

## Palestine's Legal Scene

Your weekly survey of the most important publications and activities related to Palestine, from local and international sources

Page | 1

Issue.202 | 12 - 18 November 2023

Issued every Sunday

By Law for Palestine

Prepared by: Razwan Issa, Nour Kharouf, Joman Al Khateeb, Nermin Allawh

Translation: Asma Louzon and Sabrin Alsheikh Ahmed

Editing: Nardeen Khalid

This weekly report reviews the legal dynamics of the Palestine question, and everything related to international law and Palestine. The report includes an account of the most important publications, activities, and conferences related to Palestine at the local, regional, international levels. The report further covers decisions, decrees, and judicial orders affecting the Palestinian cause, whether made at the official, academic or public levels. The report aims to be a reference for monitoring, documenting, and archiving the latest human rights developments related to Palestine, and to present them to individuals, researchers, study centers, and official, academic, and legal institutions concerned.

### **Judicial decrees, decisions, positions, and orders issued by official Palestinian bodies:**

- **The Palestinian Ministry of Telecom and Information Technology confirmed that communication and internet services in the Gaza Strip will completely cease on Thursday, November 16, due to fuel depletion. The Minister called on international officials and the International Telecommunication Union to intervene immediately to secure fuel supplies and ensure the continuity of essential services.** (November 12, 2023). For further details, click [here](#)
- **The Palestinian Ministry of Foreign Affairs (MOFAE) condemned the racist incitement [campaigns](#) led by the Israeli National Security Minister Itamar Ben Gvir and his supporters in the West Bank against Palestinians, especially in Huwara, Nablus. The Ministry also [condemned](#) the statements of the Israeli Finance Minister Smotrich regarding the displacement of Palestinian citizens outside the Gaza Strip, considering it as part of the racist colonization plan.**

SUBSCRIBE NOW TO RECEIVE  
OUR WEEKLY REPORTS

SUBSCRIBE

CHECK OUT THE PREVIOUS  
WEEKLY REPORTS

MORE

- **The Palestinian MOFAE condemned the Israeli occupation forces' public execution of Issa al Tamimi, a 65 years old citizen, as he was driving his vehicle in the city of Hebron. They considered this act a war crime.** (November 13, 2023). For further details, click [here](#).
- **The Palestinian MOFAE condemned the Israeli occupation army's [raid](#) on the Al-Shifa Medical Complex and other hospitals and health centers in the Gaza Strip, considering it a blatant violation of international law, international humanitarian law, and the Geneva Conventions. The Ministry [considered](#) the international community's response to the invasion of Al-Shifa Hospital as a signal for Israel to continue targeting the Palestinian civilians and destroying the Gaza Strip. It also [condemned the targeting](#) of the Jordanian field hospital in Gaza's vicinity and called for clear international positions condemning this crime.**

#### **Judicial decrees, decisions, positions, and orders issued by official Israeli bodies:**

- **Regarding the war in Gaza, Agriculture Minister Avi Dichter told Channel 12 that this is, "Gaza Nakba 2023. That's how it'll end." When later asked if this means Gaza City residents won't be allowed to return, he replied: "I don't know how it'll end up happening since Gaza City is one-third of the Strip - half the land's population but a third of the territory."** (November 12, 2023). For more details, click [here](#)
- **Concerning the potential deal for the Israeli hostages' return, Israeli Prime Minister Netanyahu said, "There could be, but I think the less I say about it, the more I'll increase the chances that it materializes." Reports stated that there are potential discussions about agreeing to release 80 women and children taken by Palestinian militants in Gaza in return for releasing Palestinian prisoners (women and children).** (November 12, 2023). For more details, click [here](#)
- **Israeli Interior Minister Moshe Arbel filed a complaint against Judge Itay Hermelin of the Hashalom Magistrate's Court in Tel Aviv because the judge prevented the Israeli Prison Services from displaying Israeli symbols during hearings related to extending the detention of Palestinian "terrorism suspects." Judge Hermelin objected on several occasions to the presence of an Israeli flag behind the suspect at the beginning of the court session via video. The Minister of Interior and the Minister of National Security expressed their support for displaying Israeli flags and symbols during these sessions. Director of the Courts, [Judge Michael Spitzer](#), informed**

the judges of his decision that it is permissible to raise Israeli flags anywhere and that they may not prevent that. (November 13, 2023) For further details, click [here](#)

- **The Israeli Minister of Finance, Avigdor Smotrich, welcomed a proposal presented by two members of the Israeli Knesset regarding the "resettlement" of Gaza Strip residents in Western countries. Members of the Knesset, Ram Ben Barak, and Dani Danon published an article in [The Wall Street Journal](#) calling on Western countries to accept Gaza residents as refugees and resettle them. Smotrich considered this proposal a humane solution that would end the suffering of both Jews and Arabs alike. (November 14, 2023). For further details, click [here](#)**
- **The Israeli Minister of National Security Ben Gvir visited sections of an Israeli prison where detainees from the Hamas movement are held, boasting about the measures taken to restrict them. These measures include confining prisoners in a dark cell with iron beds and a hole in the floor for a toilet while "Hatikvah," Israel's national anthem, is constantly played. He called the government to discuss the death penalty for prisoners. (November 14, 2023) For further details, click [here](#)**
- **Arab-Israeli politician Aida Touma-Suleiman, expressed her concern about the huge incitement against anyone who dares to protest against the war or to even reveal a little bit of empathy toward what is happening in Gaza. She added that some residents are scared to speak out about the war and they are not even allowed to cry for a Palestinian child who was killed there. (November 14, 2023). For further details, click [here](#)**
- **Israeli National Security Minister, Ben Gvir, announced that, since October 7, 236,006 new requests for weapons had been received, and that 31,408 conditional permits for the possession of special weapons had been issued, with more than 18,000 citizens executing the permit and purchasing a weapon. He also called on the Israelis to apply and arm themselves. (November 15, 2023). For further details, click [here](#) / [here](#)**
- **The Knesset Ethics Committee announced the punishments of two members of Knesset; MKs Iman Khatib-Yasin and Aida Touma-Suleiman for their conduct in the aftermath of the Hamas massacre of October 7. (November 15, 2023). For more details, click [here](#)**
- **The Deputy Speaker of the Knesset Nissim Faturi [called](#) for the displacement of Palestinians from the West Bank and Gaza Strip, and said, "As a democratic country, we must allow them to move to other countries, away from here." He also [called](#) for "burning Gaza." He said: "All the**

preoccupation with whether or not there is internet in Gaza shows that we have not learned anything. We are too humane. Burn Gaza now, no less! [Do not put fuel in it. Do not put water in it until the hostages return.](#)" After his tweet was reported for its inflammatory content, the X platform placed a warning note on it, and the MP subsequently deleted the phrase, "Burn Gaza."

- Israel's newspaper Haaretz reports that an Israeli official investigation has determined that an Israel Defense Forces helicopter killed Israeli civilians at the Nova rave on 7 October 2023. (November 15, 2023). For more details, click [here](#)

### **Judicial decrees, decisions, positions, and orders issued by Arab, European, and international bodies:**

- The regional managers of the United Nations Population Fund, UNICEF, and the World Health Organization (WHO) called for urgent international action to stop the ongoing Israeli attacks on hospitals in the Gaza Strip. They emphasized that attacks on medical facilities and civilians are unacceptable and violate international humanitarian law and human rights conventions. (November 12, 2023). For further details, click [here](#)
- The European Union (EU) is gravely concerned about the deepening humanitarian crisis in Gaza and calls for immediate pauses in hostilities and the establishment of humanitarian corridors, so that humanitarian aid can safely reach the population of Gaza. The EU re-emphasizes Israel's right to defend itself and "condemns Hamas's use of hospitals and civilians as human shields". The EU reiterates its call on Hamas for the immediate and unconditional release of all hostages. (November 12, 2023). For more details, click [here](#)
- Director-General of the WHO Tedros Adhanom Ghebreyesus states that the world cannot stand silent while hospitals, which should be safe havens, are transformed into scenes of death, devastation, and despair. He calls for an immediate ceasefire. (November 12, 2023). For more details, click [here](#)
- The High Representative of the EU for Foreign Affairs and Security Policy, Josep Borrell, discussed the crisis in Gaza, affirming the EU's collective call for an immediate humanitarian ceasefire. Regarding the long-term solution, he highlighted three "yes" conditions and three "no" conditions regarding Gaza's post-war situation: "Yes" to the return of a unified Palestinian Authority to Gaza, stronger involvement from Arab countries, and increased European commitment in the region. He stated "no" to forced displacement of the Palestinian people,

reducing the size of the Gaza Strip, and separating Gaza from the broader Palestinian issue. (November 13, 2023). For further details, click [here](#)

- **[Qatar](#) and [the UAE](#) condemned the Israeli attack that targeted the headquarters of the Qatari Committee for the Reconstruction of Gaza emphasizing the need for the international community to take action to provide protection for civilians and all civilian objects.** (November 13, 2023)
- **The United Office for the Coordination of Humanitarian Affairs ([OCHA](#)) published an infographic providing data on the numbers and types of aid trucks that crossed from Egypt to Gaza since October 7, 2023. [UNICEF](#) also released an infographic highlighting the impact of the war on education in the Gaza Strip.** (November 13, 2023)
- **The Secretary-General of the United Nations (UN) expressed deep concern about the horrible situation and dramatic loss of life in several hospitals in Gaza, calling in the name of humanity, for an immediate humanitarian ceasefire.** (November 14, 2023). For further details, click [here](#)
- **The Minister of Social Rights in Spain, Ione Belarra, stated: We are witnessing a live genocide; I do not want to be a partner in this... today the genocide is in Palestine, and tomorrow it could be elsewhere. She announced that, along with more than 80 political leaders from across Europe and Latin America, they will submit a request to the International Criminal Court (ICC) demanding the arrest of Israeli Prime Minister Benjamin Netanyahu and members of his government for committing war crimes, crimes against humanity, and genocide against the Palestinian people.** (November 14, 2023). For further details, click [here](#)
- **The Canadian Minister of Immigration, Marc Miller, stated that the decision regarding the migration of displaced individuals from the Gaza Strip to Canada will be determined based on individual circumstances. He pointed out Canada's efforts to facilitate the passage of Palestinians with connections to the country during the current escalation of the conflict.** (November 14, 2023). For further details, click [here](#)
- **In the advisory proceedings on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 15 written comments have been filed in the Registry of the International Court of Justice. The public hearings on the request for an advisory opinion are scheduled to open on February 19, 2024.** (November 14, 2023). For more details, click [here](#)

- **The Security Council adopted a resolution by which it called for urgent and extended humanitarian pauses and corridors through the Gaza Strip. The Council called for complying with international law to protect civilians, especially children, and to immediately release the hostages.** (November 15, 2023). For more details, click [here](#)
- **Jordan strongly condemned the Israeli bombing in the vicinity of the Jordanian hospital in Gaza, which resulted in the injury of seven hospital staff members as they attempted to provide assistance to Palestinian citizens. The government stated that it is awaiting the results of the investigation initiated by the Jordanian Armed Forces to take the necessary legal and political measures against this heinous crime.** (November 15, 2023). For further details, click [here](#)
- **The Executive Director of UNICEF called on all parties to protect children. She pointed out the grave violations being committed against children which include: killing, mutilation, attacks on schools and hospitals in Gaza, and the denial of humanitarian access. She emphasized the imperative of an immediate humanitarian ceasefire, the safe release of abducted children, and ensuring access to humanitarian operations.** (November 15, 2023) For further details, click [here](#)
- **The United Nations Relief and Works Agency (UNRWA) announces that Gaza still urgently needs fuel. It confirmed that the Israeli authorities restricted the use of fuel for relief transportation only, hindering comprehensive humanitarian response.** (November 15, 2023). For further details, click [here](#)
- **33 UN experts jointly affirmed in a statement that there is “a genocide in the making” against Palestinians in Gaza. The experts called on the international community to intervene to prevent genocide against the Palestinian people, urging an immediate cessation of hostilities, the provision of humanitarian aid, addressing the root causes of the conflict, and the release of hostages held by Hamas and Palestinian prisoners arbitrarily detained in Israel.** (November 16, 2023). For further details, click [here](#)
- **The Foreign Ministry of [Kuwait](#), [the Emirates](#), [Qatar](#), and [Saudi Arabia](#) condemned the occupation force’s bombing of the vicinity of the Jordanian Field Hospital in the Gaza Strip. [Saudi Arabia](#), [Kuwait](#), [Qatar](#), and [Jordan](#) also condemned the Israeli raid on Al-Shifa Medical Hospital.** (November 2023)
- **The World Food Program (WFP) in Palestine warned that all residents of Gaza are in need of humanitarian assistance, and that diseases risk emerging and spreading in light of people’s**



**inability to obtain nutritious food, clean water and sanitation facilities. WFP stressed that the food supplies entering through the Rafah crossing currently constitute only 10% of the food needs of all Gazans.** (November 16, 2023) For further details, click [here](#)

- Page | 7
- **The Bureau of the United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People welcomed the recent Security Council Resolution No. 2712, but stressed that Humanitarian pauses are not a solution to the collective suffering imposed on the Palestinian civilian population, calling for an immediate ceasefire and for Israel - as the occupying power - to stop the forcible transfer of civilians and to lift the blockade on Gaza. It called for the immediate and unconditional release of all Israeli hostages in Gaza and all Palestinians arbitrarily detained by Israel.** (November 16, 2023) For further details, click [here](#)
  - **The Spanish Prime Minister Pedro Sanchez announces that his government will recognize the State of Palestine.** (November 18, 2023) For further details, click [here](#)

#### **Publications of human rights NGOs:**

- **The International Committee of the Red Cross (ICRC) urgently called for the protection of civilians trapped in the Gaza Strip, “whether they are trying to evacuate or staying where they are”. The ICRC reiterated its call for unimpeded and regular flow of humanitarian assistance.** (November 12, 2023). For further details, click [here](#)
- **The Yesh Din Organization called for a comprehensive and immediate investigation into the incident by which settlers dressed in military uniform attacked Palestinians in the West Bank. The organization considered it a misuse of military equipment and weapons, and demanded to hold those responsible accountable.** (November 12, 2023). For further details, click [here](#)
- **The Palestinian Center for Human Rights, Al Mezan Center, and Al-Haq have jointly issued a press statement strongly denouncing the commission of the crime of genocide, the systematic targeting of hospitals, and the deliberate disruption of emergency and ambulance services in the Gaza Strip. The statement highlights that these actions are occurring with direct support and cover from the United States and Europe, and the international community’s apparent inability to put a stop to these crimes.** (November 13, 2023) For further details, click [here](#)
- **The US Center for Constitutional Rights (CCR), on behalf of Palestinian human rights organizations and Palestinians from Gaza and the United States, filed a lawsuit in US federal**

court against President Biden and other US government officials. The lawsuit was initiated on the grounds of violations of international law relating to genocide along with their complicity and failure to prevent the genocide ongoing by the Israeli government against the Palestinians in Gaza. (November 13, 2023) For further details, click [here](#)

- **Americans for Peace Now issued a call to action, urging American citizens to contact their members of Congress to pressure Israel to take immediate steps to stabilize the West Bank by strengthening the Palestinian Authority (PA). Doing so would enhance its ability to uphold the rule of law, protect civilians, and deter extremist elements in the West Bank. (November 14, 2023) For further details, click [here](#)**
- **[B'Tselem](#) published a report entitled: "Israel using Gaza war to forcibly transfer Palestinians from South Hebron Hills." In the same context, [the Association for Civil Rights in Israel](#) sent legal correspondence to Major General Yehuda Fox in the Israeli army, regarding ongoing acts of intimidation by reserve soldiers in the South Hebron Hills stressing that current practices violate Israel's legal obligations to protect Palestinians in the occupied territories. (November 13, 2023)**
- **The Arab Center for the Advancement of Social Media (7amleh) has documented over one million instances of Hate Speech and Incitement speech against Palestinians on social media platforms in the Hebrew language since October 7. The majority of them occurred on a platform that lacked adequate oversight mechanisms. 1,447 digital rights violations were also recorded. This highlights the responsibility of major social media companies to moderate content fairly. (November 14, 2023) For further details, click [here](#)**
- **The Legal Center for Arab Minority Rights in Israel Adalah, published a report showing that since the 7<sup>th</sup> of October, Palestinian citizens of Israel have faced political persecution and suppression of freedom of expression, as they are accused of supporting terrorist organizations or incitement for expressing their opinions on social media or participating in protests. (November 14, 2023) ) For further details, click [here](#)**
- **In the light of the recent developments, BADIL Resource Center for Palestinian Residency and Refugee Right calls on UN agencies to organize immediate humanitarian convoys into the Gaza Strip, to provide immediate aid and protection to Palestinians under the flag of the UN, and to transfer the wounded Palestinians to Egypt. (November 14, 2023). For further details, click [here](#)**



- **Law for Palestine has dispatched letters to the foreign ministers of various countries, alerting them to the potential legal consequences for complicity in the crime of genocide committed by the State of Israel against the Palestinian people. The letters emphasized the immediate necessity for these governments to condemn Israel's intentions and actions, and to comply with their international legal obligations under the Genocide Convention and the Rome Statute. (November 15, 2023). For further details, click [here](#).**
- **A briefing note issued by the Palestinian Human Rights Organizations Council (PHROC) confirmed that senior Israeli government and military leaders, amongst others, have incited genocide and may be carrying out genocidal acts against Palestinians in the Gaza Strip. The statement called on countries to fulfill their obligations under the Genocide Convention, take legal measures, and use the necessary mechanisms to hold Israel accountable. It also called on the Palestinian state and other countries to file a lawsuit before the International Court concerning the genocide. (November 15, 2023) For further details, click [here](#)**

#### **Opinion Pieces and features:**

- **The Armed Groups and International Law blog published an article by researcher Terry Gill entitled: "The ICJ Wall Advisory Opinion and Israel's Right of Self-Defence in Relation to the Current Armed Conflict in Gaza". (November 13, 2023) For further details, click [here](#)**
- **EJIL: Talk! published an article by editorial board member Marko Milanovic entitled: "Does Israel Have the Right to Defend Itself?". (November 14, 2023) For further details, click [here](#)**
- **CNN published an article by Christian Edwards entitled: "Have war crimes been committed in Israel and Gaza and what laws govern the conflict?". (November 16, 2023) For further details, click [here](#)**
- **EJIL: Talk! published an article by researcher Raphael Van Steenberghe entitled: "A plea for a right of Israel to self-defence in order to restrict its military operations in Gaza: when jus ad bellum comes to the aid of jus in bello". (November 16, 2023) For further details, click [here](#)**
- **Center for Security, Race and Rights at Rutgers Law School publishes a study titled "Presumptively Antisemitic: Islamophobic Tropes in the Palestine-Israel Discourse". (November 17, 2023) For further details, click [here](#)**

**Upcoming human rights opportunities and events:**

- **The Institute of Palestine Studies announced its intention to hold a digital symposium entitled: “The Role of the United Nations in the War on Gaza”.** For further details, click [here](#)