

Palestine's Legal Scene

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

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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 Foreign Affairs (MOFAE) strongly denounced the intrusion of the Israeli Finance Minister, Bezalel Smotrich, into the occupied West Bank and the lands belonging to Palestinian citizens, particularly the "Beit El" settlement close to Al-Bireh city. It expressed deep concern over the racist colonial statements he made, including his unwarranted attack on the Palestinian Authority (PA). The Ministry emphasized the need for accountability and justice in response to such actions, which only serve to further escalate tensions and undermine the prospects for peace.** (December 17, 2023). For further details, click [here](#)
- **The Palestinian MOFAE characterizes the statements by Israeli Prime Minister Benjamin Netanyahu as inconsistent and contradictory. The Ministry highlighted his admission to sabotaging peace agreements and rejecting the Palestinian state, emphasizing that such**

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stances render him unfit for any future negotiations. (December 17, 2023). For further details, click [here](#)

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

- **A coalition of settler organizations funded by the state of Israel held the 'Practical Preparation for Gaza Settlement Conference.'** (December 20, 2023). For further details, click [here](#)
- **The Israeli Minister of National Security, Itamar Ben Gvir, has called on the Israeli National Security Advisor, Tzahi Hanegbi, to freeze the decision allowing around 8,000 Palestinian workers to work in the settlements of the West Bank and Area C of the Palestinian territories. He also urged for an urgent cabinet meeting to discuss this issue. He emphasized that the safety of the residents of "Judea and Samaria" (West Bank) is as important as the safety of other Israeli citizens.** (December 20, 2023). For further details, click [here](#)
- **Israeli Prime Minister Benjamin Netanyahu affirmed that Israel will continue the fight until the elimination of Hamas, emphasizing his determination to achieve specific objectives: dismantling Hamas, releasing hostages, and removing all threats from Gaza. He announced that all Hamas fighters have only two options: surrender or death.** (December 20, 2023). For further details, click [here](#)

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

- **In light of a session held by the National Council in the Swiss Parliament, Philippe Lazzarini, the Commissioner-General of UNRWA, "urged members of the National Council members to do the right thing by rejecting attempts to cut funding for UNRWA, just as their counterparts in the upper house, the Council of States, have done." He also pointed out Switzerland's support for the agency as a lifeline for nearly 1.4 million people in Gaza.** (December 17, 2023). For further details, click [here](#)
- **More than 50 former and current Australian Labor MPs, including the former foreign affairs minister Bob Carr, have signed a letter condemning Israel's "domination" of Palestine. They also demanded that Australia recognise Palestine as a state and examine the relationship with Israel.** (December 17, 2023). For further details, click [here](#)

- **Canadian Foreign Minister Melanie Joly said that the feasibility of the two-state solution has increased since the Israel-Hamas war started. She added: "I think as Western leaders, we have to reckon that we haven't done a good job enough to bring this solution to the table, talking about it, but not enough actions."** (December 18, 2023). For further details, click [here/here](#)
- **UNRWA published a statement highlighting the humanitarian tragedy in Gaza, stressing the failure to fully implement human rights for Palestinian refugees. The statement linked the current crisis to the 75th anniversary of the Universal Declaration of Human Rights and the Nakba, noting the forced displacement of up to 1.9 million Palestinians in Gaza. The statement called for an immediate ceasefire, compliance with international law, holding perpetrators of violations accountable, and respect for the human rights of Palestinians.** (December 18, 2023). For further details, click [here](#)
- **Ms. Nathalie Broadhurst, the Deputy Permanent Representative of France to the United Nations, expressed her concerns about the humanitarian situation in the Gaza Strip. She strongly condemned the violence perpetrated by extremist settlers in the West Bank, which terrorizes Palestinian communities. She called for an immediate cessation of such acts and stressed the importance of holding the perpetrators accountable. Furthermore, Ms. Broadhurst emphasized that France will never recognize the illegal annexation of territories or the legalization of unauthorized outposts.** (December 19, 2023). For further details, click [here](#)
- **The UNICEF spokesperson, James Elder, said that the Gaza Strip is the most dangerous place in the world to be a child. He expressed concern that the so-called "safe zones" in Gaza are anything but safe due to the shortage of water, sanitation, food, and protection.** (December 19, 2023). For further details, click [here](#)
- **[The United Nations General Assembly overwhelmingly adopted](#) the resolution titled, "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources." The resolution affirmed the rights of the Palestinian people to their natural resources, calling on Israel to cease the exploitation of those resources. The Assembly adopted another resolution titled, "[The right of the Palestinian people to self-determination](#)," with a vast majority. This resolution reiterated the Palestinian people's right to self-determination, the end of Israeli occupation, and the achievement of a permanent peaceful settlement between the**

Palestinians and Israelis. It urged all countries, specialized agencies, and United Nations institutions to continue supporting the Palestinian people and support them in achieving their right to self-determination. (December 19, 2023)

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- **The Malaysian government has decided to prohibit Israeli ships and vessels raising the Israeli flag from docking in its ports. The government has also affirmed that it has imposed a ban on any ship destined for Israel from loading cargo in Malaysian ports. Additionally, Israeli shipping companies are prohibited from anchoring in any Malaysian port according to the decision.** (December 20, 2023). For further details, click [here](#)
 - **HuffPost: The Biden administration is finalizing plans to urge Switzerland to reject a request from Palestine and its supporters to hold a conference on violations of the Geneva Conventions in the current war between Israel and Hamas.** (December 20, 2023). For further details, click [here](#)
 - **The Office of the High Commissioner for Human Rights said it had received disturbing information that the Israeli Defense Forces “summarily” killed at least 11 unarmed Palestinian men in front of their family members in the Al-Remal neighborhood, Gaza City, which raises alarm about the possible commission of a war crime.** (December 20, 2023). For further details, click [here](#)
 - **The UN Committee on the Elimination of Racial Discrimination issued an urgent decision on the situation in Gaza and the WestBank, citing the obligation of Israel and all states to end crimes against humanity and prevent genocide.** (December 21, 2023)) For further details, click [here](#)
 - **After [multiple sessions](#), closed consultations, and postponements of the vote several times, the UN Security Council adopted Resolution 2720 on Gaza and Israel, with the support of 13 members and the abstention of the United States and Russia. The Resolution calls for “taking urgent steps to allow immediate, expanded, safe, and unimpeded delivery of humanitarian assistance and to create the necessary conditions for a sustainable cessation of hostilities”.** (December 22, 2023)) For further details, click [here](#)
 - **A UN expert has warned that Israel seeks to permanently change the composition of Gaza's population through ever-increasing evacuation orders as well as widespread and systematic attacks on civilians and civilian infrastructure in the besieged enclave.** (December 22, 2023). For further details, click [here](#)
 - **The European Commission approves a new aid package worth 118.4 million euros to support the PA. The aid will be used to cover the salaries and pensions of civil service employees and provide**

social support to vulnerable families, in addition to supporting the medical sector in East Jerusalem. (December 22, 2023). For further details, click [here](#)

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- **The United Nations World Food Program (WFP) issued a report revealing that more than one in four households in Gaza currently face extreme hunger, and there is a risk of famine unless access to adequate food, clean water, health and sanitation services is restored. The Executive Director of the World Food Program said that “humanitarian access is needed now for supplies to flow into and throughout Gaza and for civilians to safely receive life-saving aid... WFP reiterates the call for a humanitarian ceasefire”.** (December 21, 2023). For further details, click [here](#)
- **UN Secretary-General António Guterres emphasized that “the two-state solution - in line with UN resolutions, international law and previous agreements - is the only path to sustainable peace. Any suggestion otherwise denies human rights, dignity and hope to the Palestinian people.”** (December 22, 2023). For further details, click [here](#)

Publications of human rights NGOs:

- **In the Netherlands: The Rights Forum, together with Oxfam Novib and PAX, demanded in summary proceedings that the Netherlands cease supplying parts for F-35 fighter jets to Israel. The court ruled that the state can continue the delivery. The organizations will appeal.**(December17, 2023). For further details, click [here](#)
- **The Palestinian Centre for Human Rights (PCHR), Al-Haq, and Al Mezan Center for Human Rights demand an end to the devastating human rights and humanitarian situation in the Gaza Strip, where thousands of Palestinians are stranded in areas where the Israeli occupying forces (IOF) are deployed, unable to move amid Israel’s indiscriminate and relentless targeting and bombings of Palestinian civilians and civilian objects.** (December17, 2023). For further details, click [here](#)
- **Save the Children reported that the four-day communications blackout in the Gaza Strip, the fifth and longest since October 7, means the limited aid that has been permitted into Gaza cannot be distributed to more than a million people in need beyond the Gaza-Egypt border area of Rafah** (December17, 2023). For further details, click [here](#)

- **A collective of lawyers and legal scholars offered guidance, explanations, and clarifications on certain legal issues that have arisen in the context of efforts to restrict or punish Palestine solidarity advocacy on university campuses and in other settings.** For further details, click [here](#)
- **The Independent Commission for Human Rights strongly condemned the targeting of Kamal Adwan Hospital in Gaza City by Israeli occupation forces, which resulted in the killing and injury of numerous civilians, including children and medical staff. The Commission stated that the attack on the hospital constitutes a clear violation of international humanitarian law, as well as a war crime and a crime against humanity.** (December 19, 2023). For further details, click [here](#)
- **B'Tselem called for an immediate ceasefire, confirming that the “inescapable conclusion is that continuing the war will entail more human rights violations and more war crimes, and the fighting must therefore be stopped immediately to prevent further harm to civilians”.** (December 18, 2023). For further details, click [here](#)
- **The Executive Director of the International Rescue Committee UK, Laura Kyrke-Smith, praised the Foreign Secretary of her country for calling for a ‘sustainable ceasefire’, welcoming a positive change in tone and language. However, she expressed disappointment that the UK continues to dismiss calls for an immediate ceasefire. She further stated that the only way for civilian lives to be protected, for adequate humanitarian assistance to be provided, and for sustainable peace to remain a possibility - is for fighting to stop** (December 18, 2023). For further details, click [here](#)
- **Peace Now published a report indicating unprecedented progress in the construction of settlements in East Jerusalem amid the war in Gaza. The report pointed out that the Israeli government is urgently working to obstruct any potential political solution related to East Jerusalem and hinder efforts for a settlement with the Palestinians.** (December 18, 2023). For further details, click [here](#)
- **Addameer for Prisoner Support and Human Rights Association published a report entitled: “Forcible Disappearance of Gazan Detainees: A Continuing Crime Against Humanity,” in which it confirmed that since the beginning of the Israeli aggression on the Gaza Strip, the Israeli occupation forces have carried out widespread arrest campaigns against Palestinians and imposed harsh conditions on the prisoners. It noted that the International Committee of the**

- Red Cross and lawyers have also been banned from visiting the prisoners.** (December 18, 2023). For further details, click [here](#)
- **Human Rights Watch has warned Israel's and Egypt's international partners about the risk of complicity in the war crime of forced displacement. It expressed concerns about a possible mass influx of people into Egypt from Gaza, where the Israeli government's actions against Gaza's civilian population, including war crimes, have created a humanitarian catastrophe.** (December 19, 2023). For further details, click [here](#)
 - **A group of French humanitarian, development, and human rights organizations operating in Israel and the Occupied Palestinian Territory, make a clear appeal to French President Emmanuel Macron and the international community for an immediate and lasting ceasefire, emphasizing that "This is the only option to save lives, guarantee the delivery of aid, and ensure respect for international humanitarian law".** (December 19, 2023). For further details, click [here](#)
 - **The Palestinian Center for Human Rights, Al Mezan Center, and Al-Haq, have issued a report determining that Israeli forces and settlers have killed 496 Palestinians in the West Bank since the start of this year. Most alarmingly, 296 of these tragic losses have occurred within the past two months, specifically after October 7th and included 76 children, along with one woman.** (December 19, 2023). For further details, click [here](#)
 - **The Arab Center for the Development of Social Media published a report on "Israel's Surveillance Industry and Human Rights: Impact on Palestinians and Worldwide", providing an overview on the reality of the Israeli surveillance systems industry, outlines its impact on the human rights of Palestinians and implications worldwide..** (December 19, 2023). For further details, click [here](#)
 - **Alhaq published a report shedding light on the Israeli Plans to Pump Seawater into Alleged Tunnels under Gaza, which "Could Render it Uninhabitable and Destroy Historical Cultural Heritage Sites". The organization demands that the international community and Third States meet their legal obligations and take concrete and effective measures to prevent the flooding of Gaza's tunnels and enforce an immediate ceasefire.** (December 19, 2023). For further details, click [here](#)

- **Amnesty International expressed concern about reports indicating inhumane treatment and enforced disappearances of Palestinian detainees from the Gaza Strip, especially in the northern part, by the Israeli forces. The organization called for an immediate investigation into these cases, emphasizing the need to disclose the fate and whereabouts of the detainees. (December 20, 2023). For further details, click [here](#)**
- **Human Rights Watch and other civil society organizations sent a letter to the U.S. Secretary of Defense Lloyd Austin III expressing deep concern regarding civilian harm in U.S. supported Israeli military operations in Gaza. They urged him to take urgent steps to protect civilians in Gaza, suspend American aid contributing to violations of international law, refrain from transferring explosive weapons to Israel for use in Gaza, reject forced displacement, and the use of so-called “safe zones.” (December 20, 2023). For further details, click [here](#)**
- **Front Line Defenders expresses its deep concern at the escalating trend of enforced disappearance, detention and ill-treatment of Palestinian human rights defenders, including healthcare workers and journalists, in the Gaza Strip, Occupied Palestinian Territory. (December 20, 2023). For further details, click [here](#)**
- **Al-Haq, in collaboration with Forensic Architecture, has introduced a new platform that verifies and geolocates hundreds of videos capturing Israeli Occupation Forces (IOF) attacks on hospitals in Gaza. The analysis reveals patterns indicating a deliberate effort by the IOF to disrupt access to health services and essential resources crucial for the survival of Palestinians in Gaza, creating conditions tantamount to genocide. (December 20, 2023). For further details, click [here](#)**
- **Human Rights Watch said that “Meta’s content moderation policies and systems have increasingly silenced voices in support of Palestine on Instagram and Facebook in the wake of the hostilities between Israeli forces and Palestinian armed groups”. The organization emphasized that “Instead of tired apologies and empty promises, Meta should demonstrate that it is serious about addressing Palestine-related censorship once and for all by taking concrete steps toward transparency and remediation”. (December 21, 2023). For further details, click [here](#)**
- **Washington Post's investigation found that the evidence presented by the Israeli government regarding al-Shifa Hospital's direct involvement in Hamas activities falls short**

of demonstrating that Hamas used the hospital as a command and control center. This conclusion is based on the analysis of open-source visuals, satellite imagery, and all publicly released Israeli Defense Forces (IDF) materials. (December 21, 2023). For further details, click [here](#)

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- **A New York Times report revealed that Israel routinely dropped 2,000-pound bombs in Gaza, in areas said to be safe for civilians. It confirmed that 208 craters resulting from these bombs were identified in the southern Gaza Strip and in areas with high population density. The investigation showed that despite increasing shipments of smaller bombs, Israel has received more than 5,000 MK-84 munitions (2,000-pound bombs) since October.** (December 21, 2023). For further details, click [here](#)
- **The Committee to Protect Journalists (CPJ) expressed particular concern about the Israeli military's apparent pattern of targeting journalists and their families. Jodie Ginsberg, president of the Committee to Protect Journalists, [added](#): "The concentration of journalists killed in the Israel-Gaza war is unparalleled in CPJ's history and underscores how grave the situation is for press on the ground".** (December 21, 2023). For further details, click [here](#)
- **Thirty-one Palestinian human rights organizations, including Al-Haq and Al-Mezan, signed a letter addressed to António Guterres, Secretary-General of the United Nations, warning that UN aid agencies operating on the ground in Gaza, are aiding Israel's war objectives, in breach of international law. The letter expressed the organizations' serious concern regarding the amount of aid entering Gaza, its distribution, and consequences of the deference shown by UN agencies to Israel's unlawful restriction of humanitarian relief.** (December 22, 2023). For further details, click [here](#)
- **The Australian Centre for International Justice sent letters to the Minister for Home Affairs, the Attorney-General, and the Australian Federal Police Commissioner regarding Australian citizens participating in hostilities in Israel and the Occupied Palestinian Territory (OPT). The letters emphasize the need for Australia to investigate individuals who might be implicated in the commission of international crimes.** (December 22, 2023). For further details, click [here](#)
- **The Center for Constitutional Rights announcing: New Filings in Gaza Genocide Lawsuit: Palestinians Refute Biden Admin Arguments That Court Cannot Review Its Role in Furthering Israel's Genocide.** (December 23, 2023). For further details, click [here](#)

Opinion Pieces and features:

- **Natasa Mavronicola and Mattia Pinto published an article at EJIL: TALK! titled "The Hegemony of Penal Accountability: Some Critical Reflections during (Ongoing) Atrocities".** (December 15, 2023). For further details, click [here](#)
- **Al Shabaka - the Palestinian Policy Network - published an article by Layla Kattermann and Diala Shamas entitled: "Palestine Solidarity Crackdown: Challenges in the US & Europe".** (December 18, 2023). For further details, click [here](#)
- **Peter Beinart and George Bisharat published an article at Jewish Currents titled "On Addressing Jews" arguing that "[t]he death of the two-state paradigm provides an opportunity for the Palestinian national movement to once again speak explicitly to Jews".** (December 18, 2023). For further details, click [here](#)
- **The Tahrir Institute For Middle East Policy published an article by Nourhan Fahmy entitled: "From Gaza to The Hague: Navigating the ICC Investigation and the Pursuit of Palestinian Justice"** (December 19, 2023). For further details, click [here](#)
- **Democracy for the Arab World Now published an article by Dirk Moses entitled: "Why the International Community Made It So Difficult to Prosecute the Crime of Genocide?"** (December 19, 2023). For further details, click [here](#)
- **Chantal Meloni published an article at Justice Info titled "ICC: Why NGOs are Concerned, Not States".** (December 19, 2023). For further details, click [here](#)
- **Leonard Rubenstein published an article on Just Security titled: "Israel's Rewriting of the Law of War".** (December 21, 2023). For further details, click [here](#)
- **Avi Shlaim published an article in the Middle East Eye titled "War on Gaza: Netanyahu, Hamas and the origins of the 2023 Nakba war".** (December 21, 2023). For further details, click [here](#)
- **Elise Baker published an article on Just Security titled: titled "In Defense of Gaza's Hospitals and Health Workers".** (December 21, 2023). For further details, click [here](#)

Legal Achievements/Impacts for Palestine:

- **The European Legal Support Center (ELSC) announced its success in securing favorable verdicts in two significant court cases in Germany, upholding the legality of Palestine solidarity slogans. This comes amid attempts by the German authorities to criminalize and punish expressions of solidarity. On the one hand, the [Münster Administrative Court](#) stated that the slogans “From the river to the sea, Palestine will be free” and “Child murderer Israel” are not illegal and are protected by freedom of expression. The [Cologne Court](#) upheld the legality of the slogan “Stop the genocide in Gaza,” emphasizing its basis in factual evidence, citing UN Special Rapporteurs. (December 20, 2023). For further details, click [here](#)**