

## 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) has called for the establishment of an international investigation team to visit the Gaza Strip, in order to conduct a thorough inspection of all areas to ascertain the reality and scope of the genocide perpetrated against the Palestinian people, and to monitor the conditions of all missing persons and detainees held by the Israeli occupation authorities.** (January 31, 2024) For further details, click [here](#)
- **The Palestinian MOFAE [expresses](#) deep concern over the approval by the U.S. House of Representatives to ban entry for members of the Palestine Liberation Organization into the USA. It emphasizes that this decision contradicts the international recognition of the organization as a legitimate representative of the Palestinian people. The ministry asserts that such an unfair decision will not contribute to achieving peace. In a different context, the ministry strongly [condemns](#) the calls for approving the construction of 7,000 new settlement units in the West Bank. Furthermore,**

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it [welcomes](#) the recent shift in the British stance toward the Palestinian state, as articulated by British Foreign Secretary [David Cameron](#). The ministry calls for the adoption of these statements by the British government and urges their translation into practical steps on the ground.

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

- The Israeli Land Authority sent a letter to UNRWA demanding that the agency vacate the buildings of a compound in the village of Kafr Aqab, a neighborhood north of Jerusalem, and pay a fine, under the pretext that it was built without obtaining a proper permit for its current usage. (January 26, 2024) For further details, click [here](#)
- Following the news that spread about a new deal between Israel and Hamas, the Israeli Prime Minister stressed that, “the war on Gaza is not 'another round', neither is it an exchange of blows, nor is it an operation – it is total victory.” He added, “We will not conclude this war without achieving all of its goals. This means eliminating Hamas, returning all of our hostages and ensuring that Gaza never again constitutes a threat to Israel.” He stressed that Israel will not withdraw the IDF from the Gaza Strip and will not release “thousands of terrorists.” (January 30, 2024) For further details, click [here](#)
- During his meeting with a delegation of ambassadors to the United Nations (UN), the Israeli Prime Minister called on the delegation to recognize that UNRWA's mission must end because it “is totally infiltrated with Hamas”. He added, “I think it's time that the international community and the UN itself understand that UNRWA's mission has to end. UNRWA is self-perpetuating. It is self-perpetuating also in its desire to keep alive the Palestinian refugee issue.” Netanyahu called for replacing UNRWA with other organizations. (January 31, 2024) For further details, click [here](#)
- The Israeli newspaper Yedioth Ahronoth revealed a plan led by Finance Minister Bezalel Smotrich to establish 7,000 new housing units in settlements in the occupied West Bank. The newspaper said that Smotrich intends to hold a meeting of the so-called “Supreme Planning Committee” to approve the construction of approximately 7,000 new colonial units. (February 2, 2024) For further details, click [here](#)

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

- [Germany](#), [Finland](#), [the United Kingdom](#), [Japan](#), [the Netherlands](#), [Switzerland](#), [France](#), [Austria](#), [Estonia](#), [Sweden](#), [Iceland](#), [New Zealand](#), [Latvia](#), [Lithuania](#), and [Romania](#) have announced the suspension of their contributions to the UN Relief and Works Agency (UNRWA) indefinitely in response to allegations that 12 agency employees were involved in the 7th October attacks. In contrast, the governments of [Belgium](#), [Ireland](#), [Luxembourg](#), [Slovenia](#), [Spain](#), and [Norway](#) have issued statements confirming their continued financial support for UNRWA while also emphasizing the importance of investigating these allegations. (January 2024)
- [The Arab League](#) has cautioned against the severe consequences of incitement directed at UNRWA and the decisions by certain countries to suspend financial support for the agency. It stresses the international community's responsibility for Palestinian refugee subsistence until a fair resolution is reached. [The Organization of Islamic Cooperation](#) regretted the decision, citing collective punishment worsening Gaza's humanitarian crisis. [The Gulf Cooperation Council](#) urged countries to review decisions and promptly resume financial assistance to UNRWA. (January 28, 2024)
- Francesca Albanese, the United Nations Special Rapporteur for Palestine, has warned that countries defunding UNRWA were breaching the ICJ court order to provide effective aid in Gaza and could be violating the international genocide convention. (January 28, 2024) For further details, click [here](#)
- Germany condemned a meeting of Israeli ministers and far-right groups to promote Palestinian emigration and rebuild Jewish settlements in the Gaza Strip. Foreign Ministry spokesman Sebastian Fischer said the participation of several Israeli government ministers at the conference, and speeches made there were unacceptable and clearly violated international law. (January 29, 2024) For further details, click [here](#)
- France condemned the conference held in Jerusalem, attended by ministers in the Israeli government, which promoted the establishment of settlements in the Gaza Strip and the transfer of its population out of that territory. It stressed that "it is not up to the Israeli Government to decide where Palestinians should live on their land". (January 29, 2024) For further details, click [here](#)
- The UK expresses concern about the conference in Jerusalem advocating for the resettlement of Gaza, with Israeli ministers in attendance. The UK maintains a clear stance: "Gaza is occupied

**Palestinian territory and will be part of the future Palestinian state."**(30 January 2024) For further details, click [here](#)

● **Ajith Sunghay, head of the UN Human Rights Office in the Occupied Palestinian Territory, recently concluded a weeklong field visit to Gaza. He reported encountering individuals who have gone weeks, even months, without access to basic hygiene facilities such as baths or showers. Sunghay highlighted the dire conditions faced by approximately 300,000 people experiencing severe shortages of food, water, and other essentials. He urgently calls for an immediate ceasefire to address the humanitarian crisis. (January 30, 2024). For further details, click [here](#)**

● **A statement from the heads of the Inter-Agency Standing Committee, a permanent coordination forum for United Nations agencies, acknowledges the alarming nature of allegations against UNRWA employees in the October 7th attacks on Israel. It emphasizes accountability for any UN employee involved in acts of terror. However, the statement raises concerns about the catastrophic consequences of Member States' decisions to suspend funds for UNRWA, urging a reconsideration of these decisions. (January 30, 2024) For further details, click [here](#)**

● **United Nations experts have stated the landmark ruling by the International Court of Justice (ICJ) offers the first concrete hope to protect civilians in Gaza enduring apocalyptic humanitarian conditions, destruction, mass killing, wounding, and irreparable trauma. They emphasized that the implementation of the decision requires Israel to cease its military operations, and they underscored the responsibility of states parties to the Genocide Convention in ensuring the court's ruling is implementation. (January 31, 2024) For further details, click [here](#)**

● **In the case filed by Defense for Children International - Palestine against U.S. President Joe Biden before a federal court in California/USA, the court concluded that the Israeli government was plausibly engaged in a genocide of the Palestinian people in Gaza. The court stated that the United States is providing "unflagging support" for the massive attacks on Palestinian civilians in contravention of international law. However, the court dismissed the case on jurisdictional grounds. It urged the U.S. administration to reconsider its support for the siege and stated that "It is every individual's obligation to confront the current siege in Gaza." (January 31, 2024) For further details, click [here](#)**

● **The Pakistani Ministry of Foreign Affairs has expressed deep concern over the decision made by some countries to suspend funding for UNRWA, emphasizing the necessity of prioritizing the**

**continuity of UNRWA operations to sustain the survival of the people of Gaza.** (January 31, 2024) For further details, click [here](#)

• **The US Congress has overwhelmingly passed the "No Immigration Benefits for Hamas Terrorists Act."** This legislation prohibits the admission into the United States of individuals associated with Palestinian Islamic Jihad or Hamas, especially those involved in the October 7, 2023, attacks on Israel. The bill also broadens existing restrictions, barring all members of the Palestinian Liberation Organization (PLO) from entering the United States. Notably, Representatives Rashida Tlaib and Cori Bush were the sole dissenting votes against these measures. (January 31, 2024) For further, click [here](#)

• **The United Nations Conference on Trade and Development (UNCTAD) has affirmed that the unprecedented level of destruction in Gaza will take tens of billions of dollars and decades to reverse.** Even with the end of the military operation and the recent average growth rate of 0.4%, it would take Gaza until 2092 just to restore 2022 GDP levels. The organization emphasized that resolving Gaza's crises necessitates immediate end for the military confrontation and lifting the blockade. It called on donor parties and the international community to recognize that the restrictions imposed on the Palestinian economy, specifically in Gaza, extend beyond the recent events. (January 31, 2024) For further details, click [here/here](#)

• **The UN Security Council held a meeting on the situation in the Middle East at the request of Algeria, addressing the humanitarian situation in Gaza and the ICJ's provisional ruling on Gaza in the case brought by South Africa, against Israel.** Martin Griffiths, the UN Emergency Relief Coordinator, presented a briefing stressing the seriousness of the humanitarian crisis and calling for the cancellation of decisions to withhold funds from UNRWA. The Algerian ambassador stressed the need to implement the decisions of the ICJ, calling on the Security Council to take action to stop the tragedy in Gaza. (January 31, 2024) For further details, click [here](#)

• **UK Foreign Secretary David Cameron stated that the UK could officially recognize a Palestinian state after a ceasefire in Gaza without waiting for the outcome of what could be years of talks between Israel and the Palestinians on a two-state solution.** He added that no recognition could come while Hamas remained in Gaza, but that it could take place while Israeli negotiations with Palestinian leaders were continuing. (February 1, 2024) For further details, click [here](#)

- Norwegian MP **Åsmund Aukrust** announced his nomination of UNRWA for the Nobel Peace Prize, “for their long-term work in providing vital support to Palestine and the wider region.” He stressed that Israel's accusation of 12 of UNRWA's 30,000 employees does not justify not allowing others to carry out this vital work. (February 1, 2024) For further details, click [here](#)
- [President Joe Biden](#) signed an executive order imposing financial sanctions on four Israeli settlers for their involvement in violent acts against Palestinians in the West Bank. The sanctions implications state that, “all entities that are owned, either directly or indirectly, 50 percent or more by one or more blocked persons are also blocked.” Other prohibitions include, “the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any blocked person and the receipt of any contribution or provision of funds, goods, or services from any such person.” (February 1, 2024) For further details, click [here](#)
- United Nations experts condemned all killings, threats, and attacks on journalists in Gaza. It stated that the war in Gaza has become the deadliest, most dangerous conflict for journalists in recent history. The experts warned that Israeli forces' attacks on journalists constitute war crimes, emphasizing journalists' right to protection under international humanitarian law. They called for the ICJ and the International Criminal Court (ICC) to give particular attention to the dangerous pattern of attacks and impunity for crimes against journalists, which has intensified since October 7th. (February 1, 2024) For further details, click [here](#)
- [UN Secretary-General António Guterres](#) stressed the importance of [the two-state solution](#) to achieve lasting peace, stressing that Israel and Palestine must live side by side to guarantee the inalienable rights of the Palestinian people. He added that the international community must not waver in its commitment to that solution. Guterres also [expressed his urgent concern](#) about the tragic situation in Gaza, noting the displacement of 1.7 million people, the hunger of everyone, and the collapse of the humanitarian system. He called for rapid, safe, unhindered, expanded & sustained humanitarian access throughout Gaza. (February 1, 2024)
- UNRWA Commissioner-General **Philippe Lazzarini** warned that the agency will most likely be forced to shut down its services in the Gaza Strip at the end of this February, due to a number of countries suspending their aid to it. He said, “as the war in Gaza is being pursued unabated, and at the time the ICJ calls for more humanitarian assistance, it is the time to reinforce and not to weaken UNRWA.” (February 1, 2024) For further, click [here](#)



- **The Irish Prime Minister, Leo Varadkar, said that his government is seeking the support of European Union countries to review the trade agreement between the European Union and Israel, and is also discussing the possibility of a group of countries recognizing Palestine. He pointed out that relations with Israel are based on an agreement that includes a human rights clause and that "a lot of us believe that Israel may be in breach of that." He also expressed his opposition to suspending European Union funding for UNRWA against the backdrop of accusations that some of its employees were involved in Hamas attacks. (February 1, 2024) For further details, click [here](#)**
- **UNICEF spokesman in the Palestinian territories, Jonathan Crickx, indicated that at least 17,000 children in the Gaza Strip have become unaccompanied or separated from their families, about 4 months after the start of the Gaza war. He spoke about the difficulty of identifying children and their deteriorating health and psychological situation. He stressed that the only way to provide mental health and psychosocial support on a large scale is a ceasefire. (February 2, 2024) For further details, click [here](#)**
- **Belgian Foreign Minister, Hadja Lahbib, condemned the Israeli bombing of Belgian Development Agency (ENABEL) offices in Gaza, and summoned the Israeli ambassador to express condemnation. (February 2, 2024) For further details, click [here](#)**

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

- **A joint coalition of Canadians and Palestinians, comprising Canadian Lawyers for International Human Rights (CLAHR) and Al-Haq, has sent a letter to Foreign Affairs Minister Mélanie Joly, urging an immediate cessation of all exports and transfers of Canadian military goods and technology to Israel. The request emphasizes the substantial risks associated with potential use for serious violations of international law. The coalition has stipulated a 14-day period for a response and action, warning of potential legal measures in the case of non-compliance. (January 28, 2024) For further details, click [here](#)**
- **The Palestinian Return Center has sent an advocacy paper to parliamentarians in the UK and diplomats in Geneva, about Israel's deliberate use of starvation as a weapon of war against Palestinians in Gaza. The Center called on the international community to impose a ceasefire and**

**pressure Israel to immediately allow the entry of humanitarian and food aid to Palestinians in Gaza.**

(January 28, 2024) For further details, click [here](#)

• **In light of the ICJ’s decision regarding Israel, Amnesty International issued a statement by Ketty Nivyabandi, Secretary General of Amnesty International Canada, which said: “Canada has both a moral and legal obligation to do everything in its power to prevent genocide. We must not sit quietly on the sidelines while the rest of the world cries for justice.”** (January 29, 2024) For further details, click [here](#)

• **ActionAid is deeply alarmed and concerned by the decision of some of the world’s wealthiest nations to suspend funding to UNRWA. This reckless action spells a death sentence for millions of Palestinians in Gaza and the surrounding region, intensifying an already catastrophic humanitarian crisis for millions of people.** (January 29, 2024) For further details, click [here](#)

• **In a joint statement, [dozens](#) of relief organizations around the world have expressed deep concern and outrage regarding the decision of major donors to suspend funding for UNRWA amid the worsening humanitarian crisis in Gaza. The organizations urge donor states to reaffirm support for the crucial work of UNRWA and its partners, emphasizing the need to fulfill responsibilities to the Palestinian people and enhance humanitarian aid for civilians facing dire conditions in Gaza and the surrounding region. Concurrently, Amnesty International issued a similar [press](#) release calling on countries to reverse their “cruel decision” to withdraw funding to UNRWA. The International Federation for Human Rights (FIDH) also [issued](#) a statement saying that the suspension is unjust and irresponsible and works to fuel the ongoing genocide against the Palestinians.**

• **The Badil Resource Center for Palestinian Residency and Refugee Rights stressed that the decision taken by several countries to suspend UNRWA funding contributes to the ongoing Israeli genocide in the Gaza Strip, in contradiction to the ICJ’s Interim Measures Order.** (January 29, 2024). For further details, click [here](#)

• **Palestine Solidarity Campaign (PSC) welcomed the interim ruling against Israel issued by the ICJ on 26 January 2024, and condemned the UK government’s response to this ruling, and its decision, in the immediate aftermath, to suspend funding to UNRWA.** (January 30, 2024). For further details, click [here](#)

• **The Guardian newspaper has released a visual map illustrating the extensive scale of destruction in Gaza, showcasing the profound devastation inflicted upon more than 250 residential buildings, 17**



**schools and universities, 16 mosques, 3 hospitals, 3 cemeteries, 150 agricultural greenhouses, and other essential civilian infrastructure in the Gaza Strip.** (January 30, 2024). For further details, click [here](#)

- **Leo Kans, the head of Doctors Without Borders in the Palestinian territories, characterized the situation in Gaza as a "massacre," highlighting that approximately 150 women and children are losing their lives daily. Leo emphasized the urgent need for an immediate ceasefire as the primary demand. He expressed frustration, stating, "I'd say that today we're doing maybe one percent of what we could be doing," highlighting the systematic hindrance by the occupying army, which obstructs the efforts of humanitarian organizations and prevents aid from reaching the northern Gaza Strip.** (January 31, 2024). For further details, click [here](#)
- **The International Rescue Committee (IRC) and Medical Aid for Palestinians (MAP) condemned the Israeli airstrike on a residential compound housing their Emergency Medical Team (EMT) and members of MAP's local team and their family members in Al Mawasi - the alleged 'safe zone' - in Gaza on 18 January, which caused injuries to several team members, significant damage to the building, and required the withdrawal of the six international members of the EMT from Gaza.** (January 31, 2024). For further details, click [here](#)
- **The Association France Palestine Solidarité has released a report revealing the two new mass graves in the Gaza Strip, located in Rafah and Beit Lahia. According to the report, a mass grave near Rafah contains approximately a hundred bodies, with some confiscated by the Israeli army during the desecration of graves. Many of these bodies were found mutilated, and medical teams have testified to the absence of vital organs. Additionally, another mass grave was uncovered in the northern Gaza Strip, where bodies were found shot, with their hands tied and blindfolded.** (January 31, 2024). For further details, click [here](#)
- **Israeli Jurists Warn of More to Come After California Court Ruling on 'Plausible' Gaza Genocide. The experts stated that although the court rejected the lawsuit due to jurisdiction and other legal grounds, this decision still raises concerns for Israel, because the court accepted the Plausibility of the claim that Israel is committing genocide in Gaza. (February 1, 2024) For further details, click [here](#)**

### **Opinion Pieces and features**

- **Mada Masr website published an article by researcher Abdel-Ghany Sayed entitled: “The ICJ ruling on Gaza: Breakthroughs and shortcomings.”** (February 1, 2024) For further details, click [here](#)
- **Oxford Human Rights Hub published an article by Alex Benn entitled: “The International Court of Justice’s Order in South Africa v Israel”** (29 January 2024). For further details, click [here](#)
- **Arab Center Washington DC published a report by Ethan Mayer-Rich entitled: “United States pauses funding for UNRWA.”** The report includes the most important legislative and executive steps taken by the United States regarding UNRWA during the past week. (January 29, 2024). For further details, click [here](#)
- **The Elcano Royal Institute published an article by Haizam Amirah Fernández about the ICJ’s decision regarding Israel/South Africa entitled: “A turning point for Israel and Palestine”** (January 30, 2024). For further details, click [here](#)
- **The International Institute for Democracy and Electoral Assistance (International IDEA) published an article by Amanda Sourek entitled: “Can the UN General Assembly bring lasting peace in the Middle East?”** (January 30, 2024). For further details, click [here](#)
- **OpinioJuris published an article by Juliette McIntyre and Audrey Plan entitled: “The ICJ Goes Viral: Transparency and Sensationalism in South Africa v. Israel”** (31 January 2024). For further details, click [here](#)
- **EJIL: Talk! published an article by Pearce Clancy entitled: “Standing for Obligations erga omnes partes Violations in ICJ Jurisprudence”**(February 1, 2024). For further details, click [here](#)
- **The New York Times published an article by Espen Barth Eide, Norway’s Foreign Minister, entitled: “The World Must Stand by UNRWA.”** (February 2, 2024) For further details, click [here](#)
- **Al Jazeera published an opinion article by Professor Abdelwahab El-Affendi entitled: “Gaza and the dilemmas of genocide scholars.”** (February 3, 2024) For further details, click [here](#)

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

- **Over 800 civil servants across the United States, the United Kingdom, and the European Union have united in a [declaration](#), cautioning that the policies of their respective governments towards Gaza may contribute to “grave violations of international humanitarian law, war crimes, and even ethnic cleansing or genocide.”** The signatories passionately call for an immediate shift in course,

**urging their governments to actively pursue a permanent ceasefire.** (February 2, 2024). For further details, click [here](#)

Page | 11 **Upcoming human rights opportunities and events**

- **Arab Center Washington DC (ACW) and Arab Center for Research and Policy Studies (ACRPS) conducted a survey of public opinion in 16 Arab countries to gauge the Arab public's opinion about the Israeli war on Gaza that began on October 7, 2023, and Arab perceptions of the US role and policies toward the war. A press conference organized by ACW on Thursday February 8, 2024, will present the survey findings and discuss the implications of the data for US policy.** For further details, click [here](#)
- **Third World Approaches to International Law Review announced its intention to hold an online discussion entitled: "The ICJ Decision on Provisional Measures: Shifting the Narrative on Palestine or Shifting the Grounds of International Law?"** Hear legal scholars from Palestine and the Arab World discuss the ICJ's ruling on provisional measures in South Africa's case against Israel for genocide, its consequences and implications, and the current legal discourse surrounding the ruling on Palestine and international law. The lecture includes a number of speakers, including researcher Maha Abdallah, University of Antwerp; Shahd Hammouri, University of Kent; Faten Sourani, Frontline HRD; and Abdelghany Sayed, University of Kent. The meeting moderator is Ata Hindi, Tulane University. The online discussion will be held in English and will be translated into Arabic. This will be on Monday, February 5, 2024, at 06:30 pm Jerusalem time, via Zoom. For further details, click [here](#)