

## 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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Prepared by: Razwan Issa, Nour Kharouf, Arwa Abdel moniam, Joman Al Khateeb

Translation: Mays Abu Atwan and Ferdous Abdul Hamid

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 Foreign Affairs (MOFAE) condemns the crimes of the Israeli occupation forces in the West Bank and the settler attacks on the town of Burin. It stresses that this Israeli escalation comes within the framework of the Israeli government's strategy to implement the gradual annexation and displacement of Palestinians. The ministry stressed the need to transform the international consensus rejecting settlements into effective measures that compel Israel to stop these actions and provide protection for the Palestinian people (January 15, 2024). For further details, click [here](#)**
- **The Palestinian Ministry of Higher Education and Scientific Research strongly [condemns](#) the occupation army's raid on the old campus of An-Najah National University in Nablus. It expressed outrage over the arrest and assault of several students and employees, along with the**

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**destruction of property. Additionally, the ministry [condemns](#) the Israeli occupation for the bombing of Al-Israa University in the Gaza Strip.**

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- **The Palestinian MOFAE condemns the ongoing violations by settler militias throughout the West Bank, demanding that they must be placed on international terrorist lists. It also held the Israeli government responsible for the escalation of settler attacks (January 16, 2024). For further details, click [here](#)**
- **The Palestinian MOFAE emphasizes that achieving security and stability in the region, along with resolving the conflict, begins with the United States officially recognizing the Palestinian state. The statement underscores that the escalation during the conflict results from the lack of international intervention, which could compel the Israeli government to adhere to resolutions of international legitimacy and take steps to bring an end to the Israeli occupation. (January 18, 2024). For further details, click [here](#)**

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

- **Israeli Minister of National Security, Itamar Ben Gvir, reportedly instructed Israeli police officers to use lethal force against Palestinians, even if they do not pose an immediate threat to their lives. During a visit to a military base in the West Bank, he stated: "You have complete backing from me. When your life is in danger or you see a terrorist – even if he does not endanger you – shoot. I have your back." Ben Gvir later clarified his statements, stating that he meant they should shoot any "armed terrorists" and not wait for the latter to shoot first. (January 18, 2024). For further details, click [here](#) \ [here](#)**
- **During a press conference, Israeli Prime Minister Benjamin Netanyahu emphasized his opposition to establishing a Palestinian state. He emphasized his intention to resist the United States on this matter. Netanyahu underlined the importance, in his view, for Israel to maintain security control over all lands west of the Jordan River, meaning, Israel, the West Bank and Gaza. (January 18, 2024). For further details, click [here](#)**

- Israeli Minister of Finance [Bezalel Smotrich](#) presented a proposal to the security cabinet regarding the transfer of funds allocated to the Palestinian Authority through a third party. However, Israeli Minister of National Security [Itamar Ben Gvir](#) announced his refusal to the plan, asserting that these funds should remain in Israel and should not be acquired by terrorists, whether they are from Gaza or the Palestinian Authority. (January 19, 2024)

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

- In a description of the situation in Gaza, [UNRWA](#) stated: "This has been the largest displacement of the Palestinian people since 1948. An entire generation of children is traumatized, thousands have been killed, maimed, and orphaned".
- UN Secretary-General António Guterres has urged for an "immediate humanitarian ceasefire" in Gaza, emphasizing the critical need to ensure aid reaches those in need. Guterres stressed that "Nothing can justify the collective punishment of the Palestinian people," highlighting the severe threats of starvation, disease, malnutrition, and other health hazards. He expressed deep concern over the largest single loss of life in the history of the organization, with 152 UN staff members killed in Gaza since October 7th. Guterres also condemned the Hamas attacks on October 7th and called for the unconditional and immediate release of hostages. (January 15, 2024). For further details, click [here](#)
- United Nations agencies have issued a stark warning, stating that the risk of famine is increasing, and more people are at risk of deadly disease outbreaks. They emphasize that a significant shift in the flow of humanitarian aid into Gaza is urgently required. The heads of the World Food Programme (WFP), UNICEF and the World Health Organization (WHO) say that getting enough supplies into and across Gaza now depends on: the opening of new entry routes; more trucks being allowed through border checks each day; fewer restrictions on the movement of humanitarian workers; and guarantees of safety for people accessing and distributing aid. (January 15, 2024). For further details, click [here](#)

- **The Portuguese Parliament sent its recommendation to the Portuguese government, urging it to make all diplomatic efforts to defend the establishment of the independent State of Palestine. This step aims to allow the two states, Palestine and Israel, to live side by side in security and peace.** (January 15, 2024). For further details, click [here](#)
- **Australia will provide an additional \$21.5 million in humanitarian assistance to the Middle East, including in response to the urgent and ongoing humanitarian needs resulting from the Hamas-Israel conflict. This funding will be directed to conflict affected populations in the Occupied Palestinian Territories and to address the ongoing regional refugee crisis, with a focus on women and children.** (January 16, 2024). For further details, click [here](#)
- **Bangladesh announces that it stands in support of South Africa in its case against Israel before the International Court of Justice (ICJ) under 1948 Genocide Convention.** (January 14, 2024). For further details, click [here](#)
- **Slovenia announces that it "supports the proceedings regarding the violation of the Genocide Convention, both in the case of Ukraine and Palestine". It added that it "fully supports the work of the International Court of Justice and hopes that it will rule on this case as soon as possible."** (January 16, 2024). For further details, click [here](#)
- **The U.S Senate rejected a draft resolution proposed by Senator Bernie Sanders, which would have frozen security aid to Israel unless the State Department submitted a report within 30 days on Israel's human rights violations in the context of the conflict with Hamas in the Gaza Strip.** (January 16, 2024). For further details, click [here](#)
- **UNRWA Commissioner-General Philippe Lazzarini ends fourth visit to Gaza since the war started, stating that: "Every time I visit Gaza, I witness how people have sunk further into despair, with the struggle for survival consuming every hour."** (January 17, 2024). For further details, click [here](#)
- **Commenting on the Israeli occupation's bombing of Al-Israa University in the Gaza Strip, the United Nations Special Rapporteur on the right to housing, Balakrishnan Rajagopal, has**

advocated for the recognition of a new international crime: "educaricide or the killing of learning." He emphasized the necessity of incorporating this term into the list of crimes under international law, particularly when schools and universities are systematically destroyed.

(January 18, 2024). For further details, click [here](#)

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- **Following Israeli Prime Minister Benjamin Netanyahu's rejection of the establishment of a Palestinian state, US Department spokesperson Matthew Miller stated that Israel is presented with a historic opportunity, as the countries in the region are ready to further integrate with Israel and provide real security assurances. However, Miller emphasized that addressing the challenges at hand necessitates the establishment of a Palestinian state. Furthermore, he underscored that countries in the region are willing to contribute to the reconstruction of Gaza, contingent upon a tangible path toward the establishment of a Palestinian state..** (January 18, 2024). For further details, click [here](#)
- **The European Union has failed to adopt a motion for a [resolution](#) calling for an unconditional ceasefire, and instead adopted a [resolution](#) calling for a permanent ceasefire and to restart efforts towards a political solution provided that all hostages are immediately and unconditionally released and the terrorist organisation Hamas is dismantled; reiterates its unwavering support for a negotiated two-state solution on the basis of the 1967 lines with two sovereign, democratic states living side by side in peace and guaranteed security, with Jerusalem as the capital of both states** (January 19, 2024). For further details, click [here](#)
- **Swiss prosecutors have confirmed the filing of a criminal complaint against Israeli President Isaac Herzog during his visit to attend the 54th annual meeting of the World Economic Forum (WEF) in Davos, Switzerland. The Office of the Swiss Attorney General noted that "the criminal complaints will be examined according to the usual procedure," adding that it would contact the Swiss foreign ministry to examine the question of immunity of the individual concerned.** (January 19, 2024). For further details, click [here](#)

- **The European Union's Foreign Policy Chief, Josep Borrell, has unveiled a new roadmap featuring ten points aimed at achieving a "credible, comprehensive solution" to the Israeli-Palestinian conflict. Although the details of the plan have not been published, it suggests the initiation of a "Preparatory Peace Conference" involving key stakeholders. The ultimate goal is to pave the way for peace, the establishment of an independent Palestinian state, and the normalization of relations between Israel and the Arab world. (January 19, 2024). For further details, click [here](#)**
- **Stating that the only resolution to the Israeli-Palestinian conflict lies in the creation of a Palestinian state, Josep Borrell, the European Union's foreign policy chief, proposed that this solution "should be imposed from the outside to bring about peace." Borrell underscored that, without international intervention, "the spiral of hate and violence will persist from generation to generation, from funeral to funeral, when the seeds of hate that are being sown in Gaza today grow." (January 19, 2024). For further details, click [here](#)**
- **Mexico and Chile have jointly submitted a referral of the situation in Palestine to the International Criminal Court (ICC), urging an investigation into "possible war crimes" occurring since October 7th. In a statement, Mexico's foreign ministry said that "The action by Mexico and Chile is due to growing worry over the latest escalation of violence, particularly against civilian targets." It added that the referral is based on "numerous reports from the United Nations that detail many incidents that could constitute crimes under the ICC's jurisdiction". (January 19, 2024). For further details, click [here](#)**
- **The French Foreign Minister: Accusing Israel of genocide 'crosses moral threshold,' is exploitative. (January 18, 2024) For further details, click [here](#)**
- **Caroline Gennez, Belgian Minister of Development Cooperation, announced that her country "reaffirms full support for the ICJ in this case." She further stated: "If the ICJ calls on Israel to cease its military campaign in Gaza, our country will fully support it." (January 18, 2024) For further details, click [here](#)**

- **The Italian Deputy Prime Minister and Foreign Minister, Anontio Tajani, said that his government had already decided not to export weapons to Israel after the outbreak of the war in Gaza, and stressed that: “Since 7 October we have decided not to send any more arms to Israel” (January 19, 2024) For further details, click [here](#)**

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

- **The Lutheran World Federation (LWF) expresses its deep concern that there is no solution on the horizon after 100 days of war in Gaza, where the toll on human life and the suffering has been immense. The LWF strongly urges the international community to work vigorously towards an immediate ceasefire, release of hostages, and unimpeded humanitarian access (January 15, 2023). For further details, click [here](#)**
- **Al Mezan, Al-Haq, and the Palestinian Centre for Human Rights (PCHR) have jointly issued a press release marking the 100th day of the Israeli military campaign against the Gaza Strip. The statement calls for urgent action from the International Criminal Court, individual criminal accountability for Israeli officials, and the dismantling of the colonial settlement system and apartheid in Israel. It also emphasizes the necessity to halt international crimes committed by Israel against the Palestinians, its withdrawal from the occupied territories, and the realization of the Palestinians’ right to self-determination, including the right of return. (January 15, 2023). For further details, click [here](#)**
- **The Secretary General of the Norwegian Refugee Council Jan Egeland, said: “Over the past 100 days the people of Gaza have been subjected to one of the worst humanitarian crises faced by any civilian population this century.” He further raised attention to the dire humanitarian situation in Gaza, saying that: “nowhere else in the world have so many people been trapped under such an intensive bombardment for so long.”(January 15, 2024). For further details, click [here](#)**

- **The International Centre of Justice for Palestinians (ICJP) announced the filing of the ICJP's war crimes complaint to Scotland Yard's War Crimes Unit, in relation to the complicity of senior UK politicians and private individuals as well as Israelis in war crimes committed in the war waged by "Israel" against the Gaza Strip for the fourth month in a row (January 16, 2024).** For further details, click [here](#)
- **In a letter addressed to member states of the United Nations Human Rights Council (UNHRC), the Palestinian Return Center (PRC) has urged countries to lend their support to South Africa's application to the ICJ under the Genocide Convention against Israel. The letter emphasizes the commitment of states parties to prevent the crime of genocide. It references a database created by Law for Palestine, which offers compelling evidence of genocidal intent. (January 16, 2024).** For further details, click [here](#)
- **The US Campaign for Palestinian Rights published a statement condemning the US Senate's move to block a resolution calling for basic oversight of US military funding to Israel. The Senate's action "will go down in history as enabling genocide," the statement noted. (January 17, 2024)** For further details, click [here](#)
- **The Association for Civil Rights in Israel has released a list detailing measures taken by Israel to suppress protests. These measures encompass dispersing protests and demonstrations, imposing unnecessary licensing requirements, and refusing to allow demonstrations that have already received approval. These actions suggest a troubling pattern of police misconduct, undermining the right to peaceful protest and freedom of expression. (January 17, 2024)** For further details, click [here](#)
- **The Australia Palestine Advocacy Network issued a statement supporting South Africa's case at the International Court of Justice, and called on the Australian government to take positive action to prevent genocide. (January 18, 2024)** For further details, click [here](#)



### **Opinion Pieces and features**

- **Just Security published an article by Nicholas Rostow entitled: “Revisiting International Law in the Gaza Context.”** (January 17, 2024). For further details, click [here](#)
- **Lawfare published an article by Chimène Keitner entitled: “Understanding South Africa v. Israel at the International Court of Justice.”** (January 16, 2024) For further details, click [here](#)
- **Just Security published an article by Yuval Shany and Amichai Cohen entitled: “South Africa vs. Israel at the International Court of Justice: A Battle Over Issue-Framing and the Request to Suspend the War.”** (January 16, 2024) For further details, click [here](#)
- **GPIL - German Practice in International Law- published an article by Stefan Talmon entitled: “Germany Rushes to Declare Intention to Intervene in the Genocide Case brought by South Africa Against Israel Before the International Court of Justice”** (January 15, 2024). For further details, click [here](#)
- **Common Dreams published an article by Richard Falk entitled: “In Gaza, the West Is Enabling the Most Transparent Genocide in Human History.”** (January 17, 2024) For further details, click [here](#)
- **The Guardian published a report by Stephanie Kirchgaessner entitled: “ ‘Different rules’: special policies keep US supplying weapons to Israel despite alleged abuses.”** (January 18, 2024) For further details, click [here](#)
- **The Carnegie Endowment for International Peace published an article by Zaha Hassan entitled: “Why the United States Can’t Ignore the ICJ Case Against Israel”** (January 18, 2024) For further details, click [here](#)
- **Justice in Conflict published an article by Mark Kersten entitled: “Genocide doesn’t “just happen” - Israel, Gaza and Genocide as a Process, not an Event.”** (January 19, 2024) For further details, click [here](#)
- **The International Law Observer published an article by Gentian Zyberi entitled: “Provisional measures in the Application of the Convention on the Prevention and Punishment of the Crime of**

**Genocide in the Gaza Strip (South Africa v. Israel)” (January 19, 2024). For further details, click [here](#).**

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- **Human Rights Here and the Asser Institute Center of International and European Law announce “A Call for Contributions for Blog Symposium: Palestine, Israel, Human Rights and International Law.” For further details, click [here](#)**
- **The Al-Quds Fund announced its intention to organize a conversation event entitled: “Digital Rights Under Siege: Combating Online Censorship of Palestinians” with Nadim Nashif, Executive Director and Co-Founder of 7amleh: The Arab Center for Social Media Development. The conversation will address the growing challenges in securing a free digital space for Palestinians in light of the rise in internet censorship, including misrepresentation on social media platforms and the spread of anti-Palestinian content. For further details, click [here](#)**
- **A webinar entitled: “Exploring the UN's role in Israel's Genocide in Gaza” will be held on 22 January 2024 at 18:00 Jerusalem time. In this webinar, Dr. Munir Nuseibah of Al-Quds University will conduct a discussion with Mr. Craig Mukhaibar, the former UN official who emphasized the UN's failure to address Israel's genocide in Gaza strip. The discussion will examine the developments in the role of the United Nations, genocide, double standards, and international justice in Gaza. For further details, click [here](#)**