
| RESEARCH ARTICLE

The Palestinian Operation on October 7 Between International Legitimacy and Criminalization

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| ABSTRACT

This study delved into the operation of Palestinian resistance on the seventh of October, navigating the realms of legitimacy and criminalization within the framework of international law. The researcher examined the historical evolution of the Israeli-Palestinian conflict, revealing a continuous onslaught, occupation, and killing endured by the Palestinian people for over 70 years. The legal foundation of the Palestinian resistance's legitimacy on the seventh of October was explored in light of international law, with the researcher concluding that the resistance exercised its right to legitimate defense in accordance with the United Nations Charter against ongoing aggression by the Israeli occupation. Furthermore, the researcher found that the resistance's actions were consistent with its exercise of the right to self-determination, as endorsed by numerous United Nations resolutions on the Palestinian issue. Finally, the study addressed Israeli allegations of massacres committed by the Palestinian resistance on the seventh of October, presenting evidence that the resistance adhered to international law in its operation and did not violate its provisions. The researcher urged the United Nations to take stricter measures, particularly through its Security Council, by activating Chapter Seven of the Charter to compel Israel to implement international resolutions. Additionally, the researcher also calls on international organizations to morally and materially support the legitimacy of Palestinian armed resistance to exercise its right to self-determination against Israeli occupation and settlement. The researcher recommended that global media listen to both sides of the conflict's narrative for journalistic credibility.

| KEYWORDS

Israel, Palestine, October 7th operation, international law, right to self-determination, legitimate defense, Palestinian national liberation movements.

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1. Introduction

The resistance against occupation is as ancient as human history itself, with numerous instances recorded of one people assaulting another, occupying its land, and oppressing its inhabitants. Faced with such circumstances, these oppressed populations invariably invoked their right to self-defense and protection of their territories for determining their own destiny. Resistance emerged as the logical outcome, displaying diverse forms, shapes, methods, and tools.

As national liberation movements gained momentum worldwide during and after World War II, assuming pivotal roles at both national and international levels in achieving independence, liberating occupied territories, and exercising their legitimate right to self-determination, their wars came to be considered akin to international conflicts. This classification was affirmed by the 1977 Additional Protocol to the Geneva Conventions of 1949.

Considering occupation as a coercive act aimed at forcefully seizing land and constituting a violation of international law, especially the United Nations Charter and humanitarian international law, various means were employed by international law to counteract

such unlawful actions. One such recognition was the right of people to form national liberation movements in the face of colonialism and military occupation. In this context, the Palestinian people were pioneers, with several Palestinian national liberation movements aiming to confront Israeli occupation.

On the seventh of October, 2023, the world awoke to a monumental event that turned it upside down, and we continue to live with its repercussions as I write this study. It was the Palestinian resistance in the Gaza Strip attacking the Israeli military forces surrounding the Gaza Strip using various combat means, resulting in a significant number of casualties and capturing others.

The significance of our study lies in the contemporary relevance of the subject on the international stage. It explores the legitimacy of the actions taken by the Palestinian resistance within the framework of exercising its right to self-determination and utilizing its legitimate right to defend itself against the continuous Israeli aggression on Palestinian territories. The study also aims to address the challenges and dilemmas posed by these operations in light of international legal provisions.

Therefore, our study primarily revolves around the legitimacy of the operations of Palestinian national liberation movements on the seventh of October in confronting Israeli occupation within the context of international law. To answer this question, we will begin the study by examining the historical evolution of the Israeli-Palestinian conflict. We will then delve into international decisions and treaties that affirm the legitimacy of resisting Israeli occupation, as well as the right of the Palestinian people to determine their destiny through various means. Finally, we will discuss Israeli claims that the Palestinian resistance committed massacres on the seventh of October against Israeli civilians and provide a response.

2. Methodology:

This study follows a historical method to narrate the history of the Israeli-Palestinian conflict and an analytical approach to analyze international decisions, treaties, and agreements relevant to our study's subject, aiming to address the identified problem. Various data collection methods were employed, including desk research, by referring to written and electronic sources such as laws, judicial rulings, academic articles, and relevant legal books.

3. History of the Palestinian-Israeli Conflict:

The initial indications of the dispossession of Palestinian land and its allocation to the Jews for the establishment of their presumed state date back to 1917 when the British Foreign Secretary, "Balfour," issued a political statement pledging to the Jews the establishment of a national homeland in Palestine. This statement did not carry any legal commitment and was tainted with the flaw of incompetence in contracting, granting what is not owned to those who do not deserve it.

In 1922, the League of Nations placed Palestine, which was part of the Ottoman state and under British administration, and during the period from 1922 to 1947, the British mandate encouraged Jewish migration to Palestine, resulting in several Arab uprisings, with the most significant being the 1937 revolution, vehemently confronted by Britain. In 1947, Britain referred the Palestine issue to the United Nations (Bedor Praeger,2012).

In 1947, the United Nations issued Resolution 181, terminating the British mandate and dividing Palestine into two states, one Arab Palestinian and the other Jewish, with the internationalization of the Jerusalem issue. This led to the occupation of Palestine by the so-called Israel and control over 77% of the total Palestinian lands. With this decision, the United Nations deprived the Palestinian people of their rights, especially the right to self-determination, giving rise to several problems, most notably the issue of Palestinian refugees. In 1967, Israel occupied the remaining Palestinian territories and some adjacent Arab lands, which are still under Israeli occupation to this day. In 1974, the General Assembly affirmed the inalienable rights of the Palestinian people to self-determination, national independence, sovereignty, and the right of return. Subsequently, the General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People, and the Palestine Liberation Organization was granted an observer status in the General Assembly and United Nations conferences(United Nations, 2020).

In 1982, Israel invaded Lebanon with the aim of eliminating the Palestine Liberation Organization. The following year, Israel committed the Sabra and Shatila massacre against Palestinian refugees in Lebanon. In 1987, a popular uprising began by the Palestinian people against the Israeli occupation of the occupied Palestinian territories. Israel committed brutal massacres against Palestinian civilian populations during this uprising. In 1988, the Palestinian National Council declared the establishment of the State of Palestine during its meeting in Algeria(Avi Shlaim,2001).

In 1991, the Madrid Peace Conference was held with the aim of reaching a peaceful settlement through direct negotiations between Israel and Arab countries, as well as between Israel and the Palestinians. The result of these negotiations was the Oslo Accords in 1993, leading to the entry of the Palestinian Authority into Palestinian territories. Some issues, including the refugee problem, were deferred to the final status negotiations. However, this agreement quickly dissipated due to Israeli Prime Minister Ariel Sharon's entry into the holy compound of Jerusalem in 2000, resulting in the Second Intifada, which continues to this day (Youssef Sami,2023).

During the Second Intifada, Israel initiated the construction of the separation barrier, which the International Court of Justice deemed illegal and unlawful in 2002. Despite this, Israel did not adhere to the court's decision but expanded the construction of the barrier. Israel also increased the pace of settlement construction in the West Bank. In 2005, Israel withdrew its military forces from Gaza based on the Road Map initiative while maintaining naval and aerial control. After the success of Hamas in the Palestinian parliamentary elections in 2006, Israel imposed a blockade on Gaza, considered a war crime by many international and human rights organizations, according to international law. Israel has maintained and strengthened this blockade to this day (United Nations, Ibid).

In 2008-2009, Israel launched a major military operation in Gaza, resulting in the deaths of over 1300 Palestinians, mostly children and women. Afterwards, attempts were made to revive peace negotiations between Israel and the Palestinian Authority, but they failed due to Israel's continued settlement construction and land confiscation in the West Bank. In 2012, Israel launched another military operation in Gaza, resulting in the deaths of numerous civilian victims. In the same year, Palestine obtained non-member observer state status at the United Nations.

In 2014, Israel launched another military operation in Gaza that lasted over 50 days, resulting in more than 2000 martyrs, mostly children and women (Swissinfo, 2023). In 2015, the Palestinian people in the West Bank rose against settlers after the burning of the Dawabsheh family while they were sleeping. This led to the Palestinians carrying out stabbing operations against extremist settlers and Israeli soldiers. In response, Israel killed many Palestinians, claiming they attempted stabbing attacks. In 2016, the United Nations Security Council issued a resolution demanding that Israel halt settlement activity in the West Bank and East Jerusalem and declare the illegitimacy of the settlements established by Israel after the 1967 war. However, Israel did not respect this resolution, disregarded international law, and continued to build settlements and confiscate Palestinian lands (France 24, 2015).

In 2017, U.S. President Donald Trump officially recognized Jerusalem as the capital of Israel, leading to chaos in the occupied Palestinian territories. In 2018, the residents of Gaza began peaceful protests on the Gaza border, demanding the right to return to their lands occupied by Israel according to United Nations Resolution 194¹. However, Israel used excessive force against them, resulting in the deaths of over 300 civilians (Muhammad Ibrahim Al-Madhoun, 2019).

In 2021, the occupied Palestinian territories witnessed massive protests due to Israel's arbitrary actions in Jerusalem and the Al-Aqsa Mosque, including attempts to evacuate Palestinian homes and demolish Palestinian neighborhoods. These protests escalated into armed clashes with Gaza, where Israel used excessive force, leading to the deaths of hundreds of Palestinian civilians.

Despite these events, Israel did not respect international law and international resolutions, continuing its settlement activities in Palestinian territories and killing civilians. Israel even expanded these actions. Israel also worked towards dividing the Al-Aqsa Mosque spatially and temporally, prompting the Palestinian resistance to carry out a military operation on October 7, 2023. This operation was in response to Israeli violations against the Al-Aqsa Mosque, Palestinian territories, and prisoners. The operation targeted the Israeli military brigade in Gaza, according to the leader of the Palestinian Liberation Movement "Hamas." In response, Israel waged a fierce and brutal war against civilians in the Gaza Strip, resulting in approximately 30,000 martyrs, mostly children and civilian women. Throughout these events, the Secretary-General of the United Nations called for an emergency session of the Security Council. He stated that "Hamas's attacks did not happen in a vacuum and do not justify Israel's mass killings in Gaza (Aljazeera, 2023)."

¹ On December 11, 1948, the United Nations General Assembly adopted Resolution 194, known as the "Law of Return," which determined that the return of [Palestinian] refugees who wish to return to their homes and live in peace with their neighbors must be permitted as soon as possible, and that compensation must be paid for The property of those who decide not to return.

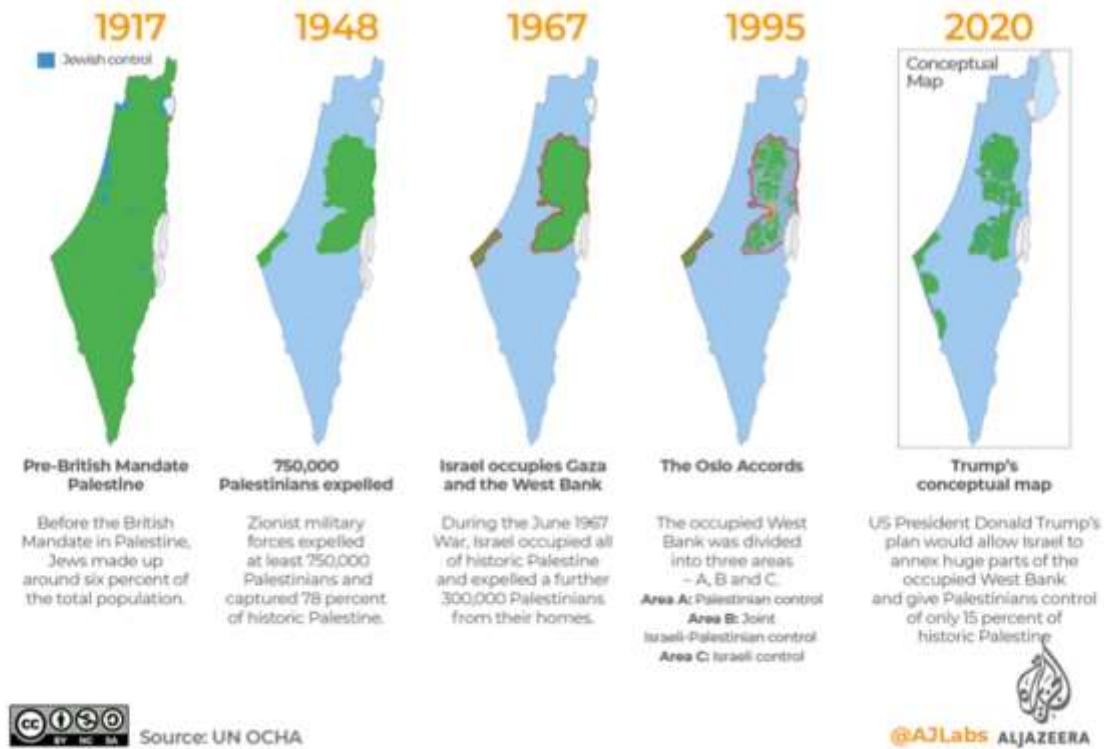


Figure 1: An image showing the historical development of Israel's occupation of Palestine

4. The legal basis for the legitimacy of the 7th of October operation:

It is universally acknowledged in international law that occupation constitutes an aggressive act with no entitlements or gains. Peoples have the right to defend themselves against the occupation, whether through armed struggle or peaceful resistance, in defense of their freedom, sovereignty, and the determination of their destiny. These rights are affirmed by international bodies through charters, agreements, and resolutions recognizing the rights of peoples to determine their destiny, choose systems that suit them, and freely manage their natural resources. Therefore, armed resistance derives its legitimacy from the following:

4.1 Right to Legitimate Defense:

Resistance does not occur arbitrarily; rather, it is a natural response to an unusual assault on its territories. It acts as a defense of existence, a logical reaction to external aggression, and a spontaneous movement to avert danger and confront aggression. The right to legitimate defense for individuals, society, and the state is one of the necessary natural rights for the continuation and stability of life. It is among the most important principles granted by domestic legal systems. Legitimate defense is an exception permitting individuals to use force against a serious and imminent threat.

Legitimate defense, in this context, refers to the right of states under attack to respond in defense of their existence. According to United Nations General Assembly Resolution 3314 (1974), aggression is defined as a series of acts, including the armed forces of one state invading or attacking the territory of another state or military occupation, even if temporary, as long as the occupation results from the use of force.

Article 51 of the United Nations Charter states that "nothing in this Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations until the Security Council has taken measures necessary to maintain international peace and security."

The legal definition of legitimate defense involves responding to an internationally unlawful act with an equally unlawful act initiated by another party. In both cases—action and reaction—armed force is used, and legitimate defense aims to repel the serious threat posed by the aggressor and halt their actions to protect the state's security and fundamental rights (Saeed Salem Al-Juwaili, 1993).

In this description, Israel remains a violator of occupation, using armed force to exercise effective control over foreign territory administering authorities over the territory. It perpetuates the state of occupation, confiscates the political independence of the

Palestinian people, and deprives them of their right, as established in international charters, to determine their destiny (Mamdouh Muhammad Issa,2013).

Examining the history of the Palestinian-Israeli conflict reveals that Israeli occupation has historically initiated aggression, committed massacres against the Palestinian people, and seized their lands through various means, particularly through settlement activities. In accordance with the aforementioned General Assembly resolution and Article 51 of the United Nations Charter, there is a legitimate and legal justification for the actions taken by the Palestinian resistance on October 7, 2023, in defense of their lands, sanctuaries, and captives.

4.2 Right to Self-Determination:

While some jurists have attempted to establish the right of peoples to use force against colonization and receive assistance from abroad based on the right to legitimate defense, the prevailing opinion asserts that there is no need to search for the basis of this right in the right to legitimate defense. Instead, the right of people to defend themselves and receive assistance is based on the right to self-determination (Bennouna M, 1984).

International charters legitimize the use of armed resistance against occupation based on the right of the people to determine their destiny. The right to self-determination means that the people have the ultimate authority to determine their destiny in the face of foreign intervention. This right encompasses not only the political aspect of nations but also the economic, social, and cultural aspects. While its narrow definition implies the establishment of an independent and sovereign state, it represents the political aspect by allowing peoples under colonial control to achieve their independence. Therefore, the use of force to achieve self-determination is permissible under the following agreements:

4.2.1. The Hague Convention of 1907:

The rules of international law recognized the right of inhabitants of territories under military occupation to revolt against the occupier. These inhabitants are considered lawful combatants, and those who fall into the hands of the occupying enemy are regarded as prisoners of war. The first article of the convention outlined the conditions for national liberation movements in the face of military occupation (The Fourth Hague Convention concerning the Customs and Laws of War on Land,1907):

- a. They must have a responsible head.
- b. They must have a distinctive emblem for identification.
- c. They must carry arms openly.
- d. They must adhere to the laws and customs of war.

According to the regulations appended to the Fourth Hague Convention on Land Warfare of 1907, particularly Article 2, the uprising population against military occupation was defined as "a group of citizens of a territory under occupation, who, as combatants, carry arms and advance to fight the enemy, whether on the orders of their government or out of their own motivation."

Applying this convention to the Palestinian situation, the national liberation movements that conducted the October Seventh operation for the self-determination of their people meet the criteria. Each movement has a leader, a distinctive emblem and openly carries arms. Furthermore, they have adhered to the laws and customs of war, as evidenced by numerous published videos depicting their interactions with civilians.

Moreover, Gaza remains under Israeli occupation, evidenced by Israel's control over its airspace, maritime area, fishing limits, and access points to and from Gaza. The control is further demonstrated by the restrictions imposed on Gaza's fishermen and the limitations on the flow of goods. The Road Map Agreement of 2005 stipulated the redeployment of Israeli forces rather than the end of the occupation of Gaza. In summary, the legal and legitimate justification for the actions of the Palestinian resistance on October 7, 2023, lies in their pursuit of self-determination, defending their lands, sanctuaries, and captives.

4.2.2 The First Geneva Protocol on the Protection of Victims of International Armed Conflicts (1977):

This protocol was established to vindicate the rights of national liberation movements in exercising their right to armed struggle. The protocol stipulates that conflicts in which people resist colonial domination, foreign occupation, and racist regimes within the framework of exercising their right to self-determination are considered wars of national liberation. This principle aligns with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Consequently, the struggle undertaken by liberation movements is now subject to the laws of armed conflict between states. It has also solidified the principle of the right of people to self-determination, transforming it from a mere principle of international law into both a practical and legal imperative that must be exercised through national liberation movements (Hasan Johnny,2015).

4.2.3 The Charter of the United Nations:

One of the fundamental principles underlying the Charter of the United Nations is the respect for the principle of equality in rights among peoples and their right to self-determination. The Charter emphasizes the right of people to determine their destiny in Article 55. Additionally, Article 2 and Article 56 of the Charter affirm the commitment among member states to implement Article 55, thus solidifying the United Nations Charter as a document that considers the right to self-determination as one of its important principles (United Nations,1948).

4.2.4 United Nations Resolutions:

Numerous resolutions have been issued by various United Nations bodies affirming the right of peoples to self-determination. Here are some examples:

- A- In 1960, Resolution 1514 was issued by the United Nations regarding the granting of independence to countries and peoples under colonial rule. The second paragraph of the resolution states: "All peoples have the right to self-determination; by virtue of that right, they freely determine their political status and freely pursue their economic, social, and cultural development." The fourth paragraph of the resolution stipulates that "all armed action or repressive measures of all kinds directed against dependent peoples shall cease to ensure them the right to exercise freely and fully their right to self-determination, and shall respect their national unity and territorial integrity." The fifth paragraph of the resolution emphasizes the need for immediate measures in territories under trusteeship or non-self-governing territories to achieve independence without conditions or reservations, according to their freely expressed will (Abdel Nasser Al-Farra,2009, P.28).
- B- General Assembly Resolution 1515, dated December 1962, explicitly asserts in its preamble that permanent sovereignty over natural resources is a fundamental aspect of the right to self-determination (United Nations General Assembly,1962).
- C- A General Assembly resolution issued in December 1965, in its sixth paragraph, mandates all states to respect the right of peoples and nations to self-determination and independence. It also calls upon all states to contribute to the complete elimination of all forms of racial and colonial discrimination (United Nations General Assembly,1965).
- D- Resolution 2625, issued by the General Assembly in 1970, emphasizes the principle of the settlement of rights and self-determination for peoples declared in the Charter of the United Nations. It asserts the right of each person, without foreign interference, to determine their political, economic, social, and cultural status and calls upon all states to respect this right (Ibrahim Tawfiq Al-Rabi,2006).
- E- A General Assembly resolution issued in December 1969 affirmed the right of these people to use force for independence. It also stressed the duty of all countries to provide material and moral assistance to colonized peoples (Ahmed Abdel Hay,1999).
- F- Resolution No. 1535, issued by the General Assembly in 1969, recognizes the Palestinian people and their inalienable rights, drawing the attention of the Security Council to Israel's policies against the Palestinian people (United Nations,1982).
- G- In 1970, a qualitative shift occurred in UN resolutions, allowing the use of all forms of resistance for countries to achieve their independence. Resolution 2621 included the following:
 - a. The continuation of any form of colonization constitutes a violation of the UN Charter and international law principles.
 - b. Colonized peoples have an inherent right to struggle by all necessary means against colonial powers suppressing their aspirations for freedom and independence.
 - c. Member states should provide moral and material assistance to colonized peoples in their struggle for freedom and independence.
 - d. All free fighters under detention must be treated according to the relevant provisions of the Geneva Convention concerning prisoners of war.
 - e. Condemnation of governments denying the right to self-determination, especially for the recognized peoples with this right, such as the peoples of South Africa and Palestine (United Nations,1970).
- H- Resolution No. 3070, issued in 1973, affirmed the General Assembly's recognition of the legitimacy of peoples' struggle using all available means, including armed struggle (United Nations,1973).
- I- Resolution No. 3246, dated November 1974, is considered one of the most important resolutions on this matter. It emphasized the legitimacy of the struggle of colonized peoples for liberation from colonial control, using all available means, including armed struggle. The seventh paragraph strongly condemns governments that do not recognize the right of colonized and oppressed peoples, especially the peoples of Africa and the Palestinian people, to self-determination and independence (United Nations,1974).
- J- In 1973, the General Assembly issued Resolution No. 3103 regarding the basic principles related to the legal status of fighters against colonial and foreign domination and racist regimes. It affirmed the right of colonized peoples to self-

determination and independence, considering their struggle as legitimate and in accordance with international law principles (United Nations,1973).

- K- General Assembly resolution No. 3236 in 1974 recognizes that the refugee issue poses a threat to international peace and security. It acknowledges that the Palestinian people have been deprived of their inalienable rights, particularly their right to self-determination. The resolution emphasizes the right of the Palestinian people to independence and sovereignty and affirms their right to regain their rights through all means according to the UN Charter and its principles (United Nations,1974).
- L- Resolution No. 3376, issued by the General Assembly in 1975, established the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The committee recognized the non-transferable rights of the Palestinian people, including the right of return, achieving their destiny, independence, and national sovereignty over their lands and properties (Muhammad Shawqi Abdel-Aali Hafez,1991).
- M- In 1980, the United Nations General Assembly issued Resolution No. 35/169, referring to its previous resolutions discussing the right to self-determination for the Palestinian people. It expressed serious concern about Israel's non-compliance with these resolutions, leading to the lack of a just solution to the Palestinian problem. The resolution emphasized that the Palestinian issue continued to exacerbate the conflict in the Middle East, posing a threat to international peace and security (Ibrahim Tawfiq Al-Rabi,2006).
- N- Resolution No. 608, issued by the United Nations Security Council in 1990, called on Israel, as the occupying power, to fulfill its commitments and responsibilities under the Fourth Geneva Convention.
- O- Resolution No. 1322 issued by the Security Council in 2000 condemned Ariel Sharon's visit to the Haram al-Sharif, denounced all acts of violence, particularly the excessive use of force against Palestinians, and called on Israel to adhere strictly to its legal obligations and responsibilities under the Fourth Geneva Convention regarding the protection of civilians in 1949.
- P- Resolution No. 2334, issued by the United Nations Security Council in 2016, condemned the construction and expansion of Israeli settlements, the seizure of Palestinian territories, and the displacement of Palestinian civilians from the occupied Palestinian territories (WAFA News, 2023).
- Q- In 2023, the General Assembly passed a resolution granting the Palestinian people their right to self-determination, and the resolution was adopted by a majority of the members (Sky News, 2023).

4.3 International Legitimacy of Human Rights:

The right of people to determine their own destiny is enshrined in the view of all rights in the International Law of Human Rights. Both the International Covenants on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights explicitly state that all peoples have the right to self-determination. By virtue of this right, they are free to determine their political status and are free in their pursuit of economic, social, and cultural development(Mohamed Boumediene,2013).

Based on the above, and in addition to the invalidity of the Balfour Declaration, as we clarified at the beginning of the study, and guided by the general principle "what is built on falsehood is false," it can be said that all actions taken based on this promise are void. Moreover, international protection for the right to self-determination and its associated rights, such as the right to self-defense and liberation of the land, codified in international treaties and agreements, aligns with and is compatible with what Palestinian resistance movements did on October 7, 2023, defending their right to self-determination. Especially since all the objectives attacked on that date are military objectives, according to the announcements and statements of Palestinian liberation movements, and are not in violation of international law. The confirmation of the result we have reached is the statement of the Secretary-General of the United Nations, which was written in the first part of our study.

5. Response to Israeli Claims of War Crimes by Palestinian Resistance in the October 7, 2023 Operation:

The Israeli government claimed that the Palestinian resistance committed massacres against Israeli civilians during its operation on October 7. It mobilized the international community and global public opinion under this propaganda to launch a brutal attack against civilians in the Gaza Strip. However, the truth emerged later through the following evidence:

1. Videos published by Palestinian national liberation movements that carried out the operation on their official platforms confirm that they targeted purely military objectives. The official announcement issued by the Palestinian resistance leadership stated that they targeted a Gaza brigade of the Israeli army².
2. Israeli journalistic investigations revealed that Israel implemented the Hannibal Protocol during its response to the resistance operation. The Israeli press proved that an Israeli tank targeted a house in the settlement of Be'er, resulting in the deaths of 15 Israelis and several Palestinian fighters. Israeli citizen Yasmin Borat, who survived the attack, exposed these details.

² You can view the official websites of the national liberation movements on the Google search engine, to watch videos proving the accuracy of their statements, and follow their official statements.

3. An investigation by the Israeli newspaper Haaretz revealed that settlers killed in the Raim event on October 7 were shot by Israeli helicopter gunfire due to a diagnostic error (Abdel Ra'ouf D. A. R. Arnaout,2023).
4. British journalist Owen Jones, who attended the film produced by Israel about what it called massacres committed by the resistance in the October 7 attack, revealed that one scene showed Palestinian resistance members asking people in cars whether they were civilians or military. This indicates the application of the principle of distinction by Palestinian resistance fighters. Jones stated that the film failed to prove that the Palestinian resistance burned 40 Israeli infants, raped women, or beheaded anyone, except for one scene showing a decapitated soldier, but beheading does not seem to be a method of execution (Arabi21News,2023).
5. A senior Israeli official denied what a high-ranking army officer claimed at the beginning of the battle about the Palestinian resistance killing 8 infants in the nursery. The official stated that there was no survivor of the Holocaust named Genia living in Kibbutz Be'er, and no one was killed with that name (Abdel Ra'ouf D. A. R. Arnaout,2024).

6. Conclusion:

The study examined the Palestinian resistance's operation on October 7, 2023, between legitimacy and criminalization in light of international law provisions. The researcher began by discussing the historical evolution of the Palestinian-Israeli conflict, detailing how Israel started occupying Palestinian territories, expanded the occupation to all Palestinian lands, built the apartheid wall, and subsequently carried out successive military campaigns in Gaza. The researcher then addressed the legitimacy of the Palestinian resistance's attack in light of international law provisions. The discussion started with the legal right to self-defense and the international legal texts that authorize legitimate defense against aggression and land occupation.

Furthermore, the researcher discussed the role of the right to self-determination in legitimizing the Palestinian resistance's operation on October 7. This involved exploring the Hague Convention of 1907 and subsequently examining the Geneva Conventions and the First Additional Protocol, which explicitly grants colonized peoples the right to resist colonization by all means, including armed resistance. The study also delved into the role of the United Nations and its charter in supporting the rights of the Palestinian people, particularly their right to self-determination. Numerous UN resolutions were found to legitimize the Palestinian people's right to resist Israeli occupation through various means, including armed resistance. The researcher refuted Israel's claims of massacres by the Palestinian resistance during its operation on October 7, presenting evidence that debunked Israeli allegations. In conclusion, after analyzing international legal texts, the study found that the actions of the Palestinian resistance on October 7, 2023, were legitimate according to international law. The resistance exercised its right to legitimate defense in response to continuous Israeli aggression spanning over 70 years and asserted its right to self-determination, acknowledged by various international conventions, agreements, and resolutions.

The study recommends that the international community and organizations, especially the United Nations, reexamine the Palestinian issue and compel Israel to implement international decisions by applying Chapter VII of the UN Charter. The researcher also calls on international organizations to morally and materially support the legitimacy of Palestinian armed resistance to exercise its right to self-determination against Israeli occupation and settlement. Additionally, the researcher urges global media to shed light on the history of the Palestinian-Israeli conflict without double standards and to support the rights of the Palestinian people on various international platforms.

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