

Palestine's Legal Scene

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

Page | 1

Issue. 214 | 4 -10 Feb. 2024

Issued every Sunday

By Law for Palestine

Prepared by: Nour Kharouf, Joman Al Khateeb

Translation: Sabrin Alsheikh Ahmed and Mays Abu Atwan

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 Ministry of Foreign Affairs and Expatriates (MOFAE) has urged the UN Security Council to fulfill its responsibilities by adopting a binding resolution that transcends mere conflict management formulas. The resolution should instead focus on resolving the conflict, implementing international legitimacy resolutions, and ultimately bringing an end to the Israeli occupation, safeguarding the rights of the Palestinian people. (February 5, 2024) For further details, click [here](#)
- MOFAE strongly condemns the continued statements and positions of the extremist Israeli Finance Minister Smotrich, which advocates for the deepening and strengthening of settlements in the land of the State of Palestine. The Ministry denounces his misleading attempts to link settlement activities, whether in the Gaza Strip or the West Bank, to security concerns. (February 5, 2024) For further details, click [here](#)

SUBSCRIBE NOW TO RECEIVE
OUR WEEKLY REPORTS

SUBSCRIBE

CHECK OUT THE PREVIOUS
WEEKLY REPORTS

MORE

- MOFAE strongly condemns the heinous crimes committed by the occupation forces, including the use of police dogs against [Ibrahim Hashash](#), a 3-year-old child, during their incursion into Balata camp. Additionally, the ministry denounces the execution of [Wadih Owaisat](#), a 14-year-old child, at a military checkpoint near the entrance to the village of Al-Eizariya, east of occupied Jerusalem. These field executions are regarded as another form of genocide.
- Palestinian Ambassador to UK Hossam Zomlot: Britain's recognition of Palestine is "a correction of a historical injustice." (February 7, 2024) For further details, click [here](#)
- Health Minister Mai Al-Kaila delivered an urgent letter to the United Nations office, demanding the protection of medical personnel. The letter also includes testimonies of attacks on medical personnel and on hospitals. (February 7, 2024) For further details, click [here](#)
- The MOFAE highlighted that the 'minimum aid' mentioned by Netanyahu does not align with international demands, UN Security Council resolutions, and ICJ order. Instead, it appears tailored to exacerbate the humanitarian crisis among civilians. The Ministry placed responsibility on the international community for its failure to protect civilians, meet their needs, and the apparent lack of genuine international commitment to enforce an immediate ceasefire. (February 8, 2024) For further details, click [here](#)

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

- The Israeli Finance Minister commented on the freezing of bank accounts of settlers who were blacklisted by the United States: "It is not possible for an Israeli citizen with Israeli money in an Israeli bank to be deprived of rights and assets due to an American order." (February 5, 2024) For further details, click [here](#)
- Israeli Finance Minister Bezalel Smotrich has mandated the revocation of tax benefits previously extended to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The credits that the agency received by virtue of its UN affiliation will be nullified. Smotrich stated, 'The

State of Israel will not provide tax benefits to organisations associated with terrorism." (February 8, 2024) For further details, click [here](#)

Page | 3

- **The office of Israeli Prime Minister Benjamin Netanyahu has announced plans to evacuate civilians from areas of intense fighting in Rafah to achieve the goal of eliminating Hamas. Netanyahu mentioned the presence of four Hamas battalions in the region and has ordered the Israeli army and security units to devise a joint plan for evacuating the population and destroying the battalions.** (February 9, 2024) For further details, click [here](#)
- **Israel rejected the ceasefire proposal put forward by Hamas a few days ago, telling the Qatari and Egyptian mediators that although the proposal was rejected, it was still open to holding talks based on the original proposal discussed in late January in Paris.** (February 10, 2024) For further details, click [here](#)

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

- **In front of the Rafah crossing border, a French parliamentary delegation headed by MP Eric Coquerel, called for an immediate and permanent ceasefire in the Gaza Strip. In a statement, the delegation stressed that a permanent ceasefire is the first condition for opening negotiations, which must include the withdrawal of Israeli troops, end the blockade of the Palestinian Territory, halt to settlement activity in the West Bank and expropriations in East Jerusalem.** (February 4, 2024) For further details, click [here](#)
- **The High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell, stressed that "Defunding UNRWA would be both disproportionate and dangerous." He added: "UNRWA's continued existence, since it was established in 1949, is the direct consequence of the fact that the Israeli-Palestinian conflict has never been resolved." Stressing the need to focus efforts on addressing this deeper issue and implementing the two-state solution.** (February 4, 2024) For further details, click [here](#)

- The Spanish Foreign Minister José Manuel Albares announced that his country will mobilise an emergency allocation worth 3.5 million euros so that UNRWA can continue its activities in the short term. (February 5, 2024) For further details, click [here/here](#)
- The Bristol Employment Tribunal has ruled in favor of Professor David Miller, upholding his claim of discrimination based on his philosophical belief that Zionism is racist, imperialist, and colonial in nature. The court deemed his beliefs protected under the Equality Act 2010 and also ruled that his dismissal by the University of Bristol was unfair. (February 5, 2024) For further details, click [here](#)
- The Secretary-General of the United Nations (UN), António Guterres, announced that he has appointed an independent review group, led by Catherine Colonna, former Minister of Foreign Affairs of France, to assess whether the Agency is doing everything within its power to ensure neutrality and to respond to allegations of serious breaches when they are made. Colonna will work with three research organisations: the Raoul Wallenberg Institute in Sweden, the Chr. Michelsen Institute in Norway, and the Danish Institute for Human Rights. (February 5, 2024) For further details, click [here](#)
- Following calls from several human rights organizations, [Belgium's Walloon Region announced](#) that two export licences for ammunition for Israel were put on hold. On the other hand, Spanish Foreign Minister Jose Manuel Al-Barris confirmed during a [television](#) interview with Al-Jazeera that Spain has suspended arms export licences to Israel since October 7, stressing the need for a peace conference to establish a Palestinian state. (February 6, 2024)
- Experts from the UN are alarmed at the extraordinarily high numbers of journalists and media workers who have been killed, attacked, injured and detained in the Occupied Palestinian Territory, particularly in Gaza, in recent months blatantly disregarding international law. (February 6, 2024) For further details, click [here](#)

- The UN Office for the Coordination of Humanitarian Affairs warned that any move by Israel to extend its full-scale invasion of the Gaza Strip to the densely populated southern city of Rafah could lead to war crimes that must be prevented by all means. (February 6, 2024) For further details, click [here](#)
- In response to Israel's targeting of an aid convoy in the Gaza Strip, Francesca Albanese, the UN Special Rapporteur in the occupied Palestinian territory, asserted that such actions constitute a blatant violation of international humanitarian law and run counter to the directives of the International Court of Justice (ICJ). She emphasized the need for immediate measures to be taken "against Israel, not the United Nations." (February 6, 2024) For further details, click [here](#)
- Ahmed Abu Al-Ghaith, Secretary-General of the League of Arab States, stressed that the actions of some countries in suspending their financial support to UNRWA, aimed at terminating its role, reflects a morally flawed, and erroneous position. He appealed to donor countries to reconsider their decisions, stressing not to anticipate the results of the investigation into the allegations against UNRWA. (February 6, 2024) For further details, click [here](#)
- On his first diplomatic visit as President of Argentina, Javier Milei announced his decision to move the Argentine embassy in Israel to Jerusalem. (February 6, 2024) For further details, click [here/here](#)
- Mélanie Joly, Minister of Foreign Affairs in Canada, announced that her country had imposed new sanctions under the Special Economic Measures Act (SEMA) on 11 individuals affiliated with the Hamas movement, due to their role in planning, funding, and execution of the October 7 attacks against Israel. Joly stressed that Canada, in cooperation with international partners, is taking decisive measures to limit Hamas' ability to carry out further attacks against Israel. (February 6, 2024) For further details, click [here](#)
- The Saudi Ministry of Foreign Affairs reaffirmed its unwavering stance on the Palestinian cause, emphasizing the rights of the Palestinian people and the essential recognition of the Palestinian state. The Kingdom conveyed to the U.S. administration that diplomatic relations with Israel will not be established until specific conditions are fulfilled. These conditions include halting the Israeli offensive in the Gaza Strip and withdrawing Israeli occupation forces. Furthermore, the Kingdom

urged the Security Council's permanent members to recognize the Palestinian state based on the 1967 borders with East Jerusalem as its capital, aiming for a comprehensive and equitable peace.

(February 6, 2024) For further details, click [here](#)

Page | 6

- **Prime Minister of Malta, Robert Abela, voiced criticism against the European Union's approach to the humanitarian crisis in the Gaza Strip. He highlighted the EU's silence on the Middle East situation, expressing concern about the disparity in its response compared to its reactions to the crisis in Ukraine. Abela emphasized that the European Union possesses the necessary tools to address the Gaza conflict and called for increased efforts and the effective utilization of these tools. (February 6, 2024) For further details, click [here](#)**
- **US Secretary of State, Antony J. Blinken, renewed US support for Israel and emphasised that Israel is "fully justified in confronting Hamas and other terrorist organizations." However, he said that what happened on October 7 cannot serve as "a license to dehumanize others." (February 7, 2024) For further details, click [here](#)**
- **The Government of Norway announced that it had transferred an amount of NOK 275 million to the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). Minister of Foreign Affairs Espen Barth Eide said: "we should not collectively punish millions of people for the alleged wrongdoing of 12 staff members." He called on all donors who suspended their support to think about the consequences resulting from this decision. (February 7, 2024) For further details, click [here](#)**
- **Representative John James and Rep. Jared Moskowitz have introduced a Bilateral Relations Review Act to the United States House of Representatives calling for a full review of the bilateral relationship between the country and South Africa following an International Court of Justice ruling that found it plausible that Israel committed acts of genocide against Gaza. (February 7, 2024) For further details, click [here](#)**

- The US House of Representatives rejected a \$17.6 billion support bill for Israel, citing its narrow focus solely on Israel and neglect of other pressing domestic and foreign policy concerns, notably the situation in Ukraine. Although the bill received support from 250 representatives, it encountered opposition from 180 members, failing to secure the required two-thirds majority approval. (February 7, 2024) For further details, click [here](#)
- [The Organization of Islamic Cooperation](#), [the Arab Parliament](#), and [League of Arab States](#) have collectively condemned the announcement by the President of Argentina regarding his plan to move his country's embassy to the occupied city of Jerusalem. They affirm that this step constitutes a blatant violation of international law and relevant UN resolutions. (February 7, 2024)
- The Deputy Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, voiced concern about the ongoing conflict in Rafah, warning of potential additional casualties and the detrimental impact on an already constrained humanitarian operation due to insecurity, infrastructure damage, and access limitations. He straightforwardly stated, "To put it simply: This war must stop." (February 7, 2024) For further details, click [here](#)
- While outlining his priorities for 2024, UN Secretary-General António Guterres cautioned against a possible Israeli military incursion into Rafah in southern Gaza. He emphasized that such a move would exacerbate the existing humanitarian crisis with severe regional repercussions, describing the situation in Gaza as a troubling moral burden affecting the entire region. Guterres condemned collective punishment of the Palestinian people, urging donor countries to resume funding for UNRWA and fulfil their obligations toward the Palestinian people. (February 7, 2024) For further details, click [here](#)
- In a press conference at the UN headquarters, the UN Special Coordinator for the Middle East Peace Process reiterated his call for a ceasefire in Gaza, warning of the repercussions of any active military action in Rafah, which would constitute a complete catastrophe. (February 7, 2024) For further details, click [here](#)

- The UN High Commissioner for Human Rights, Volker Türk, condemned the reported actions of the Israeli Defence Forces (IDF), alleging the destruction of all buildings within a one-kilometer radius of the Israel-Gaza fence to create a 'buffer zone.' Türk asserted that such actions violate the Fourth Geneva Convention, constituting a grave breach and war crime. He highlighted that the extensive, unjustified destruction “appears to be aimed at or has the effect of rendering the return of civilians to these areas impossible.” (February 8, 2024) For further details, click [here](#)
- The ICJ announced that Nicaragua has formally sought to join South Africa in its legal action against Israel, alleging genocide in the Gaza Strip. Nicaragua, asserting its legal interest based on obligations under the Genocide Convention, requested permission to intervene as a party in the case. The court called on South Africa and Israel to provide written observations regarding Nicaragua's request. (February 8, 2024) For further details, click [here](#)
- The UN Committee on the Rights of the Child urged an immediate halt to hostilities in Gaza, immediate humanitarian aid provision, and the swift release of hostages, particularly children and their caregivers. The committee also stressed the need for extensive psycho-social support to alleviate the lasting impacts of the war on children and families, and called on Israel to adhere to the ICJ ruling. (February 8, 2024) For further details, click [here](#)
- In the context of US aid to Israel, President Joe Biden issued a memorandum instructing the State Department to establish procedures for protecting and ensuring accountability in the transfer of defense articles and military services by the United States to foreign governments. The memorandum underscores the importance of adherence to international humanitarian law, human rights, and the law of war. It also mandates obtaining reliable written assurances from foreign governments regarding the lawful use of defense articles and military services. If such assurances are not received within 45 days, the transfer will be halted until assurances are obtained. (February 8, 2024) For further details, click [here](#)

- Following a consultative meeting convened by Saudi Arabia, attended by officials from Qatar, the United Arab Emirates, Jordan, Egypt, and the Palestine Liberation Organization, the participants affirmed the need to achieve an immediate ceasefire, lift restrictions on the entry of humanitarian aid to Gaza, support UNRWA, and underscored the importance of a two-state solution and recognition of the State of Palestine along the lines of June 4, 1967, with its capital in East Jerusalem. They emphasized that the Gaza Strip is an integral part of the occupied Palestinian territory and expressed their unequivocal rejection of all forced displacement operations. (February 9, 2024) For further details, click [here](#)
- South African Foreign Minister Naledi Pandor has accused Israeli intelligence of trying to intimidate her and her family after the International Court of Justice recently ruled that it was “plausible” that Israel’s actions could amount to acts of genocide. (February 9, 2024) For further details, click [here](#) \ [here](#)
- Canadian Foreign Minister Mèlanie Joly expressed Canada's concern over reports of an Israeli military operation in Rafah, expressing fear of its devastating repercussions on the lives of Palestinians and foreigners, including people seeking refuge and making the vital delivery of humanitarian aid dangerous. (February 9, 2024) For further details, click [here](#)
- The UN Secretary-General, António Guterres, [reiterated](#) his condemnation of the “horrific” actions carried out by Hamas and the violations of international humanitarian law in Gaza. He renewed his call for an immediate humanitarian ceasefire, in addition to the immediate and unconditional release of all hostages. Guterres [expressed](#) his concern over reports that the Israeli military intends to focus next on Rafah are alarming, stressing that such action would exponentially increase what is already a humanitarian nightmare with untold regional consequences. (February 9, 2024)

- The UN Special Adviser on the Prevention of Genocide, Alice Wairimu Nderitu, emphasized the humanitarian necessity of a ceasefire in the Gaza Strip and called on Israel to take all the measures ordered by the ICJ and implement them immediately. She also stressed that “political leaders have a special responsibility to refrain from using such hateful narratives and implement all possible measures to defuse ongoing tensions.”(February 9, 2024) For further details, click [here](#)
- UN experts cautioned that Israel's apparent extrajudicial killings of three Palestinian men at Ibn Sina hospital in Jenin, occupied West Bank, may constitute serious violations of international human rights and humanitarian law. They affirmed that "the Israeli forces also prima facie committed the war crime of perfidy, which is prohibited in all circumstances." Urging reparations for victims, they called on the ICC Prosecutor to conduct a swift investigation into the killings. (February 9, 2024) For further details, click [here](#)
- The International Court of Justice (ICJ) announced that it will hold public hearings on the request for an advisory opinion in respect of the Legal Consequences arising from the policies and practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, from Monday 19 to Monday 26 February 2024. (February 9, 2024) For further details, click [here](#)
- The Executive Director of UNICEF, Catherine Russell, issued a statement calling on all parties to refrain from military escalation in Rafah Governorate in Gaza. Russell pointed out that this escalation threatens the lives of displaced persons. She added, "We need Gaza's last remaining hospitals, shelters, markets, and water systems to stay functional." She emphasized the importance of adherence to international law to protect civilians and facilitate unimpeded humanitarian access. (February 9, 2024) For further details, click [here](#)
- During the visit of UNRWA Commissioner-General Philippe Lazzarini to the United Arab Emirates, Qatar, Kuwait and Saudi Arabia, officials stressed their support for UNRWA and the importance of continuing the humanitarian services provided to Palestine Refugees. (February 10, 2024) For further details, click [here](#)

Publications of human rights NGOs

- **Amnesty International published a report titled: “Shocking spike in use of unlawful lethal force by Israeli forces against Palestinians in the occupied West Bank.”** (February 5, 2024) For further details, click [here](#)
- **The Palestinian Centre for Human Rights (PCHR), Al Mezan, and Al-Haq are raising concerns about the potential intensification of ground attacks by the Israeli military in Rafah. They warn that such escalation would worsen the genocidal acts against the Palestinian population in Gaza, violating the ICJ's provisional measures order. The organizations caution Israel's allies, highlighting the risk of complicity in the crime of genocide.** (February 5, 2024) For further details, click [here](#)
- **Amnesty International said Jordanian authorities must end a sweeping crackdown that has seen hundreds of people arrested by security and intelligence forces since October 2023 for expressing support for the rights of Palestinians in Gaza or criticising government policies towards Israel.** (February 5, 2024) For further details, click [here](#)
- **ActionAid International Organization said that, “There are currently 10,000 people who need cancer therapy in Gaza but with the healthcare system on the brink of collapse and medical supplies running desperately low after four months of bombardment, it is near impossible for them to access the medicines and treatment they need.”** (February 6, 2023) For further details, click [here](#)
- **Badil Center highlighted how humanitarian aid in the Gaza Strip has been weaponized by colonial state, by imposing collective punishments, suspending UNRWA funding, and linking the entry of aid to the release of Israeli prisoners.** (February 6, 2024) For further details, click [here/here](#)
- **Ireland's GOAL has expressed its deep concern at the decision taken by sixteen donor countries last week to suspend \$440 million in funding to UNRWA. The organization's operations director, Colin Lee, said that “Everyone in Gaza needs immediate, sustained assistance and protection”.** (February 7, 2024) For further details, click [here](#)

- B'Tselem, HaMoked, and Yesh Din are urging all parties to achieve an immediate ceasefire. They specifically call on Israel to permit unrestricted entry and delivery of humanitarian aid and goods into and throughout Gaza, in compliance with the directives issued by the ICJ. The organisations said that, “ Hamas must unconditionally release all people taken hostage on October 7 and the international community must ensure that all those responsible for grave violations of international humanitarian and human rights law be held accountable.” (February 7, 2024) For further details, click [here](#)
- Palestinian human rights organizations, including Al-Haq, have written a letter to the UN Secretary-General expressing deep disappointment and calling for an inquiry into the failure of the Special Adviser on the Prevention of Genocide, Ms. Alice Wairimu Nderitu, to fulfill her mandate in addressing the ongoing atrocities perpetrated by Israel against Palestinians in Gaza. (February 7, 2024) For further details, click [here](#)
- A coalition of human rights organizations has denounced Israeli gas exploration licenses in Palestinian marine areas, particularly off the coast of Gaza, labeling them as illegal. On February 5, Adalah sent a letter to the Israeli Minister of Energy and Israel’s Attorney General, demanding the cancellation of gas exploration licenses granted in zone “G,” the cancellation of tenders violating international law, and the immediate cessation of any activity involving the exploitation of gas resources in the maritime borders of Palestine. On February 6, Al Mezan Center, Al-Haq Foundation, and the Palestinian Center for Human Rights sent notices to the involved companies, urging them to halt any activities in zone (G), located within the maritime areas of the State of Palestine. The organizations declared their readiness to utilize all available legal mechanisms unless companies refrain from activities violating international law. (February 8, 2024) For further details, click [here](#)
- 164 organisations, including Law for Palestine and Al-Haq, called on countries supplying weapons to Israel to fulfil their legal obligations and take immediate action to prevent Israel from committing further international crimes and other serious violations of international law. The organisations stressed the importance of imposing an arms embargo on Israel in both directions, calling on

countries to stop providing military materials and services to Israel. It also called on countries importing weapons from Israel to immediately stop these imports. (February 8, 2024) For further details, click [here](#)

Page | 13

Opinion Pieces and features

- **Al-Shabaka- the Palestinian Network-** published an article by the researcher Jamal Nabulsi entitled: “The Continuation of Zionist Settler Colonialism”. (February 5, 2024) For further details, click [here](#)
- **Opinio Juris** published an article by Jinan Bastaki entitled: “The ICJ’s Provisional Orders Measures and the Responsibility of Third States”. (February 5, 2024) For further details, click [here](#)
- **DAWN** published an article by former UN Special Rapporteur on Human Rights in the Occupied Palestinian Territory, Michael Lynk, entitled: “Measured Yet Damning: The ICJ’s Genocide Ruling on Israel”. (February 7, 2024) For further details, click [here](#)
- **ABC** published an article by Victor Kattan entitled: “After the end of the Gaza conflict, recognition of a Palestinian state best serves the cause of peace”. (February 8, 2024) For further details, click [here](#)
- **Verfassungsblog** published an article by Omar Shehabi entitled: “UNRWA as Sui Generis: UNRWA’s Palestinian Staff as Sui Generis International Civil Servants”. (February 9, 2024) For further details, click [here](#)
- **DAWN** published an analytical article by Frederick Deknatel entitled: “The Global Impact of the ICJ Ruling on Israel: A Democracy in Exile Roundtable”. (February 9, 2024) For further details, click [here](#)
- **Al Jazeera** published an opinion article by Professor Sultan Barakat entitled: “The way forward for Palestine: A call for international protection”. (February 9, 2024) For further details, click [here](#)
- **Foreign Policy** published an article by Annie Sparrow and Kenneth Roth titled: “Destroying Gaza’s Health Care System Is a War Crime.” (February 9, 2024) For further details, click [here](#)
- **NPR** published an article by Becky Sullivan entitled: “What is 'domicide,' and why has war in Gaza brought new attention to the term?”. (February 9, 2024) For further details, click [here](#)

- "Democracy Now!" published an interview with former peace negotiator Daniel Levy entitled: "Only U.S. Pressure on Israel Can End Gaza Assault, Lead to Truce." In this interview, Levy asserts that a successful ceasefire and broader regional stability depend on US actions. (February 7, 2024) For further details, click [here](#)

Human rights conferences and events

- Eye Witness Palestine and The Women's Center for Legal Aid and Counselling (WCLAC) organised a joint webinar titled: "Palestinian Women Voices under Occupation". This virtual event aimed to provide a platform for the discussion and the illumination of the challenges faced by Palestinian women living under occupation. (February 4, 2024) For further details, click [here](#)

Upcoming human rights opportunities and events

- The Institute for Palestine Studies, in collaboration with the Arab Center for Research and Policy Studies, has announced plans to conduct the Annual Forum for Palestine 2024 (second session) from February 10 to 12 in Doha. Simultaneously, the forum will be accessible online, featuring approximately 70 academic research papers and public seminars. For further details, click [here](#)
- The Carnegie Endowment for International Peace announced its intention to hold a virtual event entitled: "U.S. Policy and the Israel-Hamas War: A Conversation with Ambassador David Satterfield." Aaron David Miller of the Carnegie Endowment, and Ambassador David Satterfield, the State Department's special envoy for humanitarian issues in the Middle East, will discuss several issues, including the future of the Palestinians in Gaza, the US administration's post-war vision, and the possibilities of turning this crisis into a better path to a two-state solution and closer relations between Israel and the Arab world. The event will be held on Friday, February 16, at 10 am. For further details, click [here](#)