce Israel and document its crimes against the Palestinians. He called on human rights and other international institutions to take responsibility and expose "Israel's [alleged] crimes" against the Palestinians, adding that all efforts had to be made to unite to deal with Israel and its "crimes" in courts of law (al-Aqsa TV website, March 18, 2023).

◆ **Musa Abu Marzouq** said they were going to present files against Israel to the ICC dealing with many issues, especially Israel's giving legal status to the settlements, "Israel's racist laws" and the "killing and burning" carried out by Israel. He said the conference was an important step on the long path to realizing rights and gaining support for the "oppressed Palestinians," especially in light of the killing, uprooting and damage done to them at every level during recent years. He added that the four most recent rounds of fighting and the ongoing [so-called] "siege" of the Gaza Strip were "war crimes" that Israel had to be held accountable and prosecuted for. Israel had to be prosecuted for what it did in Judea and Samaria, including killing, confiscating, demolishing houses, desecrating Muslim holy places, as well as the racist, fascist statements of its leaders against the Palestinians. He said Palestinian jurists had a heavy burden to bear because of countries which see what Israel does and do not lift a finger [to stop it]. He said there were judges, solidarity and other activists who could play significant roles in supporting the Palestinians. He called for human rights and legal activities to be undertaken and to construct alliances and make agreements with human rights and legal organizations, bodies and institutions to increase support for the Palestinian cause (Palestine Online, March 18, 2023).



Projected speech by Musa Abu Marzouq (alresala.net, march 18, 2023)

◆ A speech was given by **Mahmoud al-Zahar** in which he claimed **the Palestinian issue was purely legal**. He claimed that what Israel did in the Palestinian territories were "war crimes" and Israel had to be punished. He said they were going to present files to the ICC against Israel about a variety of issues, especially Israel's giving legal status to the settlements, "Israel's racist laws" and the "killing and burning" carried out by Israel. He called on jurists to expose "Israel's [alleged] crimes, promote the Palestinian "narrative" and create an international front to punish Israel for its ongoing crimes. He also said the international community had to help the Palestinians realize their legitimate rights and not keep silent about Israel's "crimes." He added that according to the UN definition, Israel committed "crimes against humanity" in the Gaza Strip, Judea and Samaria, and inside Israel. He said international law had given the Palestinians their rights in theory, but they had to use force and pressure to achieve them in practice, and that could be done only through all forms of "resistance," especially armed and "military resistance," which were anchored in international law [sic], and gave the Palestinians the right to use every form of "resistance" (Palestine Online, March 18, 2023).



Mahmoud al-Zahar speaks at the conference (alresala.net, march 18, 2023)

◆ **Usama Sa'ad** claimed the governments of Israel were extremist and the "occupation" was based on blood, killing, uprooting, detention and settlements against the Palestinians, which necessitated international prosecution. He claimed legal dealings with Israel were successful based on the right to "resistance" as stated by UN resolutions and international law. He also noted the failure of the PA foreign ministry and other official institutions to promote the rights of the Palestinians in international forums, despite the legal and political means at the PA's disposal, which was a UN observer state.

◆ **Dr. Abdallah al-Ashal** said the PA had an important role to play in dealing with Israel. He called for the Arab legal front to unite to appeal to international courts of law to demand Israel be held accountable. He also called on the PA to enlarge the expert advisory legal opinion because **the solution for the Palestinian issue was legal, not political** (Safa, March 18, 2023).

◆ **Richard Falk** gave a militant speech relating primarily to the places holy to Islam. He said that international law protected freedom of religion and therefore the holy sites in "Palestine" had to be protected, which was Israel's responsibility. According to Falk, the "violations" of al-Aqsa were "a crime and gross violation of international law." He called on human rights activists around the world to provide legal protection for the Palestinians legally, to demand accountability from Israel for its "violations" and to create a real, effective system to protect the Palestinians' holy sites and religious ceremonies.

► The conference ended with a series of recommendations, including one **to use legal confrontation as a basic method of "resistance" in every international platform** dealing with Israel. Another recommendation was to appoint a team of judges whose role would be to monitor Israel's [alleged] violations, to present files to the ICC and monitor legal deliberations. The conference also decided to designate a satellite channel to monitor Israel's violations and report them to the media. As part of its activities, the channel will host legal experts to discuss the files (Safa and Palestine Online, March 18, 2023).

Appendix

International Center for Law Studies

- ▶ The International Center for Law Studies is located in Gaza. **Despite declaration of independence, it is clearly linked to Hamas.**
- ▶ Its Facebook page leads to the home page of the Center, which is actually the website of an organization called the Human Rights Institutions Association – RHIA, which is inactive. The Facebook page also has memorandums the organization published. Both organizations have the same telephone number.
- ▶ Between 2017 and 2021 the Center was chaired by **an engineer named Muhammad al-Jamassi**, who was also a member of Hamas' political bureau (Vision for Political Development website, November 23, 2022, and the Centers former Facebook page, November 23, 2017)
- ▶ In the past the Center sent memorandums to the ICC about various "crimes" Israel [allegedly] committed. In August 2019 it reported the receipt of an answer from the ICC's chief prosecutor Fatou Bensouda stating she would examine the memorandum sent about the demolition of 16 houses in the Wadi al-Hams neighborhood in Jerusalem (Khabar, August 8, 2019).



International Center for Law Studies logo, from the organization's Facebook page, September 26, 2022