

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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Issue.209 | 31 Dec - 6 Jan 2024

Issued every Sunday

By Law for Palestine

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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 Refugee Affairs Department of the PLO said that Israel continues to execute a forced displacement plan, concealed under the guise of voluntary and humanitarian justifications. It recalled Israel's 76-year history of committing crimes such as murder, massacres, forced displacement, genocide, and ethnic cleansing in Palestinian inhabited areas. (December 31, 2023). For further details, click [here](#).

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- The Palestinian Ministry of Foreign Affairs and Expatriates (MOFAE) condemned three statements: Netanyahu's vow to prevent Palestinians from returning to northern Gaza; Smotrich's assertion that security in Gaza hinges on building Jewish settlements, mirroring the situation in the West Bank; and Ben Gvir's call for the displacement of Gaza Strip residents to facilitate the return of settlers. (January 1, 2024). For further details, click [here](#).
- The Palestinian MOFAE has demanded the occupying authorities to promptly deliver the abducted infant from the Gaza Strip to the Palestinian Authority. This abduction underscores the severe crimes against civilians committed by the occupying army, emphasizing the pressing need for increased oversight and accountability. (January 2, 2024). For further details, click [here](#).
- The Palestinian National Council denounced the killing of four young men in Azzun, east of Qalqilya, and the assassination of detainee Abdul Rahman Al-Bahsh from Nablus in 'Megiddo' prison. The Council affirmed that these two acts were carried out under the directives of the Israeli government. (January 2, 2024). For further details, click [here](#).
- Palestinian Prime Minister Mohammad Shtayyeh has strongly denounced the assassination of Saleh Al-Arouri, Deputy Head of the Political Bureau of Hamas, in Beirut. He characterized this crime as perilous, bearing the unmistakable identity of its perpetrators, and emphasized its potential for significant repercussions. (January 2, 2024). For further details, click [here](#).
- Palestine's official state media strongly condemns the Israeli occupation forces for the arrest of a photographer from the Palestine News and Information Agency, Wafa. This is perceived as part of a broader trend of targeting Palestinian media. It calls upon the International Federation of Journalists to ensure the protection of journalists amid the challenging circumstances faced by the Palestinian people due to ongoing aggression. (January 4, 2024). For further details, click [here](#).

- The Palestinian MOFAE has warned against the Israeli government and Prime Minister Benjamin Netanyahu's attempts to endorse and publicize the idea of voluntary immigration for Palestinians in the Gaza Strip. These actions aim to conceal the Israeli occupation force's crime of forced displacement, imposed either directly or indirectly on Gaza, by creating a repellent environment and atmosphere of Gazans' existence. (January 4, 2024). For further details, click [here](#).

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

- Israeli National Security Minister [Itamar Ben Gvir](#) and Israeli Finance Minister [Bezalel Smotrich](#) have advocated for the rebuilding of settlements in the Gaza Strip and endorsed the idea of "voluntary migration" for Palestinians, encouraging their resettlement in neighboring countries. Ben Gvir has termed encouraging Palestinian migration as "a correct, just, moral and humane solution," envisioning it as a means to "return" the residents of Otaf and the residents of Gush Katif to their "homeland." Smotrich, in alignment with these perspectives, has advocated for permanent Israeli control of Gaza and the establishment of settlements. In response, Knesset member [Ahmed Tibi](#) condemned these statements, likening them to Nazi calls for 'Lebensraum,' habitat or living space, and declaring that such rhetoric "incites genocide." (January 1, 2024).
- Israel has affirmed that it will be present to defend itself against allegations of genocide in Gaza in the Hague next week. Israeli government spokesperson, Eylon Levy, announced that the government's representatives will appear at the International Court of Justice (ICJ) to defend Israel's position, referring to the allegations as a 'blood libel' against the Jewish state. (January 2, 2024). For further details, click [here](#).

- In response to the US administration's remarks, Israeli National Security Minister [Itamar Ben Gvir](#) emphasized that Israel is not another star on the American flag. While Israel highly values its friendship with the United States, it will prioritize what is "in the best" interest of the State of Israel: the migration of hundreds of thousands from Gaza to enable the return of residents (the colonists) to their homes, ensuring safety under the protection of the Israeli Defense Forces. Similarly, Israeli Finance Minister [Bezalel Smotrich](#) reiterated his support for encouraging the 'voluntary migration' of Gaza residents to other countries. He highlighted that over 70% of Israelis endorse this approach as a humanitarian solution.
- The Israeli Ambassador to Britain, Tzipi Hotovely, describes Gaza as a "horrible terrorist city" and stresses that every school and mosque in it must be destroyed. When asked if this was an actual call to destroy Gaza, and every building in it, she replied: "Do you have another solution?". (January 3, 2024). For further details, click [here/here](#)
- Israeli Finance Minister Bezalel Smotrich reaffirmed his stance against allowing the transfer of Palestinian taxes to the Gaza Strip. He said: "I greatly appreciate the support of the USA and President Biden for Israel, but as long as I am the Minister of Finance, we will not transfer a single shekel to the Palestinian Authority that will go to the families of the terrorists and Nazis in Gaza." (January 4, 2024). For further details, click [here](#).
- Israeli Minister of Culture and Sports, Miki Zohar, openly criticized his fellow government ministers, Itamar Ben Gvir and Bezalel Smotrich, for calling for the resettlement of Gazans abroad. Zohar, a member of Likud, said that "It's not realistic, and it's clear that the international community will not accept it... with things like this, even if you have a belief or a goal like this, it can be discussed and debated behind closed doors,". (January 4, 2024). For further details, click [here](#).

- In statements to Israeli Radio 103 FM, Israeli Heritage Minister Amichai Eliyahu said that Israel must “find ways more painful than death” for the Palestinians to defeat them and break their morale, as the US did with Japan. He added, “Israel must decide the battle by breaking the morale of the Palestinians in Gaza and causing them pain involving their land, destroying homes, breaking their national dream and voluntary immigration.” (January 5, 2024). For further details, click [here](#)

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

- Minister of Foreign Affairs & Expatriates of Jordan Ayman Safadi said that: “2024 will be a year of death too unless the Israeli PM's agenda to keep Gaza ablaze and inflame WB is aborted.” He added that in 2023, “Israel subjected Gaza to horrific war crimes, and the Security Council did nothing to stop it, exposing an international system plagued with double standards.” (Dec. 31, 2023). For further details, click [here](#)
- UNRWA issued a report on the situation in the Gaza Strip and the West Bank, including East Jerusalem. The report includes information from December 28-30. It stated that Israeli Forces had fired at a UN aid convoy on its way back from northern Gaza. It also stated that the total number of UNRWA colleagues killed since the beginning of hostilities is 142, where up to 1.9 million people (or over 85 percent of the population) have been displaced across the Gaza Strip, some multiple times. (Dec. 31, 2023). For further details, click [here](#)
- Bernie Sanders, the progressive US senator of Vermont, issued a statement [calling](#) on Congress to block the \$10 bn funding which serves as unconditional military aid to Israeli prime minister Benjamin Netanyahu’s rightwing government as the brutal strikes in Gaza have continued. (January 2, 2024).

- Francesca Albanese, UN Special Rapporteur on Occupied Palestinian Territories, tweeted: “Forced displacement is a crime against humanity. Israel has been perpetrating that with impunity during decades of illegal occupation. It has now taken it to a new level by terrorizing people through bombing, starvation and induced disease.” (January 2, 2024). For further details, click [here](#)
- [Thomas Portes](#), a deputy of the French National Assembly, cautioned against a surge in tensions following the Israeli military's bombardment of the Lebanese capital. He pointed out the potential for triggering a regional conflict and condemned the Israeli Prime Minister's policies and his henchmen, viewing their actions as those of war criminals, with the support of the United States. Portes urged France to push for imposing strong sanctions on Israel. [Mathilde Panot](#), from the same party, emphasized the necessity for France to demand an emergency meeting of the UN Security Council. She stressed the imperative of promptly imposing firm sanctions against Israel.
- Director-General of the World Health Organization deplored the strikes on the Palestine Red Crescent Society-run Al-Amal hospital, stressing that the health sector must not be a target during conflicts. He called for an immediate ceasefire to accelerate the flow of necessary supplies for civilians in Gaza. (January 2, 2024). For further details, click [here](#)
- Ambassador Amar Bendjama, Algeria's Permanent Representative to the United Nations emphasized that the Palestinian cause will be a top priority during Algeria's membership in the Security Council. He pointed out the goal of putting an end to the genocide in Gaza. (January 2, 2024). For further details, click [here](#)
- The United States rejects recent statements from Israeli Ministers Bezalel Smotrich and Itamar Ben Gvir advocating for the resettlement of Palestinians outside of Gaza. It described the rhetoric as inflammatory and irresponsible and stated that they have been told that such statements do not reflect the policy of the Israeli government. (January 2, 2024). For further details, click [here](#)

- Malaysia said that the application moved against Israel at the ICJ by South Africa, is a “tangible step” towards accountability. (January 2, 2024). For further details, click [here](#)
- On Thursday 11 and Friday 12 January 2024, the International Court of Justice will hold public hearings at the Peace Palace in The Hague, in the proceedings instituted by South Africa against Israel concerning alleged violations by Israel of its obligations under the Genocide Convention. (January 3, 2024). For further details, click [here](#)
- France expresses its deep concern over the number of civilian casualties in Gaza, which has now risen to several thousand, and over the dire humanitarian situation in Gaza. It condemns the attacks on UN sites and humanitarian personnels. (January 3, 2024). For further details, click [here](#)
- The UN Economic and Social Commission for Western Asia (ESCWA) issued a report entitled “October 2023 in Gaza: the deadliest month in a twenty-first century war?” It showed the necessity of reevaluating long-term systemic challenges to relief efforts, and confronting the root causes of the conflict by ending the occupation and upholding international law. (January 3, 2024). For further details, click [here](#)
- Thomas Portes, deputy of the French National Assembly, stated that Israeli National Security Minister Eitam Ben Gvir and Israeli Finance Minister Bezalel Smotrich's call for Palestinians to leave Gaza constitutes an invitation to commit a crime against humanity. (January 3, 2024). For further details, click [here](#)
- [The French Foreign Ministry](#) will ban extremist Israeli settlers due to violence against Palestinians. France supports European sanctions on these settlers, emphasizing that the Gaza war shouldn't be an excuse for unilateral measures that undermine the two-state solution. Additionally, it [condemns](#) Israeli officials' calls for Palestinian "emigration," from the Gaza Strip, urging Israel to refrain from such provocative statements as forced population transfer violates international law. It stressed that “It is not up to the Israeli government to decide where Palestinians should live on their land.” (January 3, 2024).

- A spokesperson for the Foreign, Commonwealth and Development office (UK) said "Gaza is Occupied Palestinian Territory and will be part of a future Palestinian state. The UK firmly rejects any suggestion of the resettlement of Palestinians outside of Gaza." (January 3, 2024).

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- [Qatar](#) and the European Union's High Representative for Foreign Affairs and Security Policy, [Josep Borrell](#), have both denounced the inflammatory & irresponsible statements by Israeli ministers Ben Gvir & Smotrich slandering the Palestinian population of Gaza, which were also condemned by [European Union member states](#). [The Arab Parliament](#) deemed them entirely unacceptable and condemned them unequivocally. [The United Kingdom](#) and [the United States](#) rejected the statements, while the [Gulf Cooperation Council](#) said that such statements reflect Israel's negative and hostile intentions towards the peace process in the Middle East.
- UNRWA has warned that "Nearly 90 days of war in Gaza, the situation is dire. Overcrowded streets of Rafah witness the alarming spread of disease. Famine looms, exacerbated by restricted access". It added that "It's critical for a humanitarian ceasefire to provide urgent aid & end this forced, continuous displacement." (January 3, 2024). For further details, click [here](#)
- Martin Griffiths, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, issued a statement stressing the necessity of ending the war on Gaza, describing it as a place of death and despair, stressing the need for the parties to fulfill all their obligations under international law, protect civilians, and release the hostages immediately. He added that "Gaza has simply become uninhabitable. Its people are witnessing daily threats to their very existence - while the world watches on." (January 5, 2024). For further details, click [here](#)
- The Scottish Prime Minister, Humza Yousaf, condemned the Israeli government's statements calling for the resettlement of the population of Gaza, and for Israeli settlements to be established in Gaza describing this as the "textbook definition of ethnic cleansing". (January 5, 2024) For further details, click [here](#)

- The Kingdom of Bahrain Ministry of Foreign Affairs, strongly condemned the racist extremist statements of two Israeli ministers regarding the displacement of Palestinians and the reoccupation of the Gaza Strip, considering this a violation of international law and a threat to the peace process. (January 5, 2024). For further details, click [here](#)

Publications of human rights NGOs

- Friends of Sabeel North America (FOSNA) published four articles to “Salute the Heroes” of the war on Gaza; civilians and non-combatants carrying out their duties under difficult circumstances, focusing in particular on [The Journalists](#), [Medical Personnel](#), [UNWRA Workers](#) and [Followers of the Golden Rule](#). (Dec 22-31, 2023).
- The Independent Commission for Human Rights issued a fact sheet entitled: “The situation of persons with disabilities during the Israeli military aggression on the Gaza Strip.” The paper condemned the Israeli occupation's targeting of service institutions and rehabilitation centers for persons with disabilities, and warned of the worsening situation due to the interruption of medical aid and the difficulty of accessing it. (January 1, 2024). For further details, click [here](#)
- The Palestinian Anti-Apartheid Coordinating Committee (PAACC) and other human rights organizations, call on all States Parties to the Genocide Convention to urgently and fully support South Africa’s ICJ Suit Against Israel over its Gaza Genocide. (Jan 2, 2023). For further details, click [here](#)
- In response to concerns raised by the National Union of Journalists in Britain about the safety of journalists in Palestine, including reports documenting Israel blocking journalists entering Gaza to cover the Israel-Gaza conflict, the Secretary of State for the Middle East confirmed that journalists covering conflicts are afforded protection under International Humanitarian Law as they are civilians. He pointed out that the Prime Minister raised directly with his Israeli counterparts the need to act in line with international humanitarian law. (Jan 2, 2024). For further details, click [here](#)

- The Euro-Med Human Rights Monitor published: “Fate of baby and other Palestinian children is unknown after Israeli army forcibly transfers them out of Gaza Strip.” It appealed to the international community to compel Israel to allow civil defence teams to retrieve bodies from Gaza’s streets and under the rubble, and to expedite the provision of the tools and equipment required for this operation. This will also allow to determine the number of people who are dead versus missing and/or thought to be detained by Israeli forces. (Jan 2, 2024). For further details, click [here](#).
- The Gisha-Legal Center for Freedom of Movement published a diagram that shows the number of truckloads of aid entering Gaza since October 7, 2023. It pointed out that although Israel started to allow humanitarian aid to enter Gaza through the Kerem Shalom crossing on December 17, the quantity of aid is much smaller than the quantities of goods that had entered Gaza daily until October 7, and still light years away from what’s needed. As reported, the average number of truckloads entering Gaza via both crossings was approximately 115 per day, which is an insufficient increase. (Jan 3, 2024). For further details, click [here](#).
- The Australia Palestine Advocacy Network (APAN) demands the Australian Government to issue a statement of support for South Africa’s application to the ICJ against Israel on alleged genocide violations in Gaza. (Jan 3, 2024). For further details, click [here](#).
- Human Rights Watch said in a statement that Israeli authorities held thousands of workers from Gaza in incommunicado detention for several weeks following the October 7 attacks, subjecting at least some of them to inhumane and degrading conditions and thousands more remain stranded in the occupied West Bank without valid legal status and vulnerable to arrest. (Jan 3, 2024). For further details, click [here](#).
- A report by the "Peace Now" movement revealed the escalation of colonial activity in the West Bank during the aggression on Gaza. 9 colonial outposts and 18 illegal roads were established within three months. In addition to the colonists closing roads, preventing the passage of Palestinians, and building fences, a large part of the outposts and roads were built on private Palestinian land. (January 4, 2024). For further details, click [here](#)

- The "Shams" Human Rights and Democracy Media Center warns of lasting psychological consequences for Gaza's children due to ongoing Israeli aggression. The center urges UN agencies, including the Special Rapporteur for Children's Affairs, UNICEF, and the World Health Organization, to pressure the occupation government to cease its crimes against Palestinian children. (Jan 4, 2024). For further details, click [here](#)

Opinion Pieces and features

- Democracy for The Arab World Now published an article by Michael Merryman-Lotze entitled: "The Historical Roots of Israel's Genocidal Violence in Gaza." (Jan 2, 2024). For further details, click [here](#)
- The Institute for Palestine Studies published a policy paper by Paul Morcos entitled: "Legal Measures Available to Bring Israel to Trial Following the Gaza War of 2023." For further details, click [here](#)
- Just Security published an article by Alaa Hashem and Oona A. Hathaway entitled: "The Promise and Risk of South Africa's Case Against Israel." (January 4, 2024). For further details, click [here](#)
- Axios published an article by Barak Ravid entitled: "Inside Israel's plan to quash South Africa's Gaza genocide case." (January 5, 2024). For further details, click [here](#)
- Al Jazeera published an opinion article by senior lecturer Nicola Perugini entitled: "Safe zones: Israel's technologies of genocide." (January 6, 2024). For further details, click [here](#)

Human rights conferences and events

- The Journal of Genocide Research announced the launch of a forum on the situation in Gaza. Short articles will be published over the next month focusing on the crisis and its implications for Holocaust and genocide studies and will be available for free. The first published article was titled "[Inescapably Genocidal](#)" by Martin Shaw. (January 6, 2024). For further details, click [here](#)