

IN THE INTERNATIONAL COURT OF JUSTICE

**PALESTINE,
APPLICANT**

V.

**ISRAEL,
RESPONDENT**

MEMORIAL OF THE STATE OF PALESTINE

Palestine's Memorial to the Court states the following:

JURISDICTIONAL STATEMENT AND ARGUMENT

1. Article 65, Paragraph 1 of the Statute of the International Court of Justice states that “the Court may give an advisory opinion on any legal question at the request of whatever body may be authorized by or in accordance with the Charter of the United Nations to make such a request.”
2. Following statement one, the body requesting this advisory opinion is the General Assembly who is authorized to do so according to Article 96, Paragraph 1 of the United Nations Charter which states, “the General Assembly or the security council may request the International court of Justice to give an advisory opinion on any legal question.”
3. Article 11, Paragraph 2 of the UN Charter states that “the General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council.” This is relevant due to the fact that the advisory opinion consists of matters of conflicts between two states and one of these two states is threatening international peace and security.

STATEMENT OF FACTS

Israel authorities began constructing a “security fence” in June of 2002 to which Palestinians are prohibited from crossing. The plan for the “security fence” was to be 687 kilometers in length with some areas of the barrier being 60-100 meters wide. The height of the wall ranges to eight metres high, especially in Urban areas like that of East Jerusalem. Throughout the barrier there are a multitude of mechanisms including surveillance cameras, razor wire, and an electric fence that stands three metres tall. The Israeli military is also patrolling alongside the barriers. There is also a future plan to create “depth barriers” which would be 150 metres in length as well as extending the barrier into the Jordan Valley.

The United Nations office for the Coordination of Humanitarian Affairs states that a total of about 750,000 Palestinians will be cut off and trapped between the Green Line and the new barrier being built by Israel. This will result in devastating outcomes for these Palestinians and put these individuals at very high risk of being displaced. The barrier itself will result in the destruction of agriculture and separation of families and homes.

STATEMENT OF LAW:

1. Article 2, Paragraph 4 of the United Nations Charter states, “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”
2. Article 4, Paragraph 1 of the Fourth Geneva Convention states that those who are protected by the convention is anyone “who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.” This is relevant because the Palestinian people in the Occupied Territories are labeled “protected persons,” according to this article.
3. Article 23(g) of the Hague Regulations prohibits “to destroy or seize the enemy’s property, unless such destruction or seizure be imperatively demanded by the necessities of war.”
4. Furthermore, Article 53 of the Fourth Geneva Convention also prohibits destruction of enemy’s property stating, “any destruction by the Occupying Power of real or personal property belonging individually or collectively to private person, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”
5. The Armistice Line, also known as the 1949 Green Line, was a negotiation between Israel and neighboring states. Israel’s wall is currently in violation of that agreement that was placed as a cease fire.
6. Article 17 of the Universal Declaration of Human Rights protects the right to property simply stating, “no one shall be arbitrarily deprived of his property.”
7. Article 1, Paragraph 1 in both the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights states that “all peoples have the right of self-determination. By virtue of that right they freely

determine their political status and freely pursue their economic, social, and cultural development.”

ARGUMENTS

1. The construction of the wall in the Occupied Palestinian Territory has violated international law and poses a threat to the people of Palestine, especially Palestinians who are trapped and isolated from the rest of Palestinian territory because of the built wall. Israel is in violation of international law under Article 2, Paragraph 4 of the United Nations Charter as well as both Article 4, Paragraph 1 and Article 53 of the Fourth Geneva Convention and Article 23(g) of the Hague Regulations. Lastly, the construction of the wall violates Article 17 of the Universal Declaration of Human Rights and Article 1, Paragraph 1 of both the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights.

SUMMARY AND REQUESTS

The barrier has infringed upon the human rights and security of the people of Palestine. The wall is not for the security and self-defense of Israel, but rather its purpose is to demolish Palestine's security. Furthermore, the construction of the wall undermines the tireless efforts in achieving and setting peace in the region.

Reiterating the fact that Israel is in violation of international law under Article 2, Paragraph 4 of the United Nations Charter as well as both Article 4, Paragraph 1 and Article 53 of the Fourth Geneva Convention and Article 23(g) of the Hague Regulations. Lastly, the construction of the wall violates Article 17 of the Universal Declaration of Human Rights and Article 1, Paragraph 1 of both the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights, Palestine requests that the Court condemns Israel's construction of the wall in the Occupied Palestinian Territory and that the territory of the Palestinian people be respected.