

## 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 and Expatriates (MOFAE) [asserted](#) that, as the ongoing genocidal war, with its devastating impact on civilians, stretches into its fourth month, certain nations remain unconvinced of Israel's defiance of international law. In a related development, Dr. Riyad Al-Maliki, the Minister of Foreign Affairs, [appealed](#) to his German counterpart, Annalena Baerbock, urging her to use diplomatic channels to press Israel for an immediate ceasefire and urgently expedite the delivery of essential humanitarian aid to the Gaza Strip.**

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- **The Palestinian MOFAE strongly denounced the extrajudicial killings carried out by the occupation forces in the West Bank. Of particular concern was the documented brutality involving an Israeli military vehicle running over the body of a martyr in Tulkarm. These actions were strongly condemned as indicative of a racist, colonial-fascist mindset and an unparalleled moral decadence. (January 8, 2024). For further details, click [here](#)**

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

- **Israel said its military is starting to shift from a large-scale ground and air campaign in the Gaza Strip to a more targeted phase in its war against Hamas, and Israeli officials have privately told their American counterparts that they hoped the transition would be completed by the end of January. Rear Adm. Daniel Hagari, the chief spokesman for the Israeli military, said the new phase of the campaign involved fewer troops and airstrikes. (January 8, 2024). For further details, click [here](#)**
- **Israel announced that retired Supreme Court President Aharon Barak, 87, will be Israel's appointee to the 15-judge panel at the International Court of Justice (ICJ) in The Hague that will hear South Africa's case accusing Israel of genocide in Gaza. (January 9, 2024). For further details, click [here](#)**
- **The Prime Minister of Israel, Benjamin Netanyahu, said: "Israel has no intention of permanently occupying Gaza or displacing its civilian population. Israel is fighting Hamas terrorists, not the Palestinian population, and we are doing so in full compliance with international law." (January 10, 2024). For further details, click [here](#)**
- **Israel's Supreme Court has rejected an appeal by international media organizations to allow independent access for journalists to the war-torn Gaza Strip. The court argued the restrictions were justified on security grounds, as the independent entry of journalists could endanger Israeli soldiers. (January 9, 2024). For further details, click [here](#)**
- **Israel rejected the genocide charge in the lawsuit filed against it by South Africa before the ICJ. Foreign Ministry legal adviser Tal Becker [asserted](#) before the court that the case**

is 'a libel,' aimed 'to deny Israel the right to defend itself'. He claimed that "The key component of genocide – the intention to destroy a people, in whole or in part – is totally lacking. What Israel seeks by operating in Gaza is not to destroy a people, but to protect a people – its people, who are under attack on multiple fronts – and to do so in accordance with the law, even as it faces a heartless enemy determined to use that very commitment against it". (January 12, 2024) For further details, click [here](#)

- **Israeli Prime Minister Benjamin Netanyahu declared Israel's unwavering commitment to pursue the conflict until total victory, emphasizing that "Nobody will stop us – not The Hague, not the axis of evil, and not anybody else." He criticized what he termed a "hypocritical onslaught at The Hague," dismissing the genocide charge against Israel as "a moral low point in the history of nations." Netanyahu expressed gratitude to Germany for its readiness to send a delegation to The Hague to counter what he referred to as a despicable lie. (January 13, 2024) For further details, click [here](#)**

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

- **The League of Arab States (ArabMPI), the Organization of Islamic Cooperation (OIC), in addition to the Libyan House of Representatives' Foreign Committee, the Foreign Ministries of Lebanon, Iran, Indonesia, Bolivia, Venezuela, Colombia, Cuba, Iraq, Jordan, Pakistan, Bangladesh, Turkey, The Maldives, Malaysia, Namibia, Nicaragua, Mexico, Colombia and Brazil have expressed their support for the South African case against Israel at the ICJ in The Hague, accusing the Israeli government of committing genocide crimes against Palestinians in Gaza. (January 2024)**
- **US Secretary of State Antony J. Blinken said: "As Israel moves to a lower-intensity phase of its military operation in the north, the United Nations can also play a crucial role in evaluating what needs to be done to allow displaced Palestinians to return home. Palestinian civilians must be able to return home as soon as conditions allow. They**

**cannot and they must not be pressed to leave Gaza. We reject the statements by some Israeli ministers and lawmakers calling for a resettlement of Palestinians outside of Gaza. These statements are irresponsible, they are inflammatory, and they only make it harder to secure a future of a Palestinian-led Gaza with Hamas no longer in control and with terrorist groups no longer able to threaten Israel's security."** (January 7, 2024). For further details, click [here](#)

- **Two UN experts have called for full accountability for the multitude of alleged crimes committed against civilians in Israel in the 7 October attacks. The allegations include killings, hostage-taking, and torture including sexual torture.** (January 8, 2024). For further details, click [here](#)
- **In his meeting with the US Minister of the State Department, the Qatari Prime Minister stressed on the necessity of pressing for a ceasefire in the Gaza Strip and lifting the restrictions imposed on the delivery of humanitarian aid.** (January 7, 2024). For further details, click [here](#)
- **Jordan's King Abdullah said that conflict in Gaza has created "an entire generation of orphans,". "Without a just peace, on the basis of the two-state solution, the world will continue to pay a heavy price for failing to resolve this conflict," the king added.** (January 8, 2024). For further details, click [here](#)
- **The Spokesperson for the U.S. Department of State said, "Palestinian civilians must be able to return home as soon as conditions allow. They cannot and they must not be pressed to leave Gaza. We must build a more secure, a more stable, a more peaceful future for the region."** (January 8, 2024). For further details, click [here](#)
- **In his meeting with Israeli Prime Minister Benjamin Netanyahu, Secretary of State Antony J. Blinken reiterated the need to ensure lasting, sustainable peace for Israel and the region, including by the realization of a Palestinian state. He stressed the importance of avoiding further civilian harm and protecting civilian infrastructure in Gaza. He also discussed the importance of increasing the level of humanitarian assistance reaching**

civilians in Gaza, and welcomed the appointment of the new UN's Reconstruction Coordinator for Gaza." (January 9, 2024). For further details, click [here](#)

- **Secretary of State Antony J. Blinken met with Saudi Arabia's Crown Prince Mohammed bin Salman. The Secretary underscored the importance of preventing further conflict and intensifying further efforts on the humanitarian level. Blinken also emphasized the importance of building a more secure, prosperous, and integrated region, including through the establishment of an independent Palestinian state.** (January 9, 2024). For further details, click [here](#)
- **British Foreign Minister David Cameron has said he is worried that Israel's war on Gaza may have included breaches of international law, and while the advice he received so far was that Israel was compliant, there were questions to answer. Cameron adds that some of what he had seen during the war in the besieged Palestinian territory was "deeply concerning".** (January 9, 2024). For further details, click [here](#)
- **Deputy Prime Minister of Belgium, Petra De Sutter, has urged her government to support South Africa in taking Israel to the ICJ. She emphasized that Belgium cannot stand by and watch the immense human suffering in Gaza, stating that "We must act against the threat of genocide."** (January 9, 2024). For further details, click [here](#)
- **The High Representative of the EU, Joseph Borrell, [described](#) the humanitarian situation of the people in Gaza as 'dramatic.' He stressed that the "war has to stop, not to expand." He added, "the only solution for avoiding the war [from] expanding is to look for a political solution for the conflict between Israel and Palestine. And this will require a strong commitment of the international community and to start with, the European and the Arab people." He also affirmed the importance of stopping the killing of civilians in Gaza. In this context, Borrell [stated](#) that, "declarations by some Israeli government representatives about making life impossible for civilians in Gaza ultimately forcing them to leave are disturbing, counterproductive, and dangerous... Insinuations of forced displacement are completely unacceptable."**

- **The Foreign Ministry of Tunisia announced that on December 14, 2023, the Tunisian government submitted a request to add Tunisia to the list of countries that will present oral pleadings before the ICJ, within the advisory opinion requested by the United Nations General Assembly regarding the Israeli violations in the Palestinian territories. On the other hand, it confirmed that it "will not join any lawsuit filed against the occupying entity before the ICJ because that constitutes implicit recognition of the entity." (January 10, 2024) For further details, click [here](#)**
- **In the conclusion of the Jordanian-Egyptian-Palestinian summit, the three presidents strongly opposed Israeli plans to displace Palestinians, rejecting any attempts to undermine the Palestinian cause. They warned against reoccupying parts of Gaza and creating "safe zones." Emphasizing the need to protect civilians and provide aid to Gaza, they addressed escalating tensions in the West Bank and Jerusalem due to settler violence. The presidents called for coordinated efforts for a two-state solution, urging respect for Palestinian rights in their sovereign state. Stressing the end of Israeli aggression, they highlighted the importance of enabling Gaza residents to return home. (January 10, 2024) For further details, click [here](#)**
- **The US government has rejected the allegations brought by South Africa against Israel before the International Court of Justice, alleging the commission of the crime of genocide. It emphasized that these allegations are unfounded. The U.S reiterated that "it condemns Hamas' brutal attacks and hostage taking and supports Israel's right to ensure the terrorist attacks of October 7 cannot be repeated." (January 10, 2024) For further details, click [here](#)**
- **Both the [Canadian](#) and [German](#) governments have rejected the accusations made by South Africa against Israel before the ICJ, alleging the commission of the crime of genocide. They emphasize that the allegations are baseless. Germany has further announced its intention to intervene in the case as a third party alongside Israel. In response, [Namibia](#) has expressed its rejection of "Germany's Support of the Genocidal**

**Intent of the Racist Israeli State against Innocent Civilians in Gaza”.** Namibia points out that Germany had previously committed the first genocide of the twentieth century on Namibian soil between 1904 and 1908.

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- **In conveying the recent developments, the spokesperson for the United Nations Secretary-General, Stéphane Dujarric, [said](#) that “between 1 January and 10 January, only 3 out of the 21 planned aid deliveries of food, medicine, water and other life-saving supplies to the north of Wadi Gaza were able to proceed. These included multiple planned missions to provide medical supplies to Gaza City and fuel to water and sanitation facilities in Gaza City and the north, and those were denied by the Israeli authorities.” Likewise, Emergency Relief Coordinator [Martin Griffiths](#) articulated concerns about the gradual suffocation of the health sector in Gaza, as hospitals continue to come under fire. Griffiths pointed out the dire consequences of the health system's breakdown, particularly on pregnant mothers, and the scarcity of vaccines and treatment for the sick and wounded.**
- **Irish members of the European Parliament joined a rally in front of the ICJ at The Hague in support of Gaza, stating that it's international law that's on trial here just as much as Israel. (January 11, 2024) For further details, click [here](#)**
- **Lucia Elmi, the Special Representative of UNICEF, highlighted the escalating peril faced by children and families in the Gaza Strip on a daily basis. She stated, “with every passing day, children and families in the Gaza Strip face increased risk of death from the sky, disease from lack of safe water, and deprivation from lack of food.” Emphasizing the urgency of the matter, Elmi asserted that an “immediate and long-lasting ceasefire is the only way to end the killing and injuring of children and their families”. (January 12, 2024) For further details, click [here](#)**
- **Thomas Portes, a representative from the 'France Insoumise' party, emphasized the necessity for his government to impose strict sanctions on Israel for its acts of genocide**

in Gaza. He calls for putting an end to Israel's impunity and its army of war criminals. (January 12, 2024) For further details, click [here](#)

- **Martin Griffiths, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, highlighted the daily increasing risk of famine in the Gaza Strip, the collapsing health system, and the worsening conditions exacerbated by the winter season "exacerbating the struggle to survive." He stated, "More and more people are being crammed into an ever-smaller sliver of land, only to find yet more violence and deprivation, inadequate shelter and a near absence of the most basic services." Griffiths strongly rejected any attempt to alter the demographic composition of Gaza, emphasizing that 'there is no safe place in Gaza.'** (January 12, 2024) For further details, click [here](#)

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

- **The Euro-Mediterranean Human Rights Monitor has documented instances where Israel's military deliberately targeted a minimum of 12 cemeteries in the Gaza Strip. The reported actions include the intentional bulldozing and desecration of hundreds of graves, along with the theft of dozens of bodies.** (January 7, 2024) For further details, click [here](#)
- **The International Federation of Journalists condemned Israel's apparent deliberate targeting and killing of journalists in Gaza following a drone airstrike that killed two media workers and injured another on January 7. It rejected Israel's official position that there were terrorists in the targeted car, while reaffirming that the deliberate assassination of civilians, including journalists, is a war crime.** (January 8, 2024) For further details, click [here](#)
- **Reporters Without Borders said that the Office of the Prosecutor of the International Criminal Court (ICC), Karim Khan, has assured that crimes against journalists have been included in its investigations regarding Palestine, following two recent complaints**



**submitted by Reporters Without Borders to the ICC.** (January 8, 2024) For further details, click [here](#)

- **The B'Tselem Center issued a press release entitled, "Israel is starving Gaza", to denounce the humanitarian crisis in the Strip. The organization referred to the recent report issued by the Famine Screening Committee of the Integrated Food Security Phase Classification ([IPC](#)) Committee, which confirmed that 93% of Gaza's population, i.e. 2.08 million People, are suffering from severe nutritional instability.** (January 8, 2024) For further details, click [here](#)
- **The Legal Center for Freedom of Movement (Maslak) published a report entitled "An Impossible Christmas," in which it sheds light on the plight of Palestinian Christians in the Gaza Strip. The report referred to the Israeli bombing that targeted churches in Gaza, despite them being protected under international law. The organization renewed its call for an immediate ceasefire in order to prevent further atrocities and begin addressing the humanitarian catastrophe in the Strip.** (January 8, 2024) For further details, click [here](#)
- **The Palestinian Return Center (PRC) has sent a letter to British MPs to vote against the "The Economic Activity of Public Bodies (Overseas Matters) Bill", which allegedly aims to put an end to solidarity actions advanced by the Boycott, Divestment and Sanctions (BDS) movement. The Center warned of the negative effects of the law on human rights.** (January 8, 2024) For further details, click [here](#)
- **J Street issued a press release titled, "US should seek unequivocal Israeli commitment, in word and in deed, against mass transfer of civilians from Gaza." J Street said that all appropriate assistance should be provided to those who have been internally and externally displaced by the war in order to ensure their ability to live in safety and freedom.** (January 8, 2024) For further details, click [here](#)
- **The Palestinian Latin American and Caribbean Confederation (COPLAC) announced its support of South Africa's lawsuit before the ICJ. It sent a call to all Latin American governments and civil society organizations in the region to publicly demonstrate**

**support, recognition, and solidarity with the Republic of South Africa.** (January 9, 2024)

For further details, click [here](#)

- **Defense for Children International Palestine** said that the year 2023 is the year of genocide against Palestinian children at the hands of the Israeli forces. It indicated that during the year 2023, the Israeli occupation forces killed at least 8,000 children in the Gaza Strip, and 81 children in the West Bank, including Jerusalem, since October 7, bringing the number of children they killed in the West Bank during the past year to 121 children. (January 9, 2024) For further details, click [here](#)
- **The Palestine Red Crescent Society** [condemned](#) the Israeli occupation forces' direct targeting of its ambulance at the entrance to the city of Deir al-Balah, in the central Gaza Strip, which led to the death of 6 citizens, including 4 ambulance crew members. It added that the occupation bombed the vehicle even though the crew was following the safe protocol, as the vehicle was carrying the internationally protected Red Crescent emblem. The association stressed that this targeting constitutes a grave violation of international humanitarian law, calling on the international community to take immediate action to protect medical teams. Jagan Chapagain, Secretary-General and CEO of the International Federation of Red Cross and Red Crescent Societies, also [condemned](#) the killing.
- **The Palestinian Journalists Syndicate** condemned the Israeli Supreme Court's decision to reject the Foreign Press Association's request to allow international media to enter Gaza, considering this a violation of the freedom of movement of journalists, and a blatant violation of media freedom. (January 10, 2024) For further details, click [here](#)
- **Amnesty International** [said](#) the ICJ hearings on Israel's alleged violations of the Genocide Convention are a vital step to help protect Palestinian civilians. Agnès Callamard, Secretary General of Amnesty International, emphasized that, "the risk that Gaza would be transformed from the world's biggest open-air prison to a giant graveyard has, crushingly, materialized right before our eyes." She furthermore stated that "issuing an

urgent order to implement provisional measures would be an important means to help prevent further death, destruction and civilian suffering, and human rights violations.” Human Rights Watch [said](#) that governments should declare their support for the procedures of the ICJ and publicly commit to supporting compliance with its decisions.

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- As part of the launch of the 2024 World Report, Human Rights Watch published a press release entitled: “Israel/Palestine: Unprecedented Killings, Repression: Urgent Action Needed to Prevent Further Mass Atrocities.” Human Rights Watch criticized the Israeli authorities for their disproportionate response to the October 7 attacks which includes acts of collective punishment in the Gaza Strip that amount to war crimes and includes the use of starvation as a method of warfare. It also condemned the increase in Israeli settlements in the occupied West Bank throughout 2023, as well as incidents of settler violence against Palestinians and their property. (January 11, 2024) For further details, click [here](#)

### **Opinion Pieces and features**

- The Jerusalem Fund for Education and Community Development published an article by Jihad AbuSalim entitled: “Exposing the Truth of Israel’s ‘Less Intense’ Genocidal Campaign in Gaza.” (January 9, 2024) ) For further details, click [here](#)
- The OpinioJuris blog published an article by Mohsen Al-Attar entitled: “At World’s End: Palestine, the ICJ, and a New Dawn in International Law.” (January 9, 2024) For further details, click [here](#)
- Al Jazeera English published an article by Dr. Mazen Al-Masry entitled: “Aharon Barak and Israel’s legal illegality.” (January 9, 2024) For further details, click [here](#)
- Marc Weller published an article at EJIL:Talk! titled “Does the ICJ have the Legal Authority to Pronounce itself on the Right to Self-Defence?”. (January 10, 2024) For further details, click [here](#)

- **Christian Walter published an article at Verfassungsblog titled "Why Germany Should Join Sides with Israel before the ICJ in its Defense against South Africa's Accusation of Genocide".** (January 12, 2024) For further details, click [here](#)
- **Kenneth Roth published an article at The Guardian titled "South Africa's genocide case against Israel is imperfect but persuasive. It may win".** (January 13, 2024) For further details, click [here](#)

### **Human rights conferences and events**

- **The Americans for Peace Now organization held a webinar titled: "The Future of Gaza - A Palestinian Perspective with Zaha Hassan."** It discussed the future of the Gaza Strip, the position of the Palestinian Authority and the Palestine Liberation Organization, and how the latter links them to the Palestinian-Israeli conflict. It also discussed the future of the West Bank and Palestinian society as a whole. (January 8, 2024) For further details, click [here](#)
- **The Institute for Palestine Studies held a webinar titled: "Will South Africa Succeed in Prosecuting Israel for Genocide in Gaza?"** The speakers were: researcher and academic, Omar Nashabe; the Lebanese lawyer and Doctor of Law, Dr. Paul Morcos; and the lawyer and international law researcher, Dana Farraj. (January 10, 2024) For further details, click [here](#)
- **The Institute for Middle East Understanding held an "Expert Q&A: South Africa's Genocide Case Against Israel at the ICJ,"** with human rights lawyer and political analyst Diana Buttu. The session aimed to discuss the legal foundations necessary to prove that genocide has occurred and the next step if the ICJ finds that Israel is committing genocide in Gaza. (January 10, 2024) For further details, click [here](#)