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**Transitional Justice and Institutional Reconstruction of the Gaza Strip Post-War:
A Policy Vision for Preserving Civil Peace and Restoring the Justice System
under UN Security Council Resolution 2803**

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First: Executive Summary

The Gaza Strip faces, in the aftermath of the 2023 war, an unprecedented state of comprehensive institutional collapse without parallel in recent history in its severity and scope. Destruction has engulfed both the judicial and security systems in their entirety: all courts across the Strip have ceased operations completely, approximately 1,210,000 case files and official records have been destroyed following the complete demolition of the Justice Palace, and direct material losses in the governance and rule of law sector have reached approximately \$240 million. The martyrdom of more than 5,000 police personnel, 12 judges and public prosecutors, 871 lawyers, and 148 academics and researchers has created a professional human capital void impossible to compensate for in the foreseeable future.

This collapse is compounded by an extremely complex geopolitical context: UN Security Council Resolution 2803 of 2025 established an international transitional structure comprising the "Board of Peace" under US leadership, the "International Stabilization Force" (ISF), and the "National Committee for the Administration of Gaza" (NCAG) as a local technocratic body. In the face of this enormous legal vacuum and the accumulation of over 210,000 pending cases, displacement camp committees and tribal reconciliation committees have emerged as an emergency substitute for resolving daily disputes.

This paper aims to formulate a policy framework that balances the principles of transitional justice, justice sector reform, and local governance within the context of post-war Gaza. The paper presents and critically evaluates four policy alternatives: (a) unitary centralized restoration of the formal system, (b) institutionalization of tribal and popular structures, (c) the hybrid transitional justice model, and (d) linking the justice sector to the spatial justice track and reconstruction.

The paper concludes by recommending the third alternative—the "Hybrid Model"—as the most responsive to the emerging geopolitical and field reality, without compromising constitutional principles and human rights. This model rests on four parallel tracks: establishing a joint supreme judicial committee, operating mobile emergency courts, launching a unified digital platform for cloud-based archiving, and governing tribal community committees through a binding code of conduct. The paper includes a graduated implementation plan with a clear implementation matrix outlining tasks and responsibilities, enhanced by a preventive analysis of political, security, and technical risks.

This paper derives its professional value from presenting policy alternatives specific to the post-war Gaza context, and from providing decision-makers in the Palestinian National Authority (Presidency, Ministry of Justice, Supreme Judicial Council), the National Committee for the Administration of Gaza (NCAG), international institutions, and donors with a graduated action program for protecting civil peace and rebuilding the governance and rule of law sector.

Second: Introduction

1. Background and Context: The Specificity of Transitional Justice in Gaza

Transitional justice is defined as a legal, political, and social framework used in contexts emerging from conflicts or authoritarian regimes, aimed at addressing the legacy of gross human rights violations through a set of judicial and non-judicial mechanisms—such as accountability, reparation, truth-telling, and non-recurrence guarantees. This framework does not aim to achieve comprehensive justice amid weak or collapsed institutions, but rather

focuses on rebuilding societal trust and forming a shared collective narrative about what occurred.¹

This field evolved through pioneering international experiences: in South Africa, the Truth and Reconciliation Commission (TRC) founded in 1995 established a model of truth in exchange for amnesty, processing 21,298 documented violation cases. In Rwanda, the "Gacaca" customary courts in 2002 integrated community traditions with the judicial structure, adjudicating over 1.9 million cases. In Morocco, the Equity and Reconciliation Commission (IER) during 2004–2006 successfully provided reparations to 16,861 victims.²

In the Palestinian context, transitional justice has a complex specificity arising from the continuation of occupation and the political and institutional division since 2007. The first practical experiences emerged through community reconciliation committees in Gaza, most notably the National and Islamic Committee for Development and Social Solidarity (Takaful) in 2017, which successfully resolved 134 killing cases out of 715 victims of the division through blood money payments of \$50,000 per case—contributing to the integration of community tools within justice processes.³

Numerous studies have addressed transitional justice as an approach to dealing with the effects of the Palestinian division, most prominently "Palestine Transitional Justice Strategy" launched by the Musawa Center in 2023, which emphasized that transitional justice is a comprehensive process transcending criminal prosecution to include truth-telling, reparation, institutional reform, non-recurrence guarantees, and national reconciliation.⁴ This vision was aligned with the requirements of ending the effects of the division, unifying institutions, and building trust between Palestinian parties before the October 2023 war.

Section Two: Problem Definition and Analysis

The October 2023 war fundamentally reshaped justice priorities in the Gaza Strip, imposing a radical transition in conceptualization. The challenge was no longer limited to addressing the effects of the Palestinian division, but extended to confronting the collapse of both the justice and security systems, the destruction of the judicial infrastructure, the loss of the legal archive, and the depletion of specialized cadres. This created a vast judicial and security vacuum that contributed to the escalation of crime, disputes, and vigilante justice—especially in congested displacement areas hosting approximately 1.9 million displaced persons.

This collapse is compounded by complex international orientations toward the Gaza Strip. The UN Security Council, on November 17, 2025, adopted Resolution 2803, which calls for implementation of the "Comprehensive Plan to End the War in Gaza" (Trump's twenty-point plan issued September 29, 2025). This resolution established the "Board of Peace" as a two-year international transitional administration ending in December 2027, authorized international stabilization forces (ISF) for stabilization and disarmament, alongside

¹Martina Fischer, "Transitional Justice and Reconciliation: Theory and Practice" (2011), p. 55; United Nations, Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice (New York: United Nations, 2010).

²For further reference: Razia Phelica, "Lessons Learned from the Truth and Reconciliation Commission in South Africa," *International Peacekeeping*, Vol. 16, No. 2, 2009, pp. 236-251. <https://www.tandfonline.com/loc/finp20/current>. Truth and Reconciliation Commission of South Africa (TRC), "Final Report," Cape Town, 1998, Vol. V, Ch. VIII. <https://www.justice.gov.za/trc/report/finalreport/Volume5.pdf>. Moroccan Equity and Reconciliation Commission (IER), "Final Report," Rabat, 2006. https://www.ier.ma/article.php3?id_article=1496. UN Human Rights Council, "UN International Commission for Rwanda," Geneva: OHCHR, 1994. Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda* (New York: Farrar, Straus and Giroux, 1998). <https://www.ohchr.org/en>

³Palestinian Center for the Independence of the Legal Profession and the Judiciary "Musawa," "Palestine Transitional Justice Strategy," Ramallah: Musawa, February 2023. <https://musawa.ps/uploads/f9a50fd3b727b384a525f82fa7eee4c8.docx>

⁴Palestinian Center for the Independence of the Legal Profession and the Judiciary "Musawa," *ibid*.

establishing the "National Committee for the Administration of Gaza" (NCAG) to handle daily civilian affairs.⁵

In this context the main policy problem emerges: How can an emergency transitional justice system be established that fills the immediate judicial and security vacuum, preserves civil peace, retrieves legal memory, and protects property rights amid "Urbicide" and the loss of documents for 65% of citizens—in alignment with the requirements of Resolution 2803—without entrenching a culture of chaos or legitimizing an unconstitutional parallel customary judiciary?

1. Direct Causes

a. Material and Functional Destruction of Judicial Institutions: The systematic targeting of judicial infrastructure led to all courts in the Strip (civil and religious) and the headquarters of the Public Prosecution and police apparatus going completely out of service. Total destruction includes: the headquarters of the Public Prosecution and the Attorney General's office, 19 police stations (full), 3 (partial), 4 police governorate headquarters, 4 correctional and rehabilitation centers, 10 courthouses, and 213 government headquarters. The value of direct damages in this sector reached \$240 million—making this institutional destruction one of the most comprehensive cases of judicial collapse documented in contemporary history, surpassing by far what was witnessed in Bosnia-Herzegovina in 1995 and Iraq in 2003.⁶

b. Loss of Records and Judicial Archive: The complete demolition of the Justice Palace led to the loss and destruction of approximately 1,210,000 case files and official records, distributed as follows: 100,000 files at the North Gaza court, 150,000 files at the Khan Younis court, and 60,000 files at the Rafah court. This loss obliterates civil and criminal rights and makes it impossible to trace historical disputes or prove current property ownership. Recovering this archive is estimated to take many years even with adequate funding.⁷

c. Depletion of Human Capital: The war caused the martyrdom of more than 5,000 qualified police personnel, 12 judges and public prosecutors, 871 male and female lawyers, and 148 scientists, academics, and researchers. This human hemorrhage has created a professional void impossible to compensate in the near term; the judiciary restoration plan estimates that rehabilitating judicial cadres will take three years in the best-case scenario.⁸

d. Accumulation of Frozen Cases and Emerging Disputes: Judicial paralysis exceeding 15 months resulted in a massive accumulation of cases; reports estimated total pending cases at approximately 210,000, with projections of doubling post-war due to growing inheritance, divorce, and property disputes. The religious courts alone had registered 14,271 cases in 2022 before the war.⁹

2. Indirect Causes

a. Entrenchment of Judicial Division: The Gaza Strip suffered before the war from judicial duality resulting from the 2007 political division, where the justice system emerged as a functional tool subordinate to the de facto authority rather than an independent system

⁵UN Security Council, Resolution No. 2803 of 2025 on the Situation in the Gaza Strip and the Establishment of the Board of Peace and the National Committee for the Administration of Gaza. <https://digitallibrary.un.org/record/4093207?amp%3Bv=%5B%27pdf%27%5D&ln=ar>

⁶Civil Authority for Judicial Independence and Rule of Law (Istiqlal), Plan for the Restoration and Reconstruction of the Judiciary in the Gaza Strip Following the Israeli War, Ramallah: Istiqlal, 2026, pp. 10-22. <https://www.istiqlal.ps/report/571>

⁷Independent Commission for Human Rights, Diwan Al-Mazalim, Fact Sheet: Targeting of the Occupation Army against Law Enforcement Apparatus in the Gaza Strip, 2024, p. 7.

⁸Civil Authority for Judicial Independence and Rule of Law (Istiqlal), Plan for the Restoration and Reconstruction of the Judiciary in the Gaza Strip (2023-2025), Ramallah: Istiqlal, 2025, pp. 10-22.

⁹Islam Musa (Atallah) and A. Rami Murad, The Role of Community Committees in Gaza Displacement Camps in Protecting Civil Peace in the Absence of the Justice Sector, Gaza, 2025, pp. 12-13; Civil Authority for Judicial Independence (Istiqlal), *ibid.*, p. 10.

reflecting principles of good governance—a challenge that fundamentally complicates the reconstruction process in the absence of national and international trust.¹⁰

b. **Urbicide Strategies:** The occupation practiced systematic destruction of residential neighborhoods (Urbicide) with the goal of eliminating the physical documentation basis for property ownership and changing the land's features, generating ongoing disputes over land boundaries and property. More than 65% of citizens lost their property ownership documents¹¹. The UN Special Rapporteur on Adequate Housing described this approach as "structural destruction targeting the very possibility of return"—which intersects with the concept of Spatial Justice that affirms the organic connection between physical space and rights distribution.¹²

3. Effects on the Social Fabric and Civil Peace

This multi-dimensional collapse produced a series of dangerous field manifestations threatening civil peace and accumulating consequences on the social fabric:

Deterioration of Civil Peace and Spread of Vigilante Justice: 35 homicide cases motivated by theft or revenge were documented in May and June 2024 alone—a number equivalent to the total homicides recorded throughout 2022 (36 cases). The rate of security complaint resolution dropped from 96.2% before the war to between 16.7% and 20% only, and 2,582 criminal detainees escaped from destroyed prisons without oversight.

Explosion of Disputes in Displacement Camps: Field estimates for a sample of 6 major camps indicate a daily dispute rate of between 16 and 37 disputes—equivalent to 480 to 1,110 disputes monthly in these camps alone.

Deterioration of Property Disputes: Demolition of neighborhoods caused overlap in land parcel boundaries and collapse of street and building landmarks, amid the loss of title deed documents for 65% of the population.

Compounded Burden on Women and Vulnerable Groups: More than 80% of women in Gaza were exposed to some form of violence during the war, amid the paralysis of religious courts in adjudicating custody, alimony, and divorce cases.

Table (1): Indicators of Institutional and Social Collapse in the Gaza Strip¹³

Indicator Category	Indicator Description	Approximate Value	Estimated Recovery Period
Judicial Infrastructure Losses	Total value of direct damages	\$240 million	Initial restoration: 1–2 years
Security Building Destruction	Destroyed facilities and premises	19 police stations (full), 3 (partial), 4 prisons	Comprehensive construction: 3–5 years
Lost Archive	Records lost in Justice Palace demolition	1,210,000 case files and records	Archive recovery: 5–10 years

¹⁰Institute of Law – Birzeit University, The Effect of Palestinian Political Division on the Principle of Rule of Law in the Gaza Strip (Selected Legal Treatments). <http://lawcenter.birzeit.edu/lawcenter/files/08.pdf>

¹¹World Bank, European Union, and United Nations, Gaza Rapid Damage and Needs Assessment (RDNA), Washington / Brussels / New York, April 2026. https://palestine.un.org/sites/default/files/202604/Gaza%20Rapid%20Damage%20and%20Needs%20Assessment%20%28RDNA%29_0.pdf

¹²UN Special Rapporteur on Adequate Housing, Report on the Mission to the Occupied Palestinian Territories, Document A/HRC/55/43/Add.1, March 2024. <https://www.ohchr.org/en/special-procedures/sr-housing>

¹³For further reference: Atallah, 2025, pp. 9, 11, 13-15, 18; Civil Authority for Judicial Independence (Istiqlal), 2025, pp. 10, 22; World Bank, EU, and UN, RDNA, 2026, pp. 21, 47, 49.

Human Capital Depletion	Martyred judges, lawyers, and police personnel	5,000 police officers, 12 judges, 871 lawyers	Replacement capacity building: 3–5 years
Case Accumulation	Total pending disputes	210,000 pending cases	Backlog processing: 2–4 years
Community Crime	Documented homicides	35 homicide cases (May–June 2024)	Security control contingent on stability
Prison Escapees	Escaped prison inmates	2,582 criminal detainees	Re-arrest requires police and judiciary
Displacement Camp Disputes	Disputes in sample of 6 camps	480–1,110 disputes monthly	Immediate containment by community committees
Loss of Property Documents	Percentage of citizens lacking title deeds	65% of population lost documents	Property survey and documentation: 2–5 years
Gender-Based Violence	Percentage of women exposed to violence	More than 80% of women exposed to violence	Protection and empowerment: requires institutions

4. Alternative Justice Pathways as an Emergency Response to the Collapse of the Formal Justice System

The legal vacuum prompted the emergence of alternative community dispute resolution mechanisms to manage conflicts and preserve civil peace. Despite the partial resumption of judiciary activity since February 20, 2025 through limited services such as documentation, powers of attorney, and guardianship records, its capacity remained insufficient due to destruction of the judicial infrastructure and accumulation of cases—which kept community bodies as a parallel actor meeting the growing demand for justice.¹⁴

This situation produced a mixed transitional justice system combining limited formal judiciary with alternative community bodies, most notably:

Displacement Camp Committees and Community Committees: These emerged to organize the affairs of displaced persons and manage daily life inside camps, then expanded their role—due to the absence of formal institutions—to include handling disputes related to aid, resources, and residential spaces through mediation and community settlement. In coordination with tribal leaders and reconciliation committees, they helped contain daily conflicts and preserve community cohesion, dealing in a sample of six camps with approximately 16–37 disputes daily (480–1,110 monthly). Nevertheless, their role remained confined to simple disputes, with limited capacity to handle serious crimes or cases requiring binding legal rulings and enforcement.¹⁵

Reconciliation and Tribal Mediation Committees: These are among the most deeply rooted community bodies in Gaza, based on customs and traditions in mediation and

¹⁴For more on the suspension of court operations in the Gaza Strip, see: Official page of Counselor Diya al-Din al-Madhoun, President of the Supreme Judicial Council, 7/10/2023, Facebook. Official page of the Supreme Council for Religious Judiciary on Facebook, 7/10/2023. Al-Banna, Yasser, 2024, "How Do Government Institutions Operate in Gaza Amid War and Destruction?", Al-Jazeera. <https://www.aljazeera.net/politics/284>

¹⁵Atallah, 2025, *ibid.*, pp. 25-30.

customary arbitration. Their institutional organization strengthened from 2008 onwards, reaching 41 committees comprising approximately 700 members by 2011.¹⁶ During the war, their role expanded to deal with disputes related to displacement, resource scarcity, violence, theft, and multi-party conflicts, with estimates of their involvement in approximately 205–300 disputes daily across the Strip. Their customary tools helped contain many disputes, but their effectiveness remained limited in serious criminal cases and disputes requiring binding rulings and formal enforcement mechanisms—in addition to the absence of a governing legal framework and their reliance on community acceptance and voluntary compliance.¹⁷

Table (2): Institutional and Policy Gaps in the Existing Alternative System

Gap Type	Gap Content	Implications for Civil Peace
Legal Gap	Absence of a unified legal framework regulating committee work; some outputs conflict with the state's exclusive jurisdiction over judicial adjudication.	Weakening the binding force of committee decisions and raising issues related to their constitutional and legal legitimacy.
Institutional Gap	Weak coordination between committees, multiplicity of references, and absence of systematic documentation of decisions and settlements.	Loss of rights and difficulty reverting to precedents or benefiting from them in any future judicial process.
Social Gap	Limited participation of women and youth in decision-making and continued influence of tribal considerations in some procedures.	Decline in community trust levels and increased exposure of vulnerable groups to risks of exploitation and social and financial pressures.

Third: Stakeholder Analysis and Power Dynamics in the Gaza Strip

Building any applicable transitional justice system in the Gaza Strip requires an in-depth analysis of active stakeholders—including their positions, interests, power sources, and influence dynamics at both local and international levels. The success of this system does not rest on legal design alone, but on understanding the actual power balances in the context of UN Security Council Resolution 2803 of 2025:

Table (3): Actor Analysis in the Gaza Strip Landscape During the War¹⁸

Stakeholders	Power Sources	Vital Interests	Position on Transitional Justice
Executive Authority (Ramallah)	Political, financial legitimacy and international recognition.	Establishing central legal sovereignty and unifying institutions under the Judicial Authority Law 2002.	Supports immediate restoration of formal judiciary; prefers integrating committees under Ministry of Justice supervision.
Supreme Judicial Council and Public Prosecution	Constitutional and legal powers and presence of qualified cadres.	Institutional independence, infrastructure restoration,	Calls for immediate 'Joint Supreme Judicial Committee' and integration of Gaza and West Bank judges.

¹⁶Ministry of Interior and National Security, 2021, "Tribes and Reconciliation Resolve 85% of Family Problems in Strip Governorates." <https://moi.gov.ps/Home/Post/37407>

¹⁷Interview with Mukhtar Ali Musa (Abu Marwan), dated 11/6/2026. Interview with Mukhtar Yahya Ayoub al-Kafarna, 10/6/2025.

¹⁸For further reference: Civil Authority for Judicial Independence (Istiqlal), 2025, pp. 10, 14, 19, 22-23, 39-40; World Bank, EU, and UN, RDNA, 2026, pp. 16, 19, 21, 47, 49, 104; Musawa, 2023, pp. 11-12, 18-19, 91, 131; Security Council, Resolution 2803, 2025, pp. 2, 4-5, 9; Atallah, 2025, pp. 9, 11, 13-25, 35.

		and addressing case accumulation.	
Palestinian Civil Society Institutions	Technical expertise, donor and victim trust, and formulation of transitional justice evidence.	Truth-telling, accountability, victim reparation, and property rights.	Advocates 'hybrid justice' model and calls for secure digital archiving platforms.
Board of Peace and National Committee NCAG	International legitimacy delegated under Resolution 2803 and reconstruction funds (\$71.4 billion).	Maintaining stability, protecting reconstruction tracks, and managing civil services.	Supports temporary judicial frameworks; tends to delegate tribal committees with 'satisfaction justice' tasks.
Tribes, Reconciliation Committees, and Community Leaders	Social acceptance, traditional depth, and direct field presence.	Maintaining influence and status, obtaining official recognition and funding.	Welcomes constitutional recognition of their powers; reserves judgment on imposing international gender standards.
International Institutions and Donors	Financial power and technical expertise in digitalization.	Accountability, transparency, anti-corruption, and ensuring gender justice.	Conditions involvement on transparent, governed institutions; supports community mediation programs as emergency solutions.

Main Structural Gaps Between Stakeholders Necessitating an Integrated Policy:

'Centralization vs. Field Reality' Gap: The National Authority insists on unified central jurisdiction under the 2002 law, while field reality compels local and tribal committees to exercise independent judicial functions—creating a clash between sovereignty requirements and daily survival needs.

'International Standards vs. Traditional Customs' Gap: Civil society and donors insist on human rights and gender justice standards, while tribal committees rely on patriarchal customs that exclude women and adopt collective punishments such as al-Jalwa (forced banishment), threatening the entrenchment of systematic violations.

'Accountability vs. Stability' Gap: Victims and civil society institutions demand rigorous transitional justice pathways, while the transitional 'Board of Peace' prioritizes urgent procedural stability—threatening to entrench a culture of impunity.

'Lost Memory vs. Historical Rights' Gap: With the loss of 1.21 million case files, the formal judiciary lacks its documentary reference, pushing citizens toward temporary customary solutions that do not preserve long-term rights.

Fourth: Policy Alternatives Analysis

Alternative One: Unitary and Centralized Restoration of the Formal Judicial System (The 'Constitutional Jurisdiction' Model)

This alternative is based on a sovereign decision by the Palestinian National Authority, drawing on the Basic Law, to impose immediate complete and centralized legal jurisdiction over the

Gaza Strip,¹⁹ with an absolute rejection of integrating any legal cadres or police apparatus affiliated with the post-2007 de facto authority.

Advantages:

Guarantees unification of judicial reference under a single umbrella and ends the judicial duality inherited from the division.

Prevents the legitimization of parallel judiciary that could threaten the state's monopoly over law enforcement in the future.

Aligned with Article (97) of the Basic Law, which restricts the judiciary to formal independent courts.

Challenges:

Collides with the transitional structure of Resolution 2803, which established the Board of Peace and entrusted civil tasks to the National Committee NCAG.²⁰

Faces implementation impossibility under Israeli military control and rejection of the return of formal authority.²¹

Unable to address the accumulation of 210,000 pending cases with the loss of 1.21 million case files.

Heavy financial cost: initial court restoration work requires a minimum of \$25 million, and comprehensive recovery \$526.7 million.²²

Alternative Two: Institutionalization and Codification of Tribal Mechanisms and Community Committees (The 'Independent Popular Justice' Model)

This alternative proceeds from granting the NCAG or the Palestinian Authority an emergency legal recognition conferring upon displacement camp committees, reconciliation figures, and community leaders powers of 'binding arbitration' and issuing binding rulings in civil, criminal, and religious disputes.

Advantages:

Immediate operational capability with field presence in over 400 displacement camps.

Remarkable community acceptance: field surveys show that 69.7% of displaced persons are satisfied with the performance of local committees in maintaining stability.²³

Very low financial cost in the short term, relying on volunteer efforts.

Challenges:

Legitimizes customary practices that violate human rights, such as al-Jalwa (forced banishment), forced displacement, and blood money extortion.²⁴

¹⁹Judicial Authority Law No. (1) of 2002, Muqtafi. <http://muqtafi.birzeit.edu/pg/getleg.asp?id=14053>

²⁰i24NEWS, "Palestinian Reforms Pave the Way for Authority's Return to Gaza." <https://www.i24news.tv/ar>

²¹Al-Quds Al-Arabi, 2025, "Netanyahu Rejects Palestinian Authority's Return to Gaza and Imposes New Conditions in Negotiations." <https://www.alquds.co.uk/>

²²World Bank, EU, and UN, (RDNA), *ibid.*, pp. 7, 48.

²³Atallah, *ibid.*, p. 25.

²⁴Jarradat, Idris, *Tribal Reconciliation and Dispute Resolution*, An-Najah National University, Nablus, 2014, p. 127. <https://ency.najah.edu/8.pdf>

Entrenches the social marginalization of women and youth and deprives them of the protection of equitable civil laws.

Contradicts the requirements of Resolution 2803 regarding compliance with principles of international humanitarian law.

Leads to the loss of property and historical rights due to the absence of systematic scientific archiving.²⁵

Conflicts with Article (97) of the Basic Law and creates a fragmented legal system that undermines the concept of statehood.²⁶

Alternative Three: The Hybrid Transitional Justice Model — The 'Pluralistic Integration' Model (Recommended)

This alternative represents a strategic vision based on the concept of 'functional and institutional hybrid coupling' to bridge the gap between formal sovereignty requirements and urgent field needs. Its implementation rests on four parallel and interconnected tracks:

Institutionalization and Joint Consolidation: Issuing a presidential decree establishing the 'Joint Supreme Judicial Committee for Justice Restoration,' comprising representatives from the Supreme Judicial Council, Ministry of Justice, Public Prosecution, Bar Association, and independent civil society rights coalitions.²⁷

Activation of Mobile Emergency Judicial Mechanisms: Deploying mobile emergency courts and prosecutorial chambers inside equipped caravans near large displacement camps, limited to vital civil status transactions and property documentation.

Secure Digital Memory and Spatial Justice: Launching a unified digital platform for encrypted cloud archiving hosted outside Palestinian territory,²⁸ to collect and reconstruct 1.21 million lost files, supported by GIS technologies to protect property rights.

Governance and Regulation of Community Justice: Subjecting displacement camp committees and reconciliation figures to strict legal oversight through a 'Unified Tribal and Community Code of Conduct' that prohibits al-Jalwa (forced banishment), financial extortion, and requires representation of women and youth in mediation committees.

Advantages:

Achieves rapid response to field disputes while maintaining formal legal and constitutional cover.

Aligned with Security Council Resolution 2803 requirements, facilitating support from the Board of Peace and donors.

Humanizes and governs the community system through a binding code of conduct, ensuring practices are compatible with human rights standards.

Moderate financial cost, focusing on technological investment and mobile courts rather than large-scale construction.

²⁵Jarradat, Idris, Tribal Reconciliation and Dispute Resolution, An-Najah National University, Nablus, 2014, p. 219, Appendix No. (1): Sample Tribal Reconciliation Deed Forms.

²⁶Article (97) of the Amended Basic Law of 2003 stipulates that the judicial authority is independent and exercised by the courts. Article (82) of the Judicial Authority Law affirms the obligation to enforce judicial rulings and considers their obstruction a punishable offense. For further reference: Maqam Encyclopedia of Palestinian Laws and Court Rulings. <https://maqam.najah.edu/legislation/11/item/1257/>

²⁷Civil Authority for Judicial Independence and Rule of Law (Istiqlal), *ibid.*, pp. 39-40.

²⁸Melissa Gronlund, 2025, "Protecting Digital War Documents from Removal and Bias on Social Networks," Noon Post. <https://www.noonpost.com/252266/>

Challenges:

Requires a high level of administrative coordination between multiple bodies with varying institutional cultures.

The code of conduct may face resistance from some tribal leaders and community figures attached to traditional privileges.

Alternative Four: The Comprehensive Spatial Justice and Judicial/Environmental Reconstruction Plan — The 'Confronting Urbicide' Model

This alternative adopts a developmental, environmental, and urban approach, proceeding from the premise that justice sector reform cannot be separated from the reconstruction of the destroyed urban space. It involves establishing a 'National Authority for Spatial Justice and Reconstruction,' addressing 68 million tons of rubble from destroyed buildings as a prerequisite for restoring spatial memory;²⁹ and decontaminating soil and water from military pollutants and unexploded ordnance (UXO) to enable survey teams and the land authority to delineate boundaries.³⁰

Advantages:

Resolves deep historical problems of overlapping property rights affecting 63% of privately owned land, preventing future disputes.

Ensures environmental and health sustainability through soil and water decontamination.

Contributes to generating extensive employment opportunities to address youth unemployment rates of 74%.

Challenges:

Requires an extended timeframe of 3 to 10 years, leaving the judicial vacuum in place in the near term.

Entirely dependent on an enormous budget estimated at approximately \$71.4 billion, making it hostage to funding and political bargaining.³¹

The proposed authority's powers may overlap with structures under Resolution 2803, generating complex administrative and financial disputes.

Provides no immediate or rapid response to ongoing daily disputes in displacement camps.

Extremely high financial cost: rubble management and removal alone is estimated at \$1.7 billion, environmental sector needs at \$2.65 billion, and the governance sector at \$526.7 million for comprehensive recovery.³²

Table (3): Comparison and Trade-off Matrix of the Four Policy Alternatives

²⁹World Bank, EU, and UN, (RDNA), pp. 9, 21.

³⁰Efforts to remove unexploded ordnance and explosive materials in Gaza face major logistical and time challenges due to the blockade preventing entry of necessary equipment and the quantities of rubble resulting from widespread residential destruction. The complexities of removing rubble containing unexploded ordnance impede residents' return. According to UN experts, the removal process may take approximately 14 years, as 10% of ordnance has not yet exploded. The distinction between removable rubble and ordnance-laden rubble is an additional challenge, making return to affected areas hazardous. For further reference: UNEP, 2024, "New UNEP Assessment Reveals Damage to Gaza that Has Created New Threats to Human Health and Long-Term Recovery." <https://www.unep.org>. United Nations, 2024, "Gaza's unexploded ordnance could take 14 years to clear." <https://news.un.org/en/story/2024/04/1149051>

³¹Strategic Forum for Public Policy and Development Studies, "Gaza Reconstruction Between Politics and Funding: The Battle of Building After Destruction." <https://draya-eg.org/>

³²World Bank, EU, and UN, (RDNA), pp. 13, 46, 7, 21, 50, 59, 49.

Comparison Criteria	First Alternative Formal Restoration	Second Alternative Popular Justice	Third Alternative Hybrid Model (Recommended)	Fourth Alternative Spatial Justice
Effectiveness in Resolving Immediate Disputes	Low: currently incapable due to destroyed facilities and lost archives.	Moderate: effective in simple daily disputes.	Very High: combines speed of field committees with legal controls.	High (delayed): addresses roots of property disputes but delayed by years.
Resource Efficiency and Timeline	Low: large resources required, 3–5 year timeframe.	Very High: immediate operation through volunteer efforts.	High: resource efficiency through mobile courts and cloud platforms.	Low: enormous costs (\$71.4 billion) and 5–10 year timeline.
Feasibility under Resolution 2803	Low: collides with Resolution 2803 and Israeli rejection.	Very High: represents the 'fait accompli' in 400 camps.	High: technical consensus option aligned with Resolution 2803 and NCAG.	Moderate: contingent on security stability and donor approval.
Institutional Sustainability and Rule of Law	Very High: traditional option guaranteeing constitutional rule of law.	Low: leads to erosion of rule of law and creation of parallel judiciary.	Very High: establishes graduated institutional integration through the Supreme Judicial Committee.	High: builds sustainable urban and legal environment for future generations.
Risk Level	High: risk of total paralysis and slow bureaucracy.	Very High: risk of legitimizing human rights violations and corruption.	Low–Moderate: manageable risks through code of conduct and digital encryption.	Moderate: risk of donor dependency and funding failure.
Level of Community Acceptance	Moderate: welcome of rule of law prestige alongside discontent with slow procedures.	High (short-term), Low (long-term): welcomes quick results but without guarantees.	Very High: respects social specificity and engages community leaders and victims.	Very High: touches the 'popular dream' of rebuilding homes and return.

Fifth: Preferred Alternative and Justifications

1. Justifications for the Choice

The critical and comparative analysis of policy alternatives demonstrates that the Third Alternative (Hybrid Transitional Justice Model) is the most appropriate, feasible, and efficient choice in responding to the exceptional conditions of the Gaza Strip. The justifications are as follows:

Overcoming the Geopolitical Deadlock: The Third Alternative represents the technical and consensus formula aligned with the structure of the international transitional phase, overcoming the Israeli 'veto' on the return of formal central authority on one hand, and the risks of unrestrained tribal chaos on the other.

Immediate Response to Civil Peace Protection: It capitalizes on the operational capacity of local committees in resolving daily disputes in displacement camps, transforming them into an intermediate control tool that prevents the spread of vigilante justice while awaiting the completion of formal judiciary construction.

Preserving Property Documents and Recovering Legal Memory: Through the unified digital platform, it provides an urgent technical solution to preserve property rights for 65% of citizens and reconstruct 1.21 million lost files.

Humanizing and Governing the Community System: Rather than simply adopting tribal mechanisms as an existing reality, it works to refine and govern them through a binding code of conduct that prevents rights violations and mandates the inclusion of women and youth.

2. Implementation Conditions

The successful application of this model depends on fulfilling a package of conditions and guarantees:

Broad National Factional and Political Consensus: Formulating a comprehensive national honor charter that neutralizes the judiciary from party conflicts, and treating justice reconstruction as an urgent human and social necessity managed through consensual coordination between Ramallah and Gaza.

Securing International Funding: Mobilizing financial support from the Board of Peace, World Bank, and donors to cover the costs of mobile courts, cadre training, and the digital platform.

Security Support and Protection from International Stabilization Forces (ISF): Obligating them to protect mobile court premises and secure field documentation teams and property survey crews.

Commitment to the Tribal Code of Conduct: Linking official recognition and disbursement of financial allocations to community leaders to their signing and adherence to the code's provisions.

Sixth: Lessons from International Transitional Justice Experiences

Gaza's challenges intersect with international experiences that have gone through similar circumstances in terms of state collapse, loss of records, case accumulation, and land disputes.³³

1. Rwanda Gacaca Courts

Rwanda faced, after the 1994 genocide, a complete collapse of the justice sector and the accumulation of more than 100,000 defendants in prisons. The state revived in 2002 the model of 'Gacaca' customary courts derived from community traditions, establishing approximately 9,013 cell courts led by 254,000 elected judges. These courts successfully adjudicated approximately 1,958,634 cases over 10 years, including 1.3 million property and real estate cases.

Lesson for Gaza: The use of community mechanisms is an indispensable necessity to accelerate resolution of thousands of simple daily cases in the context of comprehensive judicial collapse—provided these committees are subject to legal oversight and direction from the Public Prosecution and mobile regular courts.

2. Morocco Equity and Reconciliation Commission (IER)

³³For further reference: Razia Phelica, "Lessons Learned from the Truth and Reconciliation Commission in South Africa," *International Peacekeeping*, Vol. 16, No. 2, 2009, pp. 236-251. <https://www.tandfonline.com/oc/finp20/current>. TRC, "Final Report," Cape Town, 1998, Vol. V, Ch. VIII. <https://www.justice.gov.za/trc/report/finalreport/Volume5.pdf>. Moroccan IER, "Final Report," Rabat, 2006. https://www.ier.ma/article.php3?id_article=1496. UN Human Rights Council, "UN International Commission for Rwanda," Geneva: OHCHR, 1994. Philip Gourevitch, *We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda* (New York: Farrar, Straus and Giroux, 1998). <https://www.ohchr.org/en>

Morocco established the Equity and Reconciliation Commission (IER) in 2004 to address violations of the 'Years of Lead' (1956–1999), processing more than 22,000 victim applications and disbursing reparations exceeding \$100 million. However, it faced criticism for lacking criminal jurisdiction to prosecute perpetrators.

Lesson for Gaza: Reparations must be linked to genuine and structural institutional reform mechanisms, and a vetting system must be established to exclude those involved in human rights violations from occupying public positions in the rehabilitated security and justice apparatus.

3. Colombia Victims and Land Restitution Law

Colombia enacted Law 1448 in 2011 to guarantee the rights of millions displaced by armed conflict, establishing a 'Unified National Registry of Victims' that registered more than 9.4 million victims by 2022, alongside the establishment of specialized property courts. However, the law faced highly complex challenges, and only 9% of restitution applications were resolved during the first decade.

Lesson for Gaza: Resolving property disputes in the context of Urbicide requires establishing an encrypted digital property registry on cloud platforms as a proactive step before reconstruction, along with providing robust security protection from international stabilization forces for property survey experts.

Seventh: Policy Recommendations

Based on the recommended Third Model and lessons from international experiences, recommendations are divided into graduated timeframes ensuring the transition from emergency relief to sustainable institutional recovery:

1. Short-term Recommendations (Emergency Phase: Month 1 – 6)

a. Strategic and Political Recommendations

Neutralizing the Justice and Judiciary Sector: Immediate consensus on drafting a 'unified national honor charter' that neutralizes the judiciary, courts, and public prosecution from political conflicts, treating justice system restoration as an urgent humanitarian need managed through independent professional coordination.

Integration and Re-unification of Judicial Cadres: Immediate commencement of integrating judges and employees affiliated with Ramallah with cadres operating in Gaza within a unified temporary organizational structure.

b. Institutional and Operational Recommendations

Establishing the Joint Supreme Judicial Committee: Immediate issuance of a presidential decree establishing the 'Joint Supreme Judicial Committee for Judiciary Reconstruction in the Gaza Strip,' comprising representatives from the Supreme Judicial Council, Ministry of Justice, Public Prosecution, Bar Association, and independent civil coalitions.

Launching the Unified Digital Platform for Archiving and Documentation: Immediate activation of the internationally-hosted encrypted cloud archiving platform, inviting lawyers, citizens, and companies to upload copies of their documents, contracts, and case files to reconstruct the lost archive.

Operating Mobile Courts and Prosecution Emergency Chambers: Deploying equipped caravans near major displacement camps to immediately begin providing vital civil status

documentation services (martyrs' death certificates, birth certificates, marriage contracts, and orphan guardianship deeds).

c. Legislative and Legal Recommendations

Issuing a Temporary Law Decree for Emergency Documentation: Issuing a presidential decree or temporary legislative decision providing exceptional legal cover for the work of the Joint Supreme Judicial Committee, the digital platform, and mobile courts—treating their outputs as official and binding.

2. Medium-term Recommendations (Structural Stability Phase: 6 Months – 2 Years)

a. Strategic and Political Recommendations

Adopting a National Transitional Justice Narrative: Incorporating the 'Palestine Transitional Justice Strategy' into formal government development plans to ensure recovery is linked to accountability, truth-telling, and victim reparation.

Establishing Spatial and Environmental Justice Requirements: Integrating property protection and land restitution criteria into the conditions and contracts of international reconstruction financed by the World Bank and Horizon Fund.

b. Institutional and Operational Recommendations

Drafting and Adopting the Unified Tribal and Community Code of Conduct: Drafting a binding code prohibiting tribal al-Jalwa, extortion, and forced displacement, and making adherence to it a condition for court recognition of reconciliation deeds.

Gradual Commencement of Court Premises Reconstruction: Allocating initial capital budget for rebuilding damaged judicial complexes and gradually opening secured small courthouses.

Gender and Rights Training and Integration of Cadres: Organizing intensive qualification courses for at least 600 members of reconciliation committees, community leaders, and local committees on human rights and gender justice.

c. Legislative and Legal Recommendations

Repealing Exceptional Legislation from 2019: Repealing all exceptional judicial law-by-decree decisions issued since 2019 that affected judicial independence, and unifying the administrative reference.

3. Long-term Recommendations (Comprehensive Recovery and Constitutional Transition Phase: 2–5 Years)

a. Strategic and Political Recommendations

Full Integration and Constitutional Transition: Comprehensively unifying the judicial and security systems in Gaza and the West Bank under the Judicial Authority Law of 2002, ending all forms of functional duality.

Establishing Specialized Property Courts: Forming specialized property courts and judges in integration with the Land Authority, using GIS technology to conduct comprehensive surveys and settle property disputes.

b. Institutional and Operational Recommendations

Comprehensive Digital Transformation of the Justice Sector: Digitizing all operations of civil and religious courts and the public prosecution, and establishing electronic litigation to ensure data security and legal memory.

Professional Rehabilitation and Development of Justice Cadres: Resuming academic legal education programs to compensate for the human capital void and build skills of new judges, prosecutors, police officers, and lawyers.

c. Legislative and Legal Recommendations

Enacting a Comprehensive National Transitional Justice Law: Drafting and enacting a Palestinian law specific to transitional justice and national reconciliation that establishes formal structures for truth-telling, reparations, public sector vetting, and non-recurrence guarantees.

Table (4): Implementation Matrix Based on Recommendations

Required Action	Responsible Entity	Key Partners	Timeframe	Required Resources	KPIs
Establishing the Joint Supreme Judicial Committee	Presidential Office / Supreme Judicial Council.	Ministry of Justice, Bar Association, Civil Society.	Month 1	Presidential decree, joint cadres, emergency budget.	Decree issued, Gaza and West Bank judges integrated, temporary structure approved.
Launching the Unified Digital Cloud Archiving Platform	Joint Supreme Judicial Committee.	Technology companies, rights centers (Al-Haq, Musawa, Istiqlal).	Months 2–4	Encrypted cloud servers, tablets for survey teams.	Archiving 20% of lost files (240,000 files) as initial target.
Activating Mobile Courts and Emergency Prosecution Chambers	Supreme Judicial Council and Public Prosecution.	Ministry of Interior, NCAg, displacement camp committees.	Months 3–6	Equipped caravans, solar energy, satellite networks.	Processing 10,000 emergency civil status transactions monthly.
Governing Local Committees and Establishing Unified Code of Conduct	Ministry of Justice and Interior.	Reconciliation figures, scholars' association, feminist institutions.	Within 3 months	Training kits, drafting and adopting the code.	80% of community leaders signing code of conduct prohibiting al-Jalwa.
Restoring and Rebuilding Destroyed Court and Prosecution Premises	Ministry of Public Works and Horizon Fund.	Donors, World Bank, International Board of Peace.	6 months – 2 years	\$25–35 million for first operational phase.	Justice Palace complex rebuilt, 5 judicial complexes operating.
Gender and Rights Qualification of Local and Tribal Committees	Civil society rights organizations.	Women and youth departments, social institutions.	Year 1	International funding, transitional justice experts, gender training kits.	600 members trained; women and youth integrated in 15 mediation committees.
Establishing Spatial Justice, Dispute Settlement and	Land Authority and Joint Supreme	Engineering Association,	Year 1–2	Digital survey equipment, surveying	1,000 boundary and property disputes settled; ownership

Property Survey Committees	Judicial Committee.	property judges, GIS experts.		software, title deed records.	protected for 65% of population.
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Eighth: Risk Management and Challenges

Applying the Third Model requires a preventive approach addressing expected field deadlocks:

1. Political Risks (Consensus Failure and Authority Conflicts)

Nature of the Risk: Rejection by de facto authorities or factions of handing over powers to the National Committee NCAG or the Board of Peace, or failure of judicial cadre integration between Ramallah and Gaza.

Mitigation Strategy: Employing independent civil society institutions and the Bar Association as neutral intermediaries, focusing on the humanitarian service character of the justice sector, and applying donor pressure on the importance of judiciary governance as a mandatory donor condition.

2. Security Risks (Military Targeting of Personnel and Facilities)

Nature of the Risk: Israeli forces pursuing or targeting mobile courts and field property survey teams (where 5,000 security personnel were previously martyred).

Mitigation Strategy: Securing legal and diplomatic cover through coordination with international stabilization forces (ISF) authorized under Resolution 2803, and broadly adopting virtual litigation and remote arbitration solutions.

3. Technical and Cybersecurity Risks (Data Loss and Records Hacking)

Nature of the Risk: Penetration or destruction of the unified digital platform for property documentation and land records.

Mitigation Strategy: Applying strict cybersecurity protocols (Advanced Encryption Standard), and hosting the platform on decentralized cloud servers in multiple countries.

4. Risks of Community Leader and Tribal Resistance to the Code of Conduct

Nature of the Risk: Rejection by community leaders and reconciliation figures of the code of conduct and insistence on violating customary practices such as al-Jalwa under the pretext of cultural specificity.

Mitigation Strategy: Linking official government recognition and disbursement of financial allocations to community leaders to their signing and adherence to the code, and launching broad religious and national awareness campaigns from the Ministry of Religious Endowments clarifying the code's provisions' compatibility with the objectives of Islamic Sharia.