

Territorial Crisis in Palestine  
*State of Israel v. State of Palestine*

MUNiSC  
MODEL UNITED NATIONS INTERNATIONAL SCHOOLS CONSORTIUM



International Court of Justice

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Noor Hady

Amir Saleh

*Defense Witnesses:*

Benjamin Netanyahu

Ta'el Polsky

Ariel Kramer

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## CASE SUMMARY

*This Case Summary is not to be used as evidence in the case, but rather is provided for background purposes only*

On August 19th, 2020, the State of Israel decided to join the Middle Eastern countries' normalization process. Normalization is the process of bringing or restoring to a normal condition, in this particular situation, between countries. The normalization process was intended to formally establish diplomatic ties and restore the relationship between the State of Israel and the Arab region countries. However, such bonding of Middle Eastern states and Israel brought anger to the Palestinian government, who hold a long grudge against the State of Israel. The conflict between the two countries began in the late 19th century when they disputed religious issues, which then expanded to the current territorial dispute.

On September 15th, 2020, during Israel, United Arab Emirates, and Bahrain's signing ceremony of "normalization" ties, rockets were fired into Israel by Palestine. Two rockets were fired into the Israeli territory, one hitting the coastal city of Ashdod and the other on Palmachim Beach. This incident wounded two Israelis, angering the Israeli government. Another attack just before the dawn of September 16th was initiated, where thirteen rockets were launched targeting Israel.

In retaliation, the Israeli military carried out ten air raids on the Gaza Strip, belonging to a Palestinian group Hamas on the same day. According to the Palestinian government report, the Israeli government aimed at the Palestinian cities: Beit Lahiya in the northern strip, Deir al-Balah in central Gaza, and Khan Younis in southern Gaza. Although the attack targeted many different sites, there were no casualties. From these events, Hamas, the militant Islamic nationalist organization of Palestine, warned Israel that they would "pay the price for any aggression against our people or resistance sites and the response will be direct," adding that "we will increase and expand our response to the extent that the occupation [Israel] persists in its aggression."

The series of these incidents were, however, foreseen long ago. When the State of Israel joined the normalization of the Middle East countries, the State of Palestine had accused Arab countries of renegeing on promise not to embrace ties with the State of Israel until Palestinian statehood is achieved. The countries, including UAE and Bahrain, did not fulfill their promises, resulting in angering the Palestinian officials and the government. Thus, in retaliation to such actions, the State of Palestine directed their attack to disturb the normalization pact ceremony placed in September.

In order to officially accuse the State of Israel of their actions on September 15th, 2020, the State of Palestine submitted a referral to the International Court of Justice, requesting for judgment on the issue and an intervention from the UN on their behalf to ensure that the State of Israel is not excluding the State of Palestine from forming alliances with other Arab countries.

## HISTORICAL BACKGROUND

### **1948**

700,000 Palestinian refugees were forced to flee to other regions in order to avoid the aftermath of the Arab-Israeli War. One-third went to the West Bank, another one-third to the Gaza Strip, and the rest to Jordan, Lebanon, and Syria.

### **1967**

Israel launched attacks against Egypt, Syria, and Jordan for six days. The "six-day war" ended with Israel annexing Egypt's Sinai Peninsula, Syria's Golan Heights, and Jordan's West Bank, where most Palestinian refugees were settling.

Simultaneously, the UN Security Council passed Resolution 242, calling on Israel to retract its troop from the territories it occupied. However, the resolution was not successful, and the Israeli forces remained in Gaza Strip, West Bank, and other regions in Egypt.

### **1993-1995**

In response to the First Intifada\* that occurred from 1987 to 1993, Israel signed two Oslo Peace Accords that agreed for the withdrawal of its forces from the areas that it had annexed. Israel and Palestine also agreed to grant Palestinian autonomy in certain parts of the West Bank and Gaza Strip.

### **2000**

Until the beginning of the year 2000, the conflicts between Israel and Palestine were fairly resolved and peace seemed to be restored.

However, the mistrust between Israel and Palestine triggered several more armed attacks and re-stimulated the conflict. On September 28<sup>th</sup>, 2000, Ariel Sharon, the former Prime Minister of Israel, visited the Al Aqsa Mosque with more than 1,000 Israeli police. He declared an announcement saying that "The Temple Mount is in our hands," which was broadcasted during the six-day war, 1967. This phrase provoked the hostility of the Palestinians, and they launched the Second Intifada to Al Aqsa Mosque. Expecting the Palestinian's violent rebellion beforehand, Israeli polices deliberately punished the Palestinians with excessive force. This resulted in about 3,200 cases of death and more than 10,000 cases of injuries. The Second Intifada continued until 2005.

### **2002**

Israel reoccupied Palestine's official territories in the West Bank after the Second Intifada. Mistrust between Israel and Palestine continued to aggravate, and Palestine initiated several suicide bombings that killed several tens of people each time.

### **2006-2007**

A decade after Israel retracted its troop and domination on the previously annexed regions, an extremist group called Hamas won elections from the Palestinians and took control of the Gaza Strip in 2006.

Israel imposed a blockade on Gaza's coast, which led to an economic downturn and 40% unemployment in Palestine.

#### **2012-2014**

Israel triggered Hamas by killing Palestine civilians. Military from Gaza fired 60 shots of air raids on Israel. Israel, in response, killed another Palestinian boy. Palestine retaliated by launching 40 rockets to Israel. More retaliation from Israel, attacking the tunnel from which Palestine could acquire military weapons and communicate with its troops, followed. Israel continued blocking the coast of Gaza and limited people to get in and out of Gaza.

#### **2015**

The tension between Israel and Palestine continued to aggravate as more clashes have occurred in the West Bank and the Gaza border. At least nine Israelis and forty-one Palestinian were killed. The Palestinians primarily initiated the attacks, who burnt tires, threw rocks, and stabbed the Israelis, while the Israeli forces responded with bullets and ammunition.

#### **2018**

Palestinian protesters led by Hamas showed violent and massive scale protests along the fence of the Gaza border. They were mostly unarmed but acted violently upon the Israeli troops by burning tires, throwing rocks and grenades. Israeli troops, as a response, killed up to 170 protesters. Israel was accused of using excessive force, but Israel, in return, defended that it was justified violence to protect the border.

In November, Israeli troops raid into Gaza, killing 7 Palestinian militants and a senior Israeli army officer. Palestinian militants at Gaza fired hundreds of rockets at Israel in retaliation.

\*First Intifada means the first rebellion of Palestine against Israel

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v.

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## **PARTIES, JURISDICTION AND VENUE**

1. State of Israel is a country located in the Middle East.
2. The issue is focused on the attack that occurred in the Gaza Strip and the West Bank.
3. Upon information, the Gaza Strip is a self-governing territory of Palestine.
4. Hamas is the Palestinian administration in Gaza.

## **STATEMENT OF FACTS**

5. The Israel-UAE and Israel-Bahrain normalization agreement was signed on September 15.
6. Annexation is a violating action according to International Law.
7. Israel has officially withdrawn military troops and its administration from the Gaza Strip.
8. Israeli troops raided Gaza, killing seven Palestinian militants.
9. Palestinian militants fired rockets at Israel.

## FOR CAUSE OF ACTION

10. The State of Israel has continuously ignored the past mediation with Palestine and launched attacks to occupy Gaza.
11. The government of Israel responded instantly to the attacks directed by the State of Palestine with 10 air raids, without considering other alternative solutions.
12. The State of Israel deliberately bombed several cities in Gaza in order to damage the territories and terrorize the Palestinians.
13. The State of Israel signed the Abraham Accords in order to claim for a part of West Bank and take away the territories that belongs to the State of Palestine.
14. The State of Israel initiated the normalization treaties so as to exclude the State of Palestine from other Arab nations and to strengthen their national reputation whilst degrading that of the Palestinian government.
15. As a direct and proximate result of the attack from the State of Israel on September 16<sup>th</sup>, 2020, the State of Palestine witnessed territorial damage in Deir al-Balah, a city in central Gaza.
16. As a direct and proximate result of the attack from the State of Israel on September 16<sup>th</sup>, 2020, the State of Palestine encountered territorial damage in Beit Lahiya in the northern strip.

WHEREFORE, the Prosecution prays for fair judgment against the Defense for actual and punitive damages as the jury deems appropriate.

## FOR DEFENSE

1. Each and every allegation in the Complaint not specifically admitted herein below, is denied.
2. The allegations in Paragraph 1 of the Complaint are admitted, upon information and belief.
3. The allegations in Paragraph 2 of the Complaint are admitted.
4. The allegations in Paragraph 3 of the Complaint are admitted.
5. The allegations in Paragraph 4 of the Complaint are admitted.
6. The allegations in Paragraph 5 of the Complaint are deemed to be refuted against, thus the allegations are denied.
7. The allegations in Paragraph 6 of the Complaint are admitted.
8. The allegations in Paragraph 7 of the Complaint are admitted.
9. The allegations in Paragraph 8 of the Complaint are admitted.
10. The allegations in Paragraph 9 of the Complaint are admitted.
11. The allegations in Paragraph 15 of the Complaints are admitted but requires further explanation on the allegations.
12. The allegations in Paragraph 16 of the Complaints are admitted but requires further explanation on the allegations.
13. The rest of the allegations of the Complaints not listed here are denied.
14. The Defense denies that the Prosecution is entitled to the requested relief in the unnumbered “Wherefore” paragraph.

## STIPULATIONS

Stipulations shall be considered part of the record. Prosecution and defendant stipulate to the following:

1. There are no defects in the pleadings. The Defendant has properly appeared and answered. The Court has jurisdiction over the parties. All questions of fact are being submitted to the jury. Questions of law will be decided by the Court. No law may be argued other than what is contained in the Jury Charges in the Case Materials.
2. The charge of the Court is accurate in all respects, and no objections to the Charge will be entertained.
3. This case has been divided into party of Israel and party of Palestine.
4. The only matter to be decided in this trial is liability.
5. All exhibits included in the Case Materials are authentic and are accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. The only exhibits to be used at the trial are those included in the case materials.
6. The charge of the Court is accurate in all respects, and no objections to the Charge will be entertained.
7. No witness should be examined or cross-examined as to the contents of anything not included in the Case Materials. This includes, but is not limited to, information found on the Internet, social media, books, magazines, and/or other publications.
8. No one other than the witnesses from the Witnesses Listing should be examined or cross-examined by the lawyers. No one other than the witnesses should produce evidence for the lawyers.

\*THE FULL CASE STUDY DOCUMENT WITH WITNESS TESTIMONIES WILL ONLY  
BE AVAILABLE TO ICJ PARTICIPANTS

