



المركز الفلسطيني لحقوق الإنسان
PALESTINIAN CENTRE FOR HUMAN RIGHTS

Absence of Justice and Suspension of Rights:

**Women's Reality Amid the Collapse of the Sharia Judicial System
During the Genocidal War**





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INTRODUCTION

Israel's violations within the context of the ongoing genocidal war on the Gaza Strip extend beyond direct military targeting to the deliberate dismantling of Palestinian society's structures and core institutions, foremost among them the judicial system. The systematic destruction of the Sharia judiciary and the obstruction of safe access to justice form part of a broader policy aimed at obliterating the legal and civil identity of Palestinians by entirely suspending the justice infrastructure. This approach not only paralyzes judicial work but also creates a profound legal vacuum that undermines the protection of rights and the possibility of resolving disputes through organized and lawful mechanisms.

This institutional collapse of the Sharia judicial system has had grave repercussions, particularly for women, who rely on this system as the primary legal avenue to safeguard their rights in personal status cases such as separation, child custody, and alimony. In the absence of access to an effective judiciary, women's social and economic suffering has deepened, leaving them in fragile legal conditions devoid of official protection. This has exacerbated daily pressures on them and their families at a time when the need for justice and equity has become an urgent legal and humanitarian necessity.

The Women's Rights Unit at the Palestinian Centre for Human Rights (PCHR) has intensified its efforts to document testimonies and affidavits from women affected by the war-imposed conditions and the suspension of Sharia courts. Through this work, the Unit seeks to shed light on the catastrophic impact of the disruption of the Sharia judiciary on women's lives and rights. For 30

years, the Unit has placed particular emphasis on ensuring women's legal justice before Sharia courts, given the latter's direct connection to women's fundamental rights such as marriage, separation, alimony, child custody, and visitation. In addition, the Unit aims to safeguard women's access to justice and the protection of their rights by acting as a focal point between affected women and the judicial system, providing legal consultations and representation before Sharia courts in personal status cases.¹

In this report, the Women's Rights Unit sheds light on the reality of the Sharia judiciary in the Gaza Strip, showing how the genocidal war has brought its work to an almost complete halt, leaving only very limited functions amid the ongoing offensive. The report highlights the devastating impact of this collapse on women's fundamental rights, particularly the loss of legal protection that is vital in such a deteriorating humanitarian situation. It also draws attention to the IOF's attacks on judicial facilities, which constitute a deliberate violation of the legal protection guaranteed under international law, within the broader framework of Israel's genocidal policy.

¹ Since the beginning of the genocidal war and the collapse of the judicial system in Gaza, the efforts of the Women's Rights Unit at PCHR have primarily focused on documenting Israeli violations against women and conducting fieldwork with displaced women through awareness-raising sessions that combine legal guidance and psychosocial support, aiming to empower and protect them. In light of the suspension of Sharia courts, PCHR provides free legal aid to women, including assistance with official documents and legal documents applicable during the war, as well as birth registration and the reissuance of lost civil documents.

REPORT METHODOLOGY:

This report has been prepared using a multi-source methodology to provide a comprehensive understanding of the impact of the suspension of Sharia courts on women in the Gaza Strip. Data collection relied on in-depth interviews with five Sharia judges across different levels of litigation, aimed at assessing the nature of court operations during the war and identifying the challenges facing the judiciary in its limited functioning. In addition, fourteen affidavits and testimonies were gathered from women directly affected by the suspension in their daily life and legal rights, particularly in cases related to alimony, custody, child visitation, and separation. These narratives shed light on the profound social and psychological consequences borne by women and their families.

The methodology also included interviews with female lawyers from PCHR's Women's Rights Unit, who have up to 30 years of experience in following up women's cases before sharia courts. These interviews provided an in-depth analysis of legal procedures, the current scope of court operations, and the challenges women face under the ongoing conditions. In addition, the report drew on secondary sources, including legal reports and studies, to provide broader background on personal status law applicable in the Gaza Strip and the functioning of the sharia judiciary. This combined methodology-integrating primary and secondary sources with constant field follow-up-ensures a comprehensive and objective assessment of the impact of the suspension of sharia courts on women's lives and rights in the Gaza Strip.

1.

SHARIA JUDICIAL SYSTEM IN THE GAZA STRIP

The main role of Sharia judiciary constitutes an integral component of the overall judicial system, as it regulates personal status affairs relating to family matters and individual relations in accordance with the provisions of Islamic Sharia. These cases encompass marriage, divorce, guardianship, custodianship, child custody, alimony, inheritance, and other family-related issues.² The Sharia courts play a vital role in safeguarding individual rights and ensuring the stability of Palestinian families, serving as the sole legal authority for Muslims in the Gaza Strip in this domain.

There are ten Sharia Courts of First Instance³ in the Gaza Strip, distributed across the different governorates to facilitate citizens' access to justice. These include Gaza Sharia Court of First Instance, Khan Younis Court, Rafah Court, Deir al-Balah Court, Jabalia Court, Bani Suhaila and the Eastern Villages Court, Central Governorate (al-Nuseirat) Court, Sheikh Radwan Court, and North Gaza Sharia Court of First Instance. This judicial structure

2 Judiciary: Office of the Chief Justice. (2015). Annual Report: Judiciary: Office of the Chief Justice. p.15.

https://sjd.ps/uploads/files/20230510105200_%D8%A7%D9%84%D8%AA%D9%82%D8%B1%D9%8A%D8%B1%20%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%202015.pdf#:~:text=%D9%82%D8%B6%D8%A7%D8%A1%20%D8%B4%D8%B1%D8%B9%D9%8A%20%D9%85%D8%B3%D8%AA%D9%82%D9%84%20%D9%85%D9%86%D8%B3%D8%AC%D9%85%20%D9%85%D8%B9%20%D9%82%D8%B7%D8%A7%D8%B9%20%D8%A7%D9%84%D8%B9%D8%AF%D9%84,%D8%B3%20%D8%B1%D9%8A%D8%B9%D8%A9%20%D9%88%D8%B9%D8%A7%D8%AF%D9%84%D8%A9%20%D8%A8%D9%86%D8%B2%D8%A7%D9%87%D8%A9%20%D9%88%D8%B9%D8%A7%D9%85%D8%A9%20%D9%88%D8%AD%D9%8A%D8%A7%D8%AF%20

3 This court represents the first degree in the litigation system and has jurisdiction over the cases brought before it, issuing initial judgments on the claims under consideration. See: Tawafsha, Abdul Karim Jabr Ali. (2014). *A Study on the Reality of Sharia Courts and the Development of the Applicable Laws in Palestine*. An-Najah National University, p.32.

is complemented by two Sharia Courts of Appeal,⁴ one located in Gaza City and the other in Khan Younis, in addition to the Supreme Sharia Court,⁵ which is the highest judicial authority in the Gaza Strip.

4 Courts of Appeal: These represent the second degree of litigation and have jurisdiction over cases appealed from the Sharia Courts of First Instance, as they deal with the substance of the claim. See: the same reference, p.51.

5 The Supreme Sharia Court: This is the third and final degree of litigation and is considered a court of law. Its headquarters are in Jerusalem, and it is composed of two panels: one in Jerusalem and the other in Gaza.

2.

SUSPENSION OF SHARIA JUDICIAL SYSTEM DURING THE GENOCIDAL WAR

Since the onset of the genocidal war in October 2023, the Gaza Strip has been enduring an unprecedented humanitarian catastrophe that has extended all limits of physical destruction and devastated the very fabric of daily life. The Israeli occupation has systematically uprooted all essentials for survival. Bombardment has escalated with intensity and indiscrimination, destroying entire residential areas and civilian neighborhoods, and inflicting massive destruction on vital infrastructure, which has led to the mass displacement of tens of thousands of residents. Daily life has become fraught with danger, with death surrounding people everywhere, making no distinction between a school, home, hospital, or shelter.

Amid this massive destruction, vital sectors have experienced near-total paralysis, affecting both governmental and non-governmental institutions. Among the most severely impacted is the judicial system, particularly the sharia courts at all levels: first instance, appeal, and supreme. These courts have faced immense challenges in carrying out their duties due to the destruction or burning of their headquarters, the targeting of judges and staff, the absence of a safe and functional work environment, the complete collapse of the official legal infrastructure and the lack of safe access to courts.

2.1 DESTRUCTION OF SHARIA COURTS' HEADQUARTERS

IOF have completely destroyed three sharia courts in the Gaza Strip along with its archive that held important historic documents and papers dating back to the Ottoman Era and until 07 October 2023. Courts that were completely destroyed include the North Gaza Sharia Court of First Instance, the Jabalia Sharia Court of First Instance, and the Shuja'iya Sharia Court of First Instance, where all vital documents and judgments were lost.⁶ Other courts sustained partial damage, such as the Khan Younis Sharia Court of First Instance and the Court of Appeal, where most of their contents and case files were destroyed. Some courts were classified as being located within "red zones," having been turned into military areas that are nearly impossible to access, including the Rafah Sharia Court of First Instance.⁷

In addition, the Gaza Sharia Court of First Instance, the Central Gaza Strip Sharia Court of First Instance, and the Sheikh Radwan Court sustained partial damage, resulting in the loss of a large number of key records and documents, leaving them currently inaccessible and unusable due to the ongoing Israeli targeting of governmental and public civil facilities.⁸ The Sharia Supreme Court was the most severely affected, as it was subjected first to a comprehensive looting operation, followed by the burning of what remained of its premises. This has led to a catastrophic loss for the Sharia judicial infrastructure in the Gaza Strip, a loss that is almost impossible to repair or rebuild in the foreseeable future.⁹

6 PCHR's interview with judge Ahmed al-Buheisi, Judge of the Gaza Supreme Court on 25 March 2025.

7 PCHR's interview with judge Omar Nofal, a Supreme Court judge, on 20 August 2025

8 Interview with Judge Ahmed al-Buheisi

9 Ibid.

2.2 TARGETING OF SHARIA COURTS' JUDGES AND STAFF

In the midst of the widescale genocidal war waged by Israel against the Gaza Strip, and despite the escalating threats and the absence of even the most basic safety guarantees, a number of Sharia judges persisted in carrying out their judicial duties with sincerity and dedication. Their determination aimed at preserving the bare minimum of judicial continuity and ensuring that citizens-particularly the most affected groups-could still access a degree of justice under these extremely harsh conditions. Among them were Judge Mohammed Abu Ras (Gaza Sharia Court of First Instance), Judge Mohammed Shehada (North Gaza Sharia Court of First Instance), and Judge Obada al-Reqeb (Rafah Sharia Court of First Instance). Retired Judge Nayef Radi also contributed his legal expertise to supporting the Sharia justice system despite the devastating war environment. However, the IOF deliberately targeted them, leading to their killing.¹⁰

Moreover, ten staff members of the Sharia courts were killed by the IOF, while others who persisted in carrying out their professional duties were injured in their attempts to maintain the course of work and safeguard citizens' rights despite direct threats to their lives. Many staff members were also affected by displacement, injury, or the killing of their family members, which further impeded their ability to continue their work. As a result, the number of staff members dropped to less than one-third of the usual workforce, severely undermining the functioning of judicial work.¹¹

¹⁰ Ibid

¹¹ Ibid

2.3 ABSENCE OF A SAFE AND FUNCTIONAL JUDICIAL ENVIRONMENT

The destruction of Gaza's infrastructure has resulted in the near-total collapse of Sharia courts' operations, following Israeli airstrikes that directly targeted the judiciary headquarters. This has rendered the resumption of judicial activities extremely difficult, as there are no safe places left within the Strip. The constant bombardment has created an atmosphere of insecurity that prevents parties and witnesses from attending proceedings, further deepening the paralysis of the judicial system. With the official headquarters destroyed, the Sharia judiciary has been compelled to conduct certain duties in unsuitable alternative locations such as streets, shelters, and relief organizations' premises. These improvised places lack the most basic requirements of privacy and safety, undermining the ability to issue fair and well-founded rulings. Repeated evacuation orders and forced displacements have further exacerbated the crisis, forcing judges and litigants to move constantly and making access to justice nearly impossible.¹²

Moreover, the ongoing power outages and internet blackouts have paralyzed any possibility of holding virtual court sessions, making the adjudication of Sharia disputes extremely difficult and, at times, entirely impossible. As a result, the registration of new cases has been suspended, while many cases already under deliberation were lost due to the destruction or burning of Sharia judicial headquarters. This has further exacerbated the judicial crisis, creating a widespread legal vacuum that has deprived thousands-particularly women-of their fundamental right to litigation and access to justice.¹³

12 PCHR's Interview with judge Ibrahim al-Najjar, Supreme Court Judge in Gaza, on 20 July 2025

13 Ibid.

2.4 COLLAPSE OF OFFICIAL JUDICIAL SYSTEM

The absence of security and judicial police, coupled with recurring communication blackouts, represents one of the most critical impediments to the functioning of Sharia courts in the Gaza Strip during the ongoing Israeli aggression. These conditions have undermined the courts' ability to duly summon litigants, as well as to issue and execute judicial orders. The situation has been further exacerbated by the total suspension of judicial notifications following the cessation of services provided by Mersal Company.¹⁴

Regarding cases under the Enforcement Department, the execution of Sharia rulings in matters such as alimony, child custody, and others has become nearly impossible due to recurrent displacement and the loss of communication with concerned parties, compounded by the absence of the competent authority responsible for carrying out such rulings. The Enforcement Department primarily relies on the judicial authority and judicial police officers to oversee the enforcement of Sharia court rulings. However, these officials have ceased performing their duties out of fear of being directly targeted by Israeli forces.¹⁵

Within the context of the ongoing Israeli offensive, the Palestinian Monetary Authority issued a decision suspending the enforcement of all entitlements, even those issued by Sharia courts, citing the severe economic conditions endured by the Gaza Strip. As a result, all judicial proceedings related to the enforcement of rulings have been completely halted, further disrupting the judicial system in this field. This has exacerbated the suffering of the population, particularly women, who have been left without any effective legal protection for their rights.¹⁶

¹⁴ PCHR's interview with Jamal al-Hefni, President of the Court of Appeal in Gaza, on 21 April 2025.

¹⁵ Ibid

¹⁶ Ibid

2.5 OBSTACLES TO SAFE ACCESS TO JUSTICE

Movement restrictions have fundamentally undermined the possibility of accessing justice during the Israeli offensive on the Gaza Strip, as constant indiscriminate bombardment and the absence of safe roads have posed an imminent and direct threat to the lives of judges, court staff, and litigants. This crisis has been further aggravated by the tightened siege and geographic fragmentation imposed by the IOF, particularly prior to the temporary ceasefire in January 2025, which rendered movement between governorates almost impossible. The consequences of this situation are tragically reflected in the experiences of women who were forcibly displaced to the southern Gaza Valley governorates, leaving behind their husbands and children in the north-making it nearly impossible for them to pursue their cases.¹⁷

¹⁷ Interview with Judge Jamal al-Hefni

3.

REPERCUSSIONS OF TARGETING THE SHARIA JUDICIAL SYSTEM AND DISRUPTION OF ITS FUNCTIONS

The destruction of Sharia courts and the disruption of their functions during the Israeli military offensive have led to the near-total paralysis of a fundamental pillar of the justice system, following the loss of evidentiary documents and the complete suspension of case adjudication. Consequently, rights have been denied and the course of litigation disrupted, paving the way for a state of legal chaos that threatens social stability.

3.1 LOSS OF EVIDENTIARY DOCUMENTS IN THE SHARIA COURTS

The Sharia Judicial Council in Gaza has exerted extensive efforts in recent years to confront the constant risks posed by recurrent Israeli attacks on the Gaza Strip. In this context, the Council launched an electronic archiving project for Sharia courts, aimed at safeguarding legal data and ensuring the continuity of judicial work in times of crisis. The project included the archiving of marriage and divorce contracts; however, prior to the war, archiving had only reached about 10% of the total cases and related instruments, particularly inheritance cases and their associated documents. This means that nearly 90% of rulings and cases remained unarchived.¹⁸ With the destruction of Sharia courts' premises during the ongoing

¹⁸ Interview with judge <Omar Nofal.

genocidal war, most of the courts' vital evidentiary documents of all types have been lost, creating a massive legal vacuum with catastrophic consequences for people's rights, and generating a state of profound uncertainty regarding the restoration of those rights.¹⁹

3.2 COMPLETE SUSPENSION OF CASE ADJUDICATION BY MILITARY COURTS

Sharia cases, by their very nature of urgency and close connection to personal status matters—such as alimony, custody, and inheritance—require expedited adjudication to safeguard rights and ensure family stability. Despite extensive efforts undertaken prior to the war to enhance the effectiveness of judicial work, the number of pending cases between 2022 and 2023 reached 1,000. However, the most recent Israeli aggression on the Gaza Strip resulted in the near-total paralysis of the Sharia judicial system. With the destruction of Sharia courts' premises, most files of pending cases were lost, making it impossible to resume their adjudication even after the ceasefire.²⁰

Data drawn from the normal annual caseloads of Sharia courts in the Gaza Strip demonstrate the severe impact of the disruption of the judicial system and the loss of case files. Each Sharia Court of First Instance used to adjudicate more than 1,000 cases annually, and when accounting for the number of first instance courts operating in Gaza, the number of cases whose files have been lost or whose procedures were disrupted exceeds 10,000. In the same context, the Courts of Appeal in Gaza and Khan Younis together adjudicated approximately 1,400 cases annually, while the Sharia Supreme Court considered around 800 cases annually—figures that underscore the scale of the legal

¹⁹ Interview with Judge Jamal al-Hefni

²⁰ Interview with judge Ahmed al-Buheisi

vacuum created by the targeting and paralysis of Sharia courts.²¹

The Israeli military offensive forced Sharia courts to cease receiving new cases from the onset of the aggression due to the absence of the basic conditions of security and judicial functioning. The Enforcement Department also suspended its duties, as it relies on the judicial authority and judicial police officers, who were unable to carry out their responsibilities because of the direct targeting by the IOF.²²

21 Interview by Judge Omar Nofal

22 Interview with Jamal al-Hefni.

4.

FUNCTIONING OF THE SHARIA JUDICIARY DURING THE GENOCIDAL WAR

The distribution of Sharia courts' operations in the Gaza Strip has undergone constant changes due to unstable security conditions and the waves of forced displacement caused by the war. The arrangement adopted prior to the ceasefire illustrates the adaptive measures the judiciary was compelled to take in order to maintain continuity of services amid the escalation. During that period, judicial work was divided across five governorates, with a central point designated in each for sharia-related matters. However, as the Israeli offensive intensified and the scope of displacement widened, repeated adjustments were made to this distribution in line with the latest security developments. For example, Rafah Court was relocated to Khan Younis after the displacement of its residents; subsequently, following the forced displacement of both Khan Younis and Rafah, operations were transferred to Deir al-Balah in the central governorate to continue providing Sharia services to both areas.²³

Meanwhile, in northern Gaza Valley, which experienced early and largescale displacement, the judicial work was transferred to the Gaza Sharia Court. As the military escalation continued, operations were later restricted to a single point in Deir al-Balah, functioning only during limited working hours. Following the collapse of the ceasefire in March 2025, operational points were redistributed once again based on a comprehensive security

²³ Interview with judge Ahmed al-Buheisi.

assessment of all areas.²⁴ Despite these immense challenges, the Sharia judiciary continued to carry out its duties under exceptional and dire conditions through a flexible and adaptive mechanism that extended services across several parts of the Gaza Strip, in a major effort to address people's needs during one of the most challenging and complex historical periods.

The Sharia courts in the Gaza Strip continue to operate under the exceptional conditions of war, but within a highly limited scope. By their nature, the functions of Sharia judiciary are divided into two main branches: the first concerns Sharia deeds and documentation, while the second concerns the adjudication of disputes and litigation between parties. During the genocidal war, the work of the Sharia judiciary has been restricted solely to the first branch, whereas case adjudication has been completely suspended, as previously noted.²⁵

At present, Sharia courts are limited to issuing Sharia deeds, which include guardianship, power of attorney in guardianship matters, temporary custody, inheritance affidavits, joint custody, and relinquishment. They also cover other essential deeds such as affidavits of maintenance, custody, widowhood, power of attorney in custody, celibacy, and similar instruments necessary for establishing personal rights and legal status of individuals amid the complexities of the current humanitarian reality.²⁶

The Sharia judiciary also handles all sharia deeds, foremostly registration of marriage and divorce in line with Sharia and legal regulations. Marriage deeds are issued to authenticate unions, especially customary marriage contracts concluded during the war in the Gaza Strip, in order to formalize the legal status of marriage and ensure the protection of the

²⁴ Ibid

²⁵ Ibid

²⁶ Interview with Samah Ashour, Sharia Lawyer at PCHR

rights ensuing therefrom.²⁷

Family counseling constitutes one of the core duties of the Sharia courts, and it has continued to be followed despite the exceptional circumstances. Family disputes are referred to the competent counseling departments, which exert vigorous efforts to achieve amicable settlements between disputing parties. Upon reaching an agreement, an official record is drafted, known as a Family Counseling Agreement. This agreement is legally binding and functions as an enforceable instrument with executive force before the judiciary. However, during the ongoing genocidal war, the enforcement of such agreements has been limited to amicable and voluntary compliance only, due to the absence of the executive authority represented by the judicial police. Consequently, compulsory enforcement is not possible, rendering the execution of these agreements dependent solely on the parties' own willingness.²⁸

In addition to the above, the Sharia courts have continued to issue death authentication records for individuals killed or deceased after October 7, particularly for those whose deaths have not been officially registered in the Ministry of Health records due to the prevailing war conditions and mass displacement. To date, more than 11,000 such records have been issued.²⁹ With respect to missing people, the courts prepare special records for their cases, which are delivered to their families or legal representatives. These provisional documents serve as an initial legal basis enabling them to pursue their rights before official bodies and relevant associations, and to file for a formal "Authentication of Death of a Missing Person" once a ceasefire is in place and conditions in the Gaza Strip are stabilized.³⁰

27 PCHR's interview with judge Mahmoud Faroukh, a Sharia court of first instance judge, on 11 August 2025

28 Ibid

29 Ibid.

30 Interview with lawyer Samah Ashour

Currently, the Sharia courts are undertaking the archiving of all documents related to marriage contracts, divorce certificates, and other registered deeds issued during the war. This effort aims to safeguard these records, prevent the loss of rights, and ensure the official recording and authentication of Sharia and legal matters.³¹

Even with these deeds, which remain both limited in scope and critically important, the Sharia courts continue to face enormous challenges in finalizing them. This requires prior knowledge of the courts' ever-changing headquarters, which are constantly relocated in response to security conditions, in addition to the parties' inability to reach the courts due to the absence of transportation and the constant threat of bombardment of residential areas—rendering every attempt to access them fraught with danger. In this reality, pursuing even the most basic Sharia procedures has become a tiring and exhausting mission, despite being fundamental to the regulation of family life and the protection of the bare minimum of personal rights amid a devastating war and the ongoing collapse of the justice infrastructure.³²

31 Interview with Mahmoud Faroukh

32 Interview with Ghada Nazli, Lawyer at PCHR

5.

IMPACT OF THE DISRUPTION OF THE SHARIA JUDICIARY ON WOMEN IN GAZA DURING THE GENOCIDAL WAR

Women in armed conflicts endure profoundly vulnerable conditions, being directly affected by the repercussions of war and the collapse of both legal and social infrastructures, while also remaining constantly exposed to various forms of discrimination and violence. These circumstances create urgent legal needs that necessitate prompt judicial intervention. In the Gaza Strip, Sharia courts serve as the primary legal refuge for women, particularly in matters concerning their family rights. Any obstruction to the functioning of these courts, or to women's access to them, effectively deprives women of justice and leaves them confronting a social and legal reality in which violations intensify, with no effective mechanisms to restore their rights or safeguard their dignity.

As part of the IOF's genocidal war on the Gaza Strip along with the destruction of Sharia courts' headquarters, the direct targeting of judges and court staff, the total collapse of the legal system and infrastructure, and the absence of security, access to justice has become virtually impossible, particularly for women and other vulnerable groups. This has had profound consequences for the legal protection ordinarily provided by these courts.

To illustrate the magnitude of the judicial collapse on women, this section highlights the

most significant Sharia matters that directly affect their lives, such as alimony, custody, child visitation, and separation on grounds of domestic violence. The testimonies of women presented herein reveal only part of the profound social and psychological consequences of the judiciary's breakdown, including growing feelings of vulnerability and helplessness, as well as the escalation of violations in the absence of any effective legal mechanisms for deterrence or redress.

5.1 SUSPENSION OF WIFE ALIMONY CASES

Aida (47) endures extremely harsh living conditions after being abandoned by her husband shortly before the outbreak of the war. She had hoped to file a wife alimony case to secure her basic needs; however, the destruction of the Sharia courts and the paralysis of the judicial system caused by the Israeli offensive prevented her from doing so. She has thus been forced to confront life alone, stripped of any legal support or protection.

"I am a mother of five children, and my husband had separated from us before the outbreak of the war. On 5 October 2023, I decided to contact a lawyer to file a wife alimony case; however, only two days later, the war broke out on 7 October. During the attacks, the IOF destroyed everything, including the Sharia courts.

Since the onset of the war until today, I have continued to ask my husband for alimony; however, I have not received any support. I am also unable to resort to the judiciary, which has been paralyzed under these circumstances—something my husband has taken advantage of as a pretext for not paying. With the ongoing war, living conditions have become increasingly unbearable: starvation is spreading, prices are skyrocketing, and I cannot afford even the bare minimum of essentials from the market, especially since I do not work and have no source of income.

What has made my situation even worse is that I do not receive any humanitarian aid, because the relief organizations register the assistance under the husband's name. He is the only one benefiting, even though he abandoned me a long time ago. I have repeatedly tried to explain my situation to these organizations, but I cannot legally prove his abandonment because I thought that the courts are completely disrupted, and I do not even know where their headquarters are. This has left me excluded from any supportive or protective system. It devastates me further, as I continue to shoulder the burdens of life alone, despite the fact that my husband has a job and is fully capable of paying me alimony."³³

According to the Personal Status Law in force in the Gaza Strip, alimony refers to the financial support a husband is obligated to provide his wife to secure essential needs such as food, clothing, housing, and other necessities of life. A wife's entitlement to alimony begins from the date of the marriage contract and remains valid throughout the marital relationship, as long as no grounds arise that would nullify this right. In cases where the husband abstains from providing maintenance, the wife has the right to file a claim for alimony before the Sharia court, which determines the amount in accordance with the husband's financial circumstances, whether affluent or insolvent.³⁴

³³ PCHR received this testimony on 12 August 2025 in Khan Younis.

³⁴ Palestinian Centre for Human Rights (PCHR), *The Legal Status of Palestinian Women within the Framework of Personal Status Laws: A Case Study on the Legal Status of Women under the Personal Status Laws Applied in the Gaza Strip Compared to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*, December 2003, p. 24.

» **Deprivation of Alimony Doubles the Suffering of Mother and Her Daughter During the War**

(R. Z.), a wife who obtained an alimony ruling before the Israeli war, stated the suspension of Shari'a courts during the genocidal war prevented the enforcement of the ruling, leaving her without income or protection. She struggles alone to feed her sick daughter and secure her treatment, amid a complete lack of legal or humanitarian support and under living conditions that drain her ability to endure day after day.

“

In July 2023, I moved to my family's house after enduring unbearable physical and psychological abuse from my husband. In September of the same year, the court issued a ruling granting me alimony, and shortly after, I gave birth to my daughter, Mervat. When the Israeli war began in October 2023, Sharia courts ceased to function, and death and destruction spread everywhere. In addition to that, my husband evacuated with his family to the southern Gaza Strip, while my daughter and I remained in the north. He exploited this situation to avoid enforcing the alimony rule, despite working and earning a good income during the war. I exhausted every effort to find a way to compel my husband to provide for us, especially since I live with my family, who are already enduring harsh living conditions. However, all my attempts were unsuccessful, and I found no one to support or stand by me. Following the temporary ceasefire in January 2025, my husband returned to the north and settled there. However, he continued to refuse to provide for me and our daughter, despite her health condition requiring ongoing treatment. Doctors have diagnosed her with muscle atrophy and a developmental delay affecting her speech and mobility. I have no job or source of

income and live under harsh conditions with my daughter, relying on my father and siblings to meet our basic needs, while finding no one to uphold my rights or compel my husband to enforce the court ruling. I do not know what steps to take to preserve the dignity of my daughter and myself. My difficult financial situation often forces me to compromise on my daughter's necessary treatments and even our food, which has adversely affected our physical and mental health. All I want is to live with dignity, nothing more.”³⁵

5.2 SUSPENSION OF CHILD ALIMONY CASES

(H. H.) is enduring severe humanitarian conditions in a shelter, struggling each day to provide for herself and her daughters. Despite her husband's financial ability, she receives no support from him. With Shari'a courts suspended, she is unable to file for or claim any child alimony, leaving her trapped between deprivation and oppression, without any legal or humanitarian assistance.

“Due to intense bombardment and the dangerous security situation in our residential area by Israeli warplanes, my husband, our seven children, including 4 boys and 3 girls, and I were forcibly displaced to the southern Gaza Strip. However, it was not long before my husband abandoned us after the displacement, shirking his responsibilities and leaving us to face our fate alone, without alimony or a breadwinner. My daughters live with me under tragic conditions in the shelter, without privacy or basic necessities, and even the simplest items affecting their dignity are no longer available. Unable to provide them sanitary pads has caused them deep embarrassment when using the bathroom in front of other displaced people. All of this results from their father's refusal to provide for them, despite being a public servant who receives his salary regularly. I tried to file a child

³⁵ Testimony obtained by PCHR's staff on 16 July 2025 in Gaza City.

alimony case on behalf of my children, but I was unable to do so, as the Shari'a courts have been completely nonfunctional since the onset of the war, their headquarters destroyed, and all cases suspended. Living conditions are dire: there are no mattresses or blankets, food is extremely scarce, prices are skyrocketing, and aid is almost nonexistent. We have nothing to eat except for occasional donations, and even the food supplies previously distributed by UNRWA no longer reach us due to the siege and restrictions on the entry of goods. I now have no income or support, shouldering everything alone and living through the worst days of my life, while my husband, the very person who shall bear the primary duty to provide for his children, has chosen to abandon us, leaving his sons and daughters to face hunger, deprivation, and oppression."³⁶

» **A mother's struggle to save her child's life in the absence of child support**

(L. S.) (27) is enduring extremely harsh humanitarian conditions, bearing alone the responsibility of caring for her sick daughter, while the father refuses to provide financial support and with no legal avenues available to claim alimony. In her testimony, she shares her suffering, saying:

“

I got divorced in November 2021 and waived all my rights at the time, hoping to secure the stability I needed to raise my daughter. In 2022, I filed a child alimony case before the Shari'a court and ruling was issued in her favor. However, her father complied with the ruling for only a few months before completely stopping the payments, using the war as an excuse and showing no regard for his daughter's

³⁶ Testimony obtained by PCHR's staff on 12 August 2025 at al-Nuseirat preparatory School (A) for boys.

needs or his responsibilities toward her. My little daughter, Rana, suffers from a complex medical condition; she was born with a cleft lip and craniosynostosis. She has already undergone two surgeries and still needs at least three more. Despite this, her father refuses to provide any support. I used to rely on alimony to care for my daughter, but with its suspension, I have become completely unable to meet her basic needs. I have had to turn to my family for help, even though I know they are struggling financially. Each time, I felt embarrassed — how could I ask those who have nothing themselves? As conditions deteriorated, I had no choice but to postpone my daughter's treatment. I found myself torn between securing food and safeguarding her health, forced to choose bread over medicine — not out of indifference, but out of helplessness. The suspension of courts has deepened my pain as a mother unable to protect her daughter amid a brutal war.”³⁷

According to Article (395) of the Personal Status Law in force in the Gaza Strip, child maintenance for an indigent child is primarily the sole responsibility of the father, without imposing any obligation on any other party. This responsibility is only transferred to others if the father is impoverished or unable to earn a living due to a physical or mental disability that prevents him from working. In such cases, the obligation is transferred to the father's ascendants, in accordance with specific conditions and procedures stipulated by the law.³⁸

37 Testimony obtained by PCHR's staff on 15 August 2025 in Gaza City.

38 Refer to Section Forty-One, concerning the mandatory maintenance of children by their fathers, as stipulated in the Personal Status Law according to the Hanafi School of Jurisprudence, issued in Palestine during the Ottoman rule in the year 1336 AH.

» **A Mother Deprived of Justice, Safety, and Her Child's Basic Rights:**

(A. B.) (19) stated to PCHR's staff that she found herself facing a harsh reality of displacement, early motherhood, domestic violence, and hunger, all in the absence of legal protection. She had filed a spousal alimony case scheduled to be heard on 08 October 2023. However, the war broke out the day before, leading to the closure of courts and the suspension of proceedings, preventing her from pursuing her case or filing a new one for her child's maintenance.

“

On 23 November 2023, I gave birth to my first child, and instead of enjoying stability and care, and holding him in a safe home, I was forced to evacuate with my family to a school used as a shelter. Today, I live there in an overcrowded room, with no privacy and lacking the basic necessities for a dignified life. There are insufficient food, no clothing, and no milk or diapers for my child. Everything around me deepens a sense of helplessness... a harsh life unfit for a newborn or for a mother who is simply trying to protect her little one. My suffering was further compounded by my husband's refusal to register the child after his birth. I tried several times to register him, but to no avail. A full year passed without obtaining a birth certificate, depriving my child of medical care, aid, and even his most basic rights, as if he had never been born. Each time, I would break down, feeling powerless and wronged, as if my son did not even deserve to be known by his name.”

She added, with deep sorrow:

“

I cried for days, unable to provide milk for my child. I tried to return to the court to claim maintenance, but to no avail, as the courts had ceased to function amidst this war that destroyed everything. I was forced to wean my child before he reached six months, not by choice, but due to famine, lack of nutrition, and the severe psychological stress I endured. Formula milk became an unattainable dream amid displacement, skyrocketing prices, and the complete absence of any form of support or assistance. I would watch him cry from hunger in my arms, powerless even to soothe him. Today, I have nothing—no money, no food, no safety. I hold my child close, struggling to keep him alive amid a war that destroys everything. I do not know how I will go on in the face of displacement, poverty, and the closure of courts, but I have no choice—I am forced to endure.”³⁹

The situation worsened with the suspension of the Palestinian Maintenance Fund (PMF)⁴⁰, which, like other official institutions, ceased functioning. This suspension is since all the Fund’s balances are deposited with the Palestinian Post, which halted its operations from the very first day, preventing the withdrawal of any funds or the execution of any financial procedures. As a result, beneficiaries were left to face deprivation and hardship amid extremely harsh humanitarian conditions.⁴¹

³⁹ Testimony obtained by PCHR’s staff on 21 April 2025 at al-Yarmouk School in Gaza City.

⁴⁰ The Palestinian Maintenance Fund (PMF) is a financially and administratively independent institution in Palestine, established to ensure the enforcement of alimony rulings for eligible individuals, particularly marginalized groups such as children, women, the elderly, and those unable to earn an income. The fund disburses alimony to beneficiaries on behalf of defaulters and subsequently recovers the owed amounts from them.

⁴¹ An interview conducted by PCHR’s staff with Mr. Osama Abu Shanab, Director of the Palestinian Maintenance Fund in Gaza Strip, on 11 August 2025.

The PMF also relies on social workers to update beneficiaries' data, such as the number of women who have lost their husbands or do not receive alimony. However, this data is currently unavailable due to repeated displacement and the scattering of beneficiaries, making it difficult to reach them and follow up on their cases and those of their children. The crisis is further compounded by the lack of suitable and secure office spaces, especially after government buildings were repeatedly targeted by continuous bombardment, putting any official activity at risk and making it even more difficult to provide essential support to beneficiaries.⁴²

5.3 SUSPENSION OF CHILD CUSTODY CASES

(S. K.), 23, a mother who was deprived of her daughter during a time of extreme vulnerability and unable to seek custody due to the suspension of Shari'a courts, stated:

“

I am a married woman, constantly subjected to verbal and physical abuse by my husband and his family. During the war, I gave birth to our first daughter, and disputes increased. I fled to my family's home in Deir al-Balah, but they prevented me from taking my daughter with me. We tried repeatedly to obtain custody or even just to see her, but to no avail. I was not even allowed to see her. Every night I die of longing for her. I cry incessantly, my tears never dry from the pain of loss. My child needs me, my embrace, my milk, her mother's love, but they have deprived her of all that. If there were no war, I would have turned to the Shari'a court to claim custody of my daughter, and no one could have stopped me. But the absence of justice and the suspension of

⁴² Ibid.

the courts have left me powerless and broken, living a slow death every day. All I long for now is the end of the war so I can be reunited with my daughter and find some relief. I am exhausted... completely exhausted.”⁴³

Custody refers to placing the child under the care, upbringing, and supervision of a guardian. It is a right granted to the child, with their best interests taking precedence over all other considerations. Islamic Sharia affirms that the mother is the primary custodian of her child, even after divorce, giving her priority over all other women. According to the laws in force in the Gaza Strip, the custody period is seven years for boys and nine years for girls. The Shari’a court also has the authority to extend this period by up to two additional years if it is in the child’s best interest, based on the judge’s assessment of the circumstances of each case.⁴⁴

» **A Mother Deprived of Custody of Her Children Amid Suspension of the Courts**

(R. A.) (36) is enduring severe psychological and humanitarian hardships due to being deprived of custody of her two children during the genocidal war on the Gaza Strip. With Shari’a courts completely suspended because of the war, she lost any opportunity to file a custody case, which has intensified her isolation and deepened her feelings of helplessness and oppression:

“

I am a mother of two children, one an infant and the other sick, requiring

⁴³ Testimony obtained by PCHR’s staff on 11 January 2025 at al-Masmiyia Displacement Camp in Deir al-Balah.

⁴⁴ Previous reference, The Legal Status of Palestinian Women in the Personal Status Law System, p. 28.

special care. I had filed a maintenance case for myself and my children before the Shari'a court, but the suspension of court operations prevented the proceedings from moving forward. Despite my difficult situation as a displaced woman with no income or support, I struggled desperately to meet my children's basic needs under extremely harsh living conditions. At the end of April 2025, specifically on 31 April, I was about to undergo complicated surgery. I contacted my husband and asked him to take care of our two children for just one week while I recovered. From that moment, my children disappeared from my life. I no longer see them or hear anything about them. Their father is keeping them from me, and I am completely powerless. I feel pain every moment; I can no longer sleep or eat and have fallen into severe depression, as my children are my entire life. My heart trembles with fear for them, and my greatest fear is that they will grow up believing I have abandoned them. There is no court I can turn to, as the Shari'a courts remain entirely suspended amid this brutal war. My only hope is for this war to end and the courts to resume work so I can claim custody of my children and hold them in my arms once again.”⁴⁵

» **A mother deprived of her rights and denied custody of her children amid the absence of justice:**

(A. A.), 27, told PCHR's staff that she had been directly blackmailed by her ex-husband, who forced her to relinquish all her sharia rights in exchange for a promise to grant her custody of their son. However, he later reneged on the agreement, exploiting the suspension of Shari'a courts due to the war.

45 Testimony obtained by PCHR's staff on 27 July 2025 in al-Mawasi area in Khan Yunis.

“

On 11 November 2024, I was violently assaulted by my husband, who beat me mercilessly and severely until I felt I was no longer being treated as a human being, but as an outlet for his anger and insults. He prevented me from taking my son with me, and I staggered into the street, unable to see anything from the shock and collapse. The cruelty of forcing a mother to leave her child against her will is indescribable. I then sought the help of several community elders and mediators, but each time he evaded them and refused to meet anyone. Since that day, nine months have passed without seeing my son or hearing his voice, despite all my attempts. I later learned that his behavior had turned violent toward other children as a result of his mother's absence from his life. My son has become a stranger to me, just as I have become a stranger to him. Instead of rectifying the situation, my husband resorted to blackmail, demanding that I relinquish all my legal rights in exchange for a divorce and custody of my son. Under immense psychological pressure, I agreed to waive all my rights in exchange for retaining custody of my son. On 21 July 2025, the divorce was formalized at the Al-Shati Camp Court, where I signed a general release and relinquished all my rights. However, he failed to honor the agreement, as his sole intention was to strip me of my rights and deceive me. I found myself trapped from all sides: no law to protect me, no institutions to grant me justice, and no community to stand by me. Because of the war and the suspension of the courts, I lost everything: my rights as a wife, the custody of my son, and my dignity as a human being. As a mother, I ask for nothing but to hold my son. My heart breaks every day as I wonder: Is he eating well? Who is caring for him? Does he feel safe? I have developed severe depression, lost weight, and suffered constant headaches from excessive worry and grief. I have paid a heavy price for an injustice I neither chose nor deserve.”⁴⁶

46 Testimony obtained by PCHR's staff on 17 August 2025 in Gaza City.

5.4 SUSPENSION OF CHILD VISITATION AND HOSTING CASES

(N. A.), 31, recounts her humanitarian and legal ordeal in trying to see her children after being completely denied access to them. This occurred after she refused to comply with her husband's unjust terms, which required her to fully waive her legal rights in exchange for a divorce, exploiting her role as a mother amid the suspension of courts.

“

In May 2023, PCHR's Women's Rights Unit filed a case before the Shari'a Court in Gaza, seeking to secure my right to visit and host my children. A court ruling was issued in my favor, confirming this right. In June of the same year, the lawyer began enforcing the ruling through the Execution Department at the Gaza Court, and I was finally able to see my children and host them in my home—moments that brought back a sense of hope and peace to my life. I had previously filed a separation case due to marital disputes; however, the Shari'a Court did not issue a ruling, as all judicial proceedings were suspended following the Israeli aggression on Gaza on 7 October 2023. With the suspension of court operations and the enforcement of rulings, my husband found a pretext to continue his abuse and violations. I was forcibly deprived of seeing my children, and my heart ached with longing as I awaited the end of the war and the restoration of justice. In May 2024, following persistent efforts by my relatives, my husband eventually agreed to allow me to see my children, and I met them in a tent in al-Zawaida area. That moment was as if life had been restored to me. However, on 04 July 2024, a new tragedy began. While I was with my children in the tent, I received a phone call from my husband, in which he threatened that he would not finalize the divorce unless I fully waived all my rights, including custody of my children and my financial rights. I immediately

rejected these conditions, as they were intended to exploit my psychological and humanitarian situation to force me into relinquishing my most basic legal rights. Consequently, I was once again deprived of seeing my children, and all contact with them was cut off. As a mother, I now live alone, unable to hear my children's voices or check on them. I endure the anguish of separation, knowing nothing about their lives.”⁴⁷

» **A mother's heart caught between being deprived of seeing her child and waiting for Shari'a courts to resume operations**

(H. A.), 27, speaks with a voice weighed down by grief and helplessness, recounting her suffering after being forced to separate from her husband amid the brutal war and domestic violence, and having been unable to see her young son ever since.

“

In early April 2024, as disputes with my husband increased and his ongoing abuse continued under the pressures of war, I had no choice but to make a painful decision: to separate from him and move to my displaced family. I was forced to take this step to protect myself, yet it brought another anguish, as I had to leave my five-year-old son behind. In that moment, it felt as if I were leaving a part of my heart with him. Although I am his legal guardian, I have only been able to see him twice since the disputes began. Two visits are not enough to reassure a mother amid a harsh and prolonged war. His father refuses any contact or any attempts at mediation, as if a mother's right to her child had become a bargaining

⁴⁷ Testimony obtained by PCHR's staff on 27 May 2025 in Gaza City.

chip. All I want is to see him, to hold him for a moment, and tell him that I have not abandoned him. But there is no way to do so amid the suspension of courts, and nobody defends my rights as a mother during this war. I cry silently, feeling that I am losing him day by day, without any way to reach him or even hear his voice. The suspension of the judiciary since the onset of the war has left me completely helpless-I cannot file a custody case, nor even claim the simple right of visitation. Had the courts been functioning, I could have defended my rights and those of my child. The war is still going on, and the hope of seeing him soon is fading.”⁴⁸

Circular No. 22/2010, issued by the Sharia Judicial Authority, affirms a woman’s right to see her child once a week, whether or not she is the custodial parent, provided that the child’s best interest and age are taken into account. Under the circular, if the child is under three years old, the visitation period may not exceed two hours, whereas if the child is three years or older, the visitation period shall be no less than three hours per week. The circular further provides that the mother may host her child for up to twenty-four hours in an appropriate place, if required for the child’s best interest.⁴⁹

» **A mother waiting to see her two children amid anguish and absence of justice**

(B. H.), 27, a mother of two, has been forcibly separated from her children for several months, with no legal means to see them due to the suspension of court operations. This deprivation deepens her sense of distress and heightens her fear that her children may grow up believing she has abandoned them.

⁴⁸ Testimony obtained by PCHR’s staff on 05 January 2025 in Deir al-Balah.

⁴⁹ Circular No. 22/2010 concerning child visitation claims, p. 22–23.

“

I am a mother of two children, Youssef (8) and Ibrahim (4). On 31 July 2024, my husband divorced me, but the divorce has not yet been officially registered due to the suspension of Sharia courts as a result of the war. Since then, I have only been allowed to see my children four times, and only after the intervention of mediators. All I ask for today is my natural right as a mother: to see them, to check on them without fear or humiliation. I have repeatedly tried every possible way to reach them, but to no avail. I intended to file a visitation lawsuit before the court, but the continued suspension of Sharia courts has deprived me even of this basic right. I miss their voices, their laughter, even their crying... Not a day goes by without imagining them in my arms. Yet every moment is filled with pain and oppression because they are far from me and I am completely unable to be close to them. What worries me most is that, with no judicial oversight, their father continues to overstep, gaining absolute authority at the expense of my children's best interests. I fear they may forget my embrace, growing up thinking I abandoned them, when in fact I have been forcibly kept away from them and from my role as a mother.”⁵⁰

5.5 SUSPENSION OF SEPARATION CASES

(H. Q.), 21, recounts years of suffering during a prolonged engagement, trapped in a situation with no marriage and no rights, while her fiancé evaded his responsibilities, exploiting the Israeli war and the suspension of Sharia courts. Amid the bombardment and the collapse of justice, she found herself alone, facing isolation, depression, and even suicide attempts.

⁵⁰ Testimony obtained by PCHR's staff on 30 July 2025 in al-Mawasi area in Khan Yunis.

“

I received legal assistance from PCHR's Women's Rights Unit in Gaza and obtained an alimony ruling, which was only partially executed; I received alimony for just two months. Afterwards, the Israeli war on the Gaza Strip erupted, Sharia courts were closed, and execution offices were suspended, halting the enforcement of the ruling and depriving me of the remaining payments. My fiancé exploited this suspension to evade his obligations, and since then, I have been unable to receive any alimony. Before the war, lawyer at PCHR filed a separation case in August 2023 before the Sharia court. The last session took place before the war started, and the next session was scheduled for 12 October to continue the judicial process. But when the war broke out, court sessions were disrupted, and my case was halted, leaving it pending. Since then, I have been living in a state of arbitrary suspension; I am neither a wife nor a divorced woman who can move on with her life. All of this has been compounded by the ongoing war conditions, which have made my psychological and social suffering unbearable. The psychological impact on me was severe. I developed major depressive disorders and became socially withdrawn, refraining from speaking to any family members. I isolated myself in my room for extended periods and severed contact with the outside world, fearing the embarrassment of inquiries regarding my marital status. I felt completely hopeless about getting my rights and had suicidal thoughts more than once. The thought of death still crosses my mind from time to time as a result of my feelings of injustice, oppression and marginalization. In December 2023, we were forced to evacuate to Rafah in southern Gaza Strip. At that time, my fiancé was living in the same area and attempted to kidnap me several times, which further aggravated my already deteriorating psychological condition amid the lack of security and the collapse of the judicial system. My family made repeated efforts to resolve the matter amicably, but he rejected

all attempts and conditioned his acceptance on my waiver of all my legal and financial rights. Since our return to Gaza on 28 January 2025, I have reconnected with PCHR's lawyer, who informed me that the Sharia courts continue to operate under an emergency plan due to the unstable security situation. For the past three years, I have been living in an ambiguous legal situation on all levels. My fiancé married another woman and had two children, while I remain suspended-without divorce or legal rights. I feel that my life is slipping away, all because of his obstinacy, his exploitation of the courts' suspension, and the ongoing war that has prolonged my suffering and blocked my path to freedom.”⁵¹

According to the Personal Status Law in force in the Gaza Strip, the husband alone is granted the right to divorce, allowing him to divorce his wife at any time without her consent.⁵² In contrast, a wife does not have this right directly; the law allows her to request a separation by filing a case before the Sharia court, provided she can prove the existence of legally recognized grounds that justify the separation from her husband.⁵³

Legal proceedings in cases of marital separation are prolonged and burdensome, often lasting several years, leaving affected women in prolonged states of psychological distress and uncertainty. The destruction of Sharia courts and the loss of case files due to Israeli attacks further exacerbate the situation, potentially forcing women to restart proceedings from the beginning once the war ends. This imposes an additional psychological and social burden on women and often compels them to relinquish their legal rights merely to end their state of suspension, constituting a clear violation of their fundamental right to access justice and obtain legal protection under the law.⁵⁴

51 Testimony obtained by PCHR's staff on 23 March 2025 in Gaza City.

52 Previous reference The Legal Status of Palestinian Women in the Personal Status Law System, p. 20.

53 Ibid, p. 22.

54 An interview with PCHR's lawyer, Samah Ashour.

» **Suspended Freedom: A woman awaiting a separation ruling amid the suspension of courts**

(N. A.), 34, had hoped to find in the Sharia courts a way to end a marriage that had exhausted her psychologically. She filed a separation case in January 2023 and continued attending hearings despite the hardship, hoping for a ruling soon. However, when the Israeli war was launched on Gaza Strip, the courts were suspended and proceedings disrupted, leaving her case unresolved to this day.

“

I began proceedings to separate from my husband on 29 January 2023 and attended several hearings before the Sharia court. Separation case proceedings are burdensome and prolonged under the law applicable in Gaza, and a separation ruling was expected soon. However, when the Israeli war was launched on the Gaza Strip, the Sharia courts were completely shut down, and all judicial proceedings were suspended. Since then, no rulings has been issued, leaving me legally and psychologically suspended, without a separation ruling and without the possibility of freeing myself from this marriage, which has become a significant burden on my life and stability. My family and I have made repeated attempts, through the intervention of mediators, to achieve an amicable resolution or settlement to end this severe and unjust situation, but all efforts have been unsuccessful. He is fully aware of my vulnerable position and the irregular operation of the courts, and he deliberately exploits these circumstances to his advantage. Driven by despair, I relinquished all my legal rights, just to end this marriage, regain my freedom and dignity, and start a new life away from suffering. Although this waiver came after a long period of suffering, my husband still refuses to divorce me and abuses

his unilateral right to divorce, exploiting the suspension of the Sharia courts and the halt of judicial proceedings to keep me trapped and deprive me of my most fundamental human rights. Today, I live in a painful legal and psychological state; I am neither a wife living a normal life, nor a divorced woman enjoying her rights to a new beginning. My suspended status consumes me daily, leaving me feeling trapped and constrained, with no ability to determine my own fate or reclaim my freedom.”⁵⁵

» **Life Suspended Between Pending Separation and a Non-Functioning Judiciary**

(R. A.), 19, stated to PCHR’s staff that she had been forced into marriage while still a child. Today, as a young adult, she remains trapped in this marriage, with no legal means to end it or escape its ongoing hardships, due to the suspension of Sharia courts.

“

In December 2022, I filed an alimony case while in a state of psychological collapse. I was experiencing deep trauma, and even today I ask myself: how did my life come to this? From the outset, I did not want this marriage. I was divorced at the age of 16, and my psychological state was extremely fragile. However, under social pressure and with no real alternative, I agreed to marry again. Unfortunately, rather than marking a new beginning, this marriage became an additional source of physical and psychological abuse. Indeed, I obtained a court ruling in my favor; however, the enforcement procedures came to a complete halt with the outbreak of the war and the suspension of Sharia court operations, preventing me

⁵⁵ Testimony obtained by PCHR’s staff on 03 August 2025 in Khan Yunis.

from receiving my alimony payments. I am also entirely unable to file a separation case to end this marriage and put an end to my ongoing suffering. I am currently living in a constant state of shock, feeling as if my life has come to a complete stop and my fate remains suspended, with no clear horizon. Every time I contact a lawyer, I receive the same discouraging response: ‘Separation is only possible by mutual consent, and we cannot assist you at this time. These words deepen my despair, making me feel unable to move forward with my life. Legally, I remain a “wife”, even though I do not experience any form of marital life. My ID card is still with my husband, and no executive body can retrieve it from him. This has prevented me from registering with UNRWA or receiving any humanitarian or social assistance during the war. This situation has severely affected my mental health. My family relationships have become strained, and I have been living under overwhelming pressure that has at times driven me to self-harm out of deep anguish. All I want is to escape this marriage, start anew, continue my education, and reclaim my dignity—but the war has paralyzed everything. With the courts no longer functioning, I remain trapped in a vicious cycle with no end in sight.’⁵⁶

» **Women’s Testimonies: The Effects of the Suspension of Sharia Courts on Women’s Rights**

The destruction of Sharia courts and the suspension of their operations have had a profound impact on women in the Gaza Strip. Women currently bear a double burden due to systematic violence targeting civilians—not only through direct bombing and ongoing attacks, but also through the indirect collapse of social and economic infrastructure and

⁵⁶ Testimony obtained by PCHR’s staff on 28 April 2025 in Gaza City.

the disintegration of governing institutions.⁵⁷

The halt of Sharia Judiciary operation and the suspension of new case acceptance in the Gaza Strip due to Israeli attacks have had severe repercussions for Palestinian women, particularly in the absence of alternative institutions with jurisdiction over personal status cases. Women are now unable to pursue cases related to separation, alimony, custody, or visitation, leaving them in a state of legal limbo. This situation does not merely obstruct women's safe access to justice; it also intensifies their psychological, social, and economic suffering, leaving them more vulnerable to marginalization and exploitation. With the ongoing Israeli attacks and no prospect of a ceasefire or the resumption of Sharia court operations, many women are forced to relinquish their rights—not voluntarily, but due to feelings of helplessness, the absence of legal avenues for redress, and the collapse of official protection mechanisms that once provided a minimum level of legal and social security.

The destruction of Sharia court archives and the consequent loss of pending legal case files have created a grave legal vacuum that strikes at the core of justice in the Gaza Strip. This has direct repercussions on women, who are the most vulnerable in this context. Many of them find themselves in a state of legal uncertainty, unable to resume their previous proceedings, while living under constant anxiety over the possibility of being unable to prove their rights once the courts resume functioning. A large number of women may be compelled to reopen their cases from scratch, a process that entails lengthy, arduous, and psychologically as well as financially burdensome procedures, all while humanitarian conditions are deteriorating at an unprecedented level. In such circumstances, some

⁵⁷ ESCWA, Report on the Status of Arab Women, Access to Justice for Women and Girls in the Arab Region: From Ratification to Implementation of International Instruments, 2014, p. 23.

women may ultimately be compelled to forgo their rights, either to escape the hardships of legal proceedings or due to a loss of hope in obtaining legal redress.

Women's testimonies in this report reveal that they have borne the heaviest burden from the suspension of Sharia courts, losing their legal, economic, and social rights, and having their legal protection, once their last resort, stripped away. The testimonies also highlight the profound psychological pain and suffering experienced by women, who find themselves vulnerable to injustice and marginalization in the absence of any legal alternatives or institutional support, leaving them in a state of constant fear and anxiety, with no hope for protection or justice.

6.

IOF TARGETING OF SHARIA JUDICIARY IN GAZA: A DELIBERATE ASSAULT ON LEGAL PROTECTION IN THE CONTEXT OF GENOCIDE

The targeting of Sharia courts and the denial of safe access to justice cannot be separated from the broader pattern of the IOF's military aggression ongoing since 07 October 2023. The evidence indicates that the Israeli occupation authorities are pursuing a systematic policy aimed at dismantling the Palestinian institutional and legal structure, as part of an organized effort to strip society of its sovereign and organizational capacities. The destruction of courts, the disruption of their operations, and the obliteration of judicial archives occur alongside the targeting of educational, cultural, and religious institutions, as part of a broader pattern aimed at undermining the Palestinian civil system and erasing its national identity.

In this context, the targeting of the Sharia judicial system constitutes an integral part of the IOF's policy, not merely incidental damage resulting from military operations, but a deliberate and direct attack on Gaza's judicial structure. Sharia courts play a fundamental role in regulating personal status cases and safeguarding the civil rights of Palestinian families, making their disruption a direct undermining of social justice and a systematic deprivation of the most vulnerable groups, particularly women, from one of the most crucial official sources of protection.

What is particularly concerning is that these policies are not limited to the destruction of civil infrastructure but extend to dismantling society from within, by weakening the legal and social ties that regulate family and civil relations and provide individuals with a sense of security and belonging. In this context, the targeting of the Sharia judiciary, which handles personal status cases, particularly those concerning women, serves as a clear indication of an intent to create a state of widespread chaos and a legal vacuum that is difficult to remedy. This situation undermines the population's ability to safeguard their rights and resolve disputes through structured and lawful means. As a result, the population's ability to protect their rights and resolve disputes through organized means is diminished, while the suffering of the most vulnerable groups, particularly women, intensifies, leaving them without any effective legal protection amid a harsh reality that targets every aspect of their lives.

Israel, as an occupying power, bears clear obligations under international humanitarian law toward the civilian population in the Gaza Strip, in accordance with the provisions of the Fourth Geneva Convention of 1949, particularly Articles 3, 27, and 147, as well as Articles 48, 51, and 52 of Additional Protocol I.

These provisions obligate Israel to respect the rights of the population in the occupied territories, ensure their security, and maintain public order and the continuity of civil life, including protecting judges and enabling them to perform their duties, as well as safeguarding civilian objects, preserving the existing judicial infrastructure and legal institutions, and refraining from interfering with or destroying them except in cases of extreme military necessity—a condition that does not apply to the targeting of the Sharia judiciary system or other judicial facilities in Gaza.

RECOMMENDATIONS:

Amid the suspension of the Sharia courts in the Gaza Strip and the denial of safe and equitable access to justice due to the deliberate and systematic targeting of the judicial infrastructure, resulting in serious violations of individual rights, particularly women's rights to personal status and legal protection rights, PCHR recommends the following:

1. Take urgent action to halt the ongoing crime of genocide in the Gaza Strip, in accordance with the legal obligations of States Parties under the 1948 Genocide Convention, and to ensure that its perpetrators are not granted impunity.
2. Provide effective international protection for the judicial system in the Gaza Strip by establishing safe zones or temporary protective mechanisms that allow the Sharia judiciary to resume its operations and address cases, particularly the urgent personal status cases, thereby ensuring a minimum level of access to justice.
3. Integrate the consequences of disrupted access to justice into international reporting by UN bodies and human rights organizations, with particular focus on the legal and social impact of judicial system destruction especially on women and other vulnerable groups, as these constitute serious violations of international law.