

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.228 | 12 - 18 May 2024

Issued every Sunday

By Law for Palestine

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

Translation: Asma Louzon 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 Palestinian Ministry of Foreign Affairs and Expatriates (MOFAE) [condemned](#) Israel's policy of arbitrary mass arrests and detention, particularly in Gaza, labeling it as additional war crimes and crimes against humanity added to Israel's record of persecution and repression against the Palestinian people. The Ministry called for strengthening mechanisms in order to hold Israel accountable for its violations and crimes against detainees. It further demanded the immediate disclosure of hidden detention camps and the names and conditions of detainees from Gaza. The Ministry sent identical letters to United Nations (UN) Special Rapporteurs and relevant international bodies regarding crimes against Palestinian prisoners and detainees. (May 15, 2024)**
- **The Palestinian Ambassador to Finland and the Baltic States, Tayseer al-Ajouri, [submitted](#) an official protest to the Finnish Ministry of Foreign Affairs regarding Finland's recent abstention at**

SUBSCRIBE NOW TO RECEIVE
OUR WEEKLY REPORTS

SUBSCRIBE

CHECK OUT THE PREVIOUS
WEEKLY REPORTS

MORE

the UN General Assembly's vote on Palestine's application for full membership. Al-Ajouri added that the Republic of Finland's choice to abstain is contradictory to its positions on the right to self-determination for the Palestinian people and the two-state solution. He called on the Finnish side to take a practical step to recognize the State of Palestine. (May 16, 2024)

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

- The Israeli Defense Minister, Yoav Gallant, [ordered](#) the Chief of Staff of the Israeli Army, Hertzvi Halevi, to block Al Jazeera's channel in the West Bank after it was blocked in Israel. The Israeli Army spokesperson unit confirmed that "the Israeli Army is working to implement the Defense Minister's order." (May 15, 2024)
- [The Israeli Finance Minister](#) stated that he does not agree with resuming trade with Gaza, even at the private sector level. He said that he had sent a message to the Israeli Prime Minister and the Security Cabinet, demanding clarification on goods that were set to be allowed into the Gaza Strip, in contradiction to the decision of the Israeli Cabinet. He wanted to know the source and destination of these goods. He stated, "we must defeat Hamas, and renewing trade with Gaza is not the way to do that." (May 16, 2024)
- At oral hearings before the International Court of Justice (ICJ) regarding South Africa's request for additional provisional measures to halt the military operation in Rafah, [Israel's lawyers](#) have stated that the country has the right to move ahead with a full-scale offensive on Rafah in southern Gaza to defend itself against the Palestinian group Hamas. "The fact remains that the city of Rafah also serves as a military stronghold for Hamas, which continues to pose a significant threat to the State of Israel and its citizens," Gilad Noam, Israel's deputy attorney general for international law, told the ICJ in The Hague on Friday. (May 17, 2024)
- Israeli Defense Minister Yoav Gallant [told](#) Prime Minister Benjamin Netanyahu that he must take "tough decisions" to advance non-Hamas governance of Gaza, whatever the personal or political cost, because the gains of the war are being eroded and Israel's long-term security is at stake. Gallant warned in his address that he will not consent to Israeli civil or military governance of Gaza, and that governance by non-Hamas Palestinian entities, accompanied by international actors, is in Israel's interest. (May 17, 2024)

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

- The Turkish President [condemned](#) the crimes committed by Israel against Palestinians, describing them as “inexcusable crimes.” The Turkish Foreign Ministry affirmed the continuation of their country's efforts to stop the massacres committed by Israel and to take decisive measures to isolate Israel internationally. It stated that the Israeli government's genocidal policies threaten both Palestinians and Israelis alike. (May 12, 2024)
- Egypt [announced](#) its intention to support the case South Africa has filed against Israel at the ICJ. In a statement, the Egyptian Foreign Ministry explained that the decision to intervene in the case comes in light of the escalating intensity and scope of Israeli attacks against Palestinian civilians in the Gaza Strip. (May 12, 2024)
- UNRWA Commissioner-General Philippe Lazzarini [stated](#) that Israel's claims of safe zones in Gaza are “false and misleading,” asserting that there is no safe place in Gaza. He added, “The Israeli authorities continue to issue forced displacement orders also known as “evacuation orders”. This is forcing people in Rafah to flee anywhere and everywhere.” (May 12, 2024)
- UN Secretary-General Antonio Guterres [warned](#) that Gaza faced an “epic humanitarian disaster” if a full-scale offensive was launched in Gaza. He further added, “a ceasefire will only be the start. It will be a long road back from the devastation and trauma of this war.” (May 12, 2024)
- The UN High Commissioner for Human Rights, Volker Turk, stated that he is deeply [distressed](#) by the fast-deteriorating conditions in Gaza as Israeli forces intensify airstrikes on Jabaliya and Beit Lahiya in northern Gaza and in parts of Central Gaza. He also emphasized that hundreds of thousands of Palestinians are fleeing Rafah after the Israeli Defence Forces ordered further evacuations from the southern city. He further stated that he is concerned about reports of indiscriminate rocket fire from Gaza. Turk emphasized, “I reiterate. A full-scale offensive on Rafah cannot take place. All States with influence must do everything in their power to prevent it - to protect civilian lives.” (May 12, 2024)
- The World Food Program (WFP) [warned](#) that Palestinian families in Gaza will be forced to flee again in search of shelter, food, and water. WFP stressed the necessity of a ceasefire in Gaza and that access to life-saving humanitarian aid must continue, considering the comprehensive attack on the city of Rafah “catastrophic.” (May 12, 2024)

- Chinese Foreign Ministry spokesperson Wang Wenbin [stated](#) independent statehood has been a long-cherished aspiration of the Palestinian people and full membership in the UN is a crucial step in this historic process. He said that China supports the Security Council's early reconsideration of the application of the State of Palestine as recommended by the General Assembly resolution. He said, "We urge relevant countries to stop standing on the opposite side of the international community, international justice, and conscience of humanity, and stop creating hurdles for Palestine to join the UN." (May 13, 2024)
- The UN Secretary-General António Guterres [condemned](#) all attacks on UN personnel and called for a full investigation following the the killing of a UN safety and security staff member and the injury of another while they were heading to the European Hospital in Rafah, southern Gaza. He added that, "the conflict in Gaza continues to take a heavy toll - not only on civilians, but also on humanitarian workers." while reiterating his call for an immediate humanitarian ceasefire. (May 13, 2024)
- The Jordanian MOFAE [condemned](#) the attack on a UN vehicle in Rafah, southern Gaza, which resulted in the death of one UN staff member and the injury of a Jordanian employee. The Ministry's spokesperson, Sufyan Qudah, called for the protection of UN and aid workers who have a humanitarian role in Gaza. (May 13, 2024)
- Irish President Michael D. Higgins [stated](#), "All those who support human rights, humanitarian relief, the United Nations and its Charter must be appalled at the attacks which are being witnessed on aid convoys providing vital humanitarian aid to the people of Gaza". (May 14, 2024).
- In a statement about the anti-war demonstrations, UN independent experts [said](#): "Peaceful protests against the current war on Gaza are a prime example of how young people have come together in international solidarity to protest against the flagrant disregard for human rights and to call for peace." The experts emphasized that the repression of peaceful international solidarity demonstrations is against human rights. (May 14, 2024)
- Norwegian Foreign Minister Espen Barth Eide [stated](#) that, "Gaza is a man-made disaster. Words cannot describe the suffering of the 2.3 million people of Gaza, who have endured extremely difficult circumstances during the past seven months." He emphasized the need to respect the orders of the ICJ, which stipulate that Israel must take immediate and effective steps to facilitate the delivery of humanitarian aid and basic services to the population. (May 14, 2024)

- The Jordanian MOFAE [condemned](#) the incursion of extremists into the Al-Aqsa Mosque and the raising of the Israeli flag within its courtyards, under the protection of Israeli occupation police. The Ministry denounced the obstruction of worshippers' access to the mosque, stating that it represents a blatant, unacceptable violation of international law and the historical and legal status quo in Jerusalem and its holy sites. (May 14, 2024)
- UNRWA spokesperson Louise Wateridge [stated](#) that, "Families have moved as far west as possible, now reaching the shore & along the beach. Today they were awoken by navy shelling." She added, "Inland in Rafah is now a ghost town. It's hard to believe there were over 1 million people sheltering here just a week ago." (May 14, 2024)
- UN Secretary-General António Guterres stated that he is [appalled](#) by the escalation of Israeli military activity in and around Rafah in southern Gaza. "These developments are further impeding humanitarian access and worsening an already dire situation," he said. Stressing that civilians must be respected and protected at all times, Guterres noted that "for people in Gaza, nowhere is safe now." (May 14, 2024)
- The High Representative of the European Union (EU) for Foreign Affairs and Security Policy, Josep Borrell, [expressed](#) anger over "the repeated & still unchecked attacks perpetrated by Israeli extremists on aid convoys on their way to Gaza, including from Jordan." He emphasized that, "Israeli authorities must stop these operations & hold those responsible accountable." (May 14, 2024)
- In a [statement](#) by UNICEF Regional Director for the Middle East and North Africa, Adele Khodr, on intensifying hostilities in Rafah and North Gaza: "The escalation of hostilities in Rafah and throughout the Gaza Strip has deepened the suffering of hundreds of thousands of children, who have endured an unrelenting nightmare for the past 218 days. Civilians - already exhausted, malnourished, and facing numerous traumatic events - are now facing increased death, injury, and displacement among the ruins of their communities. The very humanitarian operations that became the only lifeline for the whole population across the Strip are threatened." (May 14, 2024)
- The EU has [called](#) on Israel to immediately end its military operation in Rafah, stating that the continuation of the military operation will put a heavy strain on the EU's relationship with Israel. The EU expressed concern about the disruption of humanitarian aid distribution in Gaza, the increase in internal displacement, and the exposure to famine and humanitarian suffering, urging

Israel to refrain from exacerbating the already dire humanitarian situation in Gaza and to reopen the Rafah crossing. (May 15, 2024)

Page | 6

- **On the 76th anniversary of the Nakba, the Government of Mexico [expresses](#) its solidarity with the people of Palestine and reiterates its call for an immediate ceasefire in the Gaza Strip, the full restoration of humanitarian aid flows to alleviate the suffering of the innocent civilian population, and progress towards the establishment of two States. Mexico shares the desire to promote a global dialogue on the Palestinian question and its recognition as a UN Member State, an essential step on the path towards a two-state solution. (May 15, 2024)**
- **[The final communiqué](#) from the Arab League called for the deployment of “international forces in the occupied Palestinian territories” until the two-state solution is implemented. It also urged “all Palestinian factions to come together under the auspices of the Palestine Liberation Organization.” The statement condemned “Israel’s obstruction of ceasefire efforts in Gaza” and “its intensification of military aggression through the expansion of its assault on the Palestinian city of Rafah.” Furthermore, it categorically rejected any “attempts to forcibly displace the Palestinian people.” (May 16, 2024)**
- **[The United Nations agency for Palestinian refugees \(UNRWA\)](#) highlighted that even 76 years after the Nakba, Palestinians continue to be forcibly displaced. So far, 600,000 Palestinians have fled from Rafah as Israel intensifies its military operations. Approximately 1.7 million people have been forced to flee their homes and shelters due to the war in Gaza, many of them multiple times. (May 15, 2024)**
- **The Canadian Ministry of Foreign Affairs [announced](#) that Canada is imposing new sanctions under the Special Economic Measures Act on four extremist Israeli settlers. Canada further expressed its concern about extremist settler violence and will examine additional measures in response to the grave breach of international peace and security posed by their violent and destabilizing actions against Palestinian civilians and their property in the West Bank. (May 16, 2024)**
- **[In his address](#) to the Arab League, Antonio Guterres said, “The war in Gaza is an open wound that threatens to infect the entire region. In its speed and scale, it is the deadliest conflict in my time as Secretary-General – for civilians, aid workers, journalists, and our own UN colleagues. Any assault on Rafah is unacceptable. It would inflict another surge of pain and misery when we need**

a surge in life-saving aid. It is time for an immediate humanitarian ceasefire and unimpeded access for humanitarian assistance throughout Gaza.” (May 16, 2024)

Page | 7

- The WFP [stated](#) that “Food and fuel stocks will run out in a matter of days.” The WFP further warned that, “Since May 6, we have not been able to access and receive aid from the Kerem Shalom crossing. The situation is becoming unsustainable.” (May 16, 2024)
- OCHA [reports](#) that crossings into southern Gaza have been closed, unsafe to access, or logistically unfeasible for days now. Without regular fuel imports, distribution of aid has become almost impossible. Telecommunications are unstable and the fighting is ongoing. The impact is devastating for the over 2 million people living in Gaza. Without a consistent fuel supply, everything stops - trucks, hospitals, generators powering hospitals, and critical water and sanitation systems like desalination and sewage pumping. Additionally, OCHA said that the situation in the West Bank, including East Jerusalem, remains deeply concerning. There is ongoing violence by Israeli forces and settlers, destruction of civilian property, and further displacement of people. (May 16-17, 2024)
- The ICJ held oral [hearings](#) on May 16 and 17, 2024 in response to the request filed by South Africa earlier this month to have the Court impose additional provisional measures and amend the measures it had previously outlined in the case brought by South Africa against Israel. Speaking before the ICJ, [South Africa's ambassador](#) to the Netherlands, Vusi Madonsela, argued that Israel harbors a misguided belief that it is exempt from having to respect international law, owing to the lack of meaningful action taken by the global community to address its conduct in Gaza. He went on to say that, “this institutional impunity has emboldened Israel to engage in what amounts to genocide, shocking the conscience of humanity.” (May 16-17, 2024)
- The French Foreign Ministry [condemned](#) a statement made by Israeli National Security Minister Itamar Ben-Gvir regarding the situation in Gaza. It asserted that Ben-Gvir remarks serve to exacerbate tensions and pose a major obstacle to achieving peace. (May 17, 2024)
- The Swedish Ministry of Foreign Affairs [announced](#) a new humanitarian aid package amounting to SEK 120 million. The support will be distributed to the United Nations Children’s Fund (UNICEF), the United Nations Population Fund (UNFPA) and the WFP, with a focus on addressing hunger and protecting women and children. The Foreign Minister further stressed

Sweden's commitment to confronting the devastating humanitarian situation in Gaza and called for increased humanitarian access and the immediate release of the hostages. (May 17, 2024)

Page | 8

Publications of human rights NGOs:

- Addameer [calls](#) on the Prosecutor of the International Criminal Court (ICC) to conduct a special investigation into the crimes against prisoners and to take necessary measures to hold all those responsible for these crimes accountable. Furthermore, it urges all relevant international bodies within the framework of UN procedures to monitor, document, and follow up on these crimes to ensure justice through accountability. (May 12, 2024)
- Badil Resource Center for Palestinian Residency and Refugee Rights issued a [statement](#), signed by 123 civil society organizations, on the occasion of the Palestinian Nakba anniversary. The statement condemned the complicity of colonial states in supporting Israel, and affirmed that the only solution to end the ongoing Nakba is to adopt a comprehensive rights-based approach to end colonialism, while ensuring the inalienable rights of the Palestinian people, including the right to self-determination and the right of return. The statement emphasized the importance of Palestinian resistance and global solidarity to end Israel's genocidal war in the Gaza Strip, as well as the need to impose sanctions on the system of colonialism and apartheid, and to hold accountable the complicit states. (May 13, 2024)
- The Director of the Accountability Program at Defence for Children International Palestine [said](#) that the Israeli forces used three Palestinian boys as human shields in the northern occupied West Bank last week, which is considered a war crime under international law. (May 13, 2024)
- J Street [criticized](#) the U.S. National Security Memorandum 20 (NSM-20) report for failing to address Israel's non-compliance with American and international laws. While the report acknowledged serious concerns about Israel's use of U.S. weapons and human rights abuses, it neglected to take concrete steps to address these issues. J Street urged the U.S. administration to revisit its conclusions in the weeks ahead and to take action as necessary to enforce the letter and the spirit of US laws governing the provision of our foreign assistance. (May 13, 2024)

- **Americans for Peace Now [disagrees](#) with the Biden administration's May 10 report to Congress on Israel's compliance with international and American law in its conduct of the Gaza war. Although the Administration admits that Israel's use of U.S.-provided weapons in Gaza likely violated international humanitarian law, it hedged its recommendations with the less-than-credible observation that wartime conditions prevented U.S. officials from determining specific instances. (May 14, 2024)**
- **Israeli forces have carried out at least eight strikes on aid worker convoys and premises in Gaza since October 2023, even though aid groups had provided their coordinates to the Israeli authorities to ensure their protection, Human Rights Watch [said](#). Israeli authorities did not issue advance warnings to any of the aid organizations before the strikes, which killed or injured at least 31 aid workers and those with them. More than 250 aid workers have been killed in Gaza since the October 7 assault in Israel, according to the UN. (May 14, 2024)**
- **On the anniversary of the Palestinian Nakba, Amnesty International [stated](#) that the current forced displacement of almost 2 million Palestinians and mass destruction of civilian property and infrastructure in the occupied Gaza puts a spotlight on Israel's appalling record of displacing Palestinians and its ongoing refusal to respect their right to return for the past 76 years. The day commemorates the displacement of more than 800,000 Palestinians following the creation of the state of Israel in 1948. Amnesty International called for an immediate, enduring ceasefire by all parties in Gaza, and called on the international community to enable the meaningful exercise of their right of return. (May 14, 2024)**
- **The International Humanitarian Law (IHL) Center - Diakonia [published](#) a statement on Nakba Remembrance, calling for an end to longstanding and systematic violations of international law that Israel has been perpetrating in the occupied Palestinian territory, which have severely escalated in recent months amidst the war in Gaza as well as increasing violence in the West Bank, and for the protection of the Palestinian population. (May 15, 2024)**
- **Amnesty International, in a [statement](#) signed by several other organizations, outlined the failure of world leaders to act as the Israeli invasion of Rafah worsened the humanitarian catastrophe and disrupted the humanitarian response, in breach of the UN Security Council resolutions 2720 and 2728 as well as the ICJ's provisional measures. The organizations stated**

that third states have the responsibility to urgently intervene and ensure accountability for the grave breaches of international humanitarian law (IHL) occurring in Gaza. (May 15, 2024)

- FIFA [said](#) it was seeking legal advice on the Palestinian proposal to suspend Israel from international football because of the conflict in war-torn Gaza, to “ensure the statutes of FIFA are applied in the right way.” The results and the recommendations will be forwarded to the FIFA Council. (May 17, 2024)
- Sada Social [calls](#) for an urgent investigation into [reports](#) that Meta leaked WhatsApp user data to the Israeli military. The AI platform “Lavender” is [allegedly](#) used to predict and target individuals in Gaza for airstrikes, specifically when they are at home with their families. (May 18, 2024)

Opinion Pieces and features:

- The NewArab [published](#) an analytical essay by the CEO of Gulf State Analytics, [Giorgio Cafiero](#), entitled: “How Israel is defying Biden's 'red line' on Rafah.” (May 13, 2024)
- The Eurozine website [published](#) an article by Widad Tamimi, entitled: “Palestine and the subversion of international law.” (May 15, 2024)
- EJIL:Talk! [published](#) an article by researcher Nasim Zargarinejad, entitled: “Request for “Clarification” or “Modification” of the Provisional Measures Orders: Different Paths, Same Destination?” (May 16, 2024)
- EJIL:Talk! [published](#) an article by researcher Tsvetelina van Benthem, entitled: “Targeting mistakes and other unintended engagements in armed conflict: The explosion at Al-Ahli Hospital in Gaza.” (May 17, 2024)

Research and academic studies (in Arabic and English):

- Taylor & Francis Online has recently [published](#) a study in the Journal of Genocide Research by Maryam Jamshidi, titled “Genocide and Resistance in Palestine under Law's Shadow.” This study delves into the complex intersections of genocide, war, and international law, offering a critical analysis of the current situation in Palestine. (May 6, 2024)

Legal Achievements/Impacts for Palestins:

- **Johns Hopkins University and student protesters reached an [agreement](#) on the dismantling and conclusion of the protest-related encampment. Student protesters agree to remove encampment and university promises a timely review of divestment question and to conclude encampment-related student conduct proceedings. (May 12, 2024)**
- **The Design Academy Eindhoven (DAE) [stated](#) its intention to temporarily freeze collaboration with two Israeli design schools starting at the end of August. The academy made this decision in response to the war in Gaza and protests against it. The management of the DAE announced that it would announce at a later time whether the cooperation would be permanently halted. (May 14, 2024)**
- **Students at Harvard University [announced](#) that the Gaza solidarity encampment peacefully ended after university administrators agreed to meet with protesters about their demands regarding divestment from Israel. Some of the demands are disclosure of financial ties to Israel, divestment from those ties, and the creation of a Center for Palestine Studies. The statement indicated that the university administration approved the return of suspended students and discussed the withdrawal of investments in Israel. (May 14, 2024)**
- **The University of Granada in Spain [has voted](#) unanimously to sever all ties with Israeli academic institutions. This includes suspending student, faculty, researcher, and staff exchanges, terminating bilateral agreements like Erasmus, and halting teaching collaborations and summer courses with Bar-Ilan University and Tel Aviv University. The university has also decided against signing new agreements or participating in international academic projects with Israeli universities. Additionally, it plans to enhance its relations with Palestinian universities and collaborate with NGOs to support and host Palestinian students, researchers, and professors. (May 17, 2024)**

Upcoming human rights opportunities and events:

- **The UN Special Rapporteur on the right to food [announced](#) a call for inputs on human rights and hunger, with a focus on the Palestinian People's food sovereignty as an exemplary case highlighting the relationship between human rights and the prevention of starvation. This will be part of the report to the UN General Assembly at the Autumn 2024 session. The Special**

Rapporteur noted that mass starvation is being used as a weapon of war, which has unleashed violence at a genocidal scale. The Special Rapporteur invited civil society organizations to contribute insights on early warning mechanisms to prevent hunger, necessary changes in international institutions to avoid failures, and lessons learned from previous cases of hunger, such as those in Somalia and South Sudan. (May 14, 2024)

Page | 12

- The UN Special Rapporteur on the occupied Palestinian territory [announced](#) a call for inputs on how Israel's post-October-7 policies and practices have impacted the rights of the Palestinian people in the West Bank, including east Jerusalem (since 7 October 2023), and in Gaza (since 1 March 2024, which marked the end of the last reporting period). This will be part of the report to the UN General Assembly In October 2024 where the Special Rapporteur will continue from where her previous report, titled "[Anatomy of a Genocide](#)", concluded. Contributions are invited from States and other authorities, national human rights institutions, human rights defenders, civil society organizations, human rights organizations, academics, UN agencies and other stakeholders, on the main violations of international law that have occurred in the 1967 occupied Palestinian territory, evident policies or patterns of conduct, alleged perpetrators, policies and/or practices by actors in the broader international community that could rise to the level of international legal liability for complicity, impact (positive, negative, neutral) of international organizations/mechanisms, key considerations, risks and comprehensive reparations in the aftermath of the war, and conditions of the hostages detained in Gaza.