English Summary of the Petition Against Israeli Laws Aimed at Shutting Down UNRWA

The petition, filed by Adalah's legal director Dr. Suhad Bishara on behalf of 10 Palestinian refugees who receive services and aid from UNRWA, Adalah, and Gisha, challenges the constitutionality and legality of two Israeli laws enacted on 28 October 2024. These laws aim to halt all activities of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) in illegally occupied East Jerusalem, the West Bank, and Gaza. The petition seeks an urgent interim injunction to delay the implementation of these laws, which are scheduled to take effect on 30 January 2025, and demands an expedited hearing due to the catastrophic and imminent implications of the laws. The petitioners argue that the laws violate fundamental human rights and Israel's international obligations, leading to severe humanitarian consequences. The petition requests that the Israeli Supreme Court strike down the laws, instruct Israeli authorities to continue coordinating with UNRWA, and declare that these laws will not be enforced, either directly or indirectly, in the West Bank and Gaza Strip. This document summarizes the petition's main points, along with the legal arguments, and includes key sections of the petition translated into English. The petition [in Hebrew] is available here. An unofficial translation of the laws is available here.

Status of Palestinian Refugees and the Agreement between Israel and UNRWA

UNRWA was established by UN General Assembly Resolution 302 (IV) on 8 December 1949 to provide relief and employment programs for Palestinian refugees, based on earlier resolutions which, among other things, recognize the right of return of Palestinian refugees. The agency began operations in May 1950 in the West Bank, Gaza, and East Jerusalem. Following the Israeli occupation of these territories in 1967, an agreement was signed between Israel and UNRWA, committing Israel to support the agency's operations, including ensuring the safety of staff, facilitating the movement of UNRWA vehicles, and maintaining financial and logistical arrangements. In the absence of a solution to the refugee problem and the ongoing Israeli occupation, the General Assembly has repeatedly renewed UNRWA's mandate, most recently extending it until 30 June 2026.

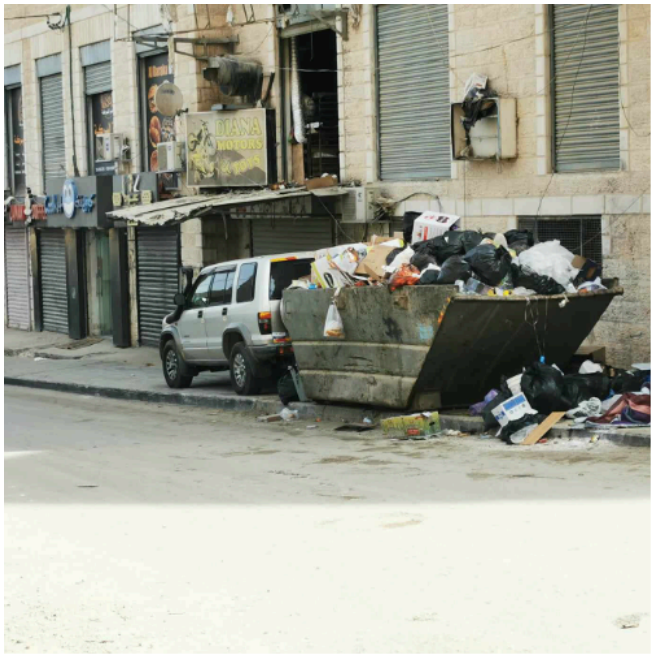
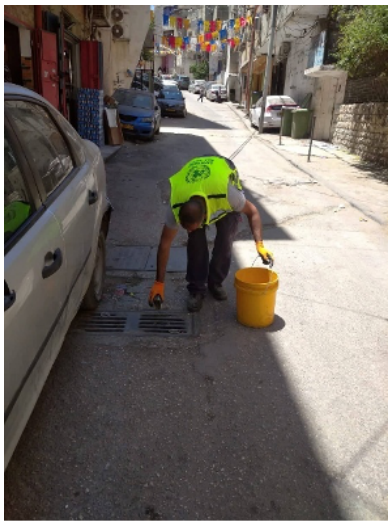
UNRWA's Aid and Relief Operations

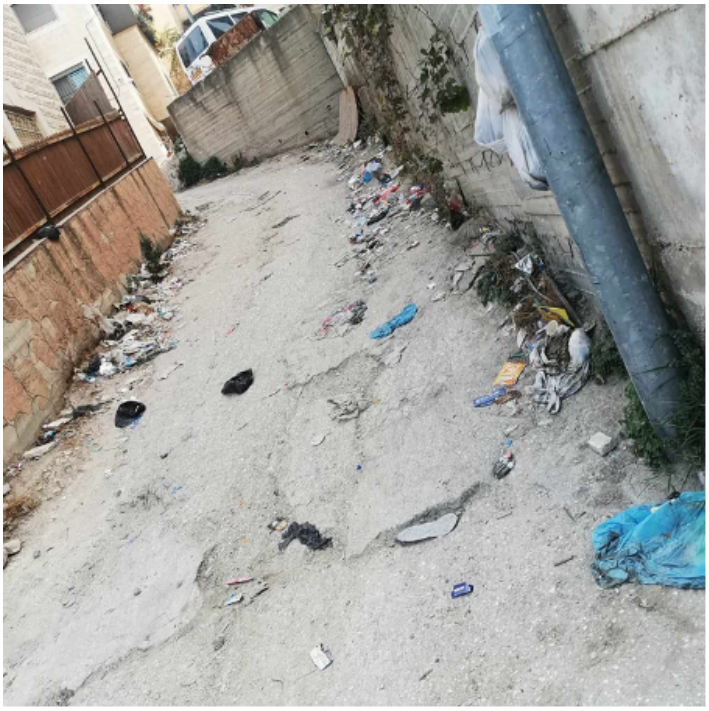
As of late 2023, UNRWA provides support to about 2.5 million Palestinian refugees in the West Bank, Gaza, and East Jerusalem, with approximately 1.6 million registered in Gaza and nearly 913,000 in the West Bank and East Jerusalem.

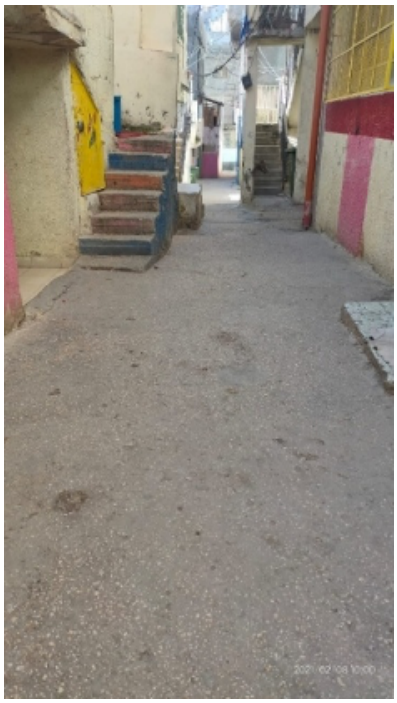
UNRWA provides comprehensive support, including education, healthcare, food aid, social services, infrastructure improvements, microfinance, and emergency response. Its education programs serve over 340,000 students across 380 schools, with free education and provide learning materials. In healthcare, UNRWA operates 65 centers offering healthcare services, free of charge, conducting over 4.2 million visits in 2023 alone. Its accessible health services are crucial for vulnerable groups like women, children, and the elderly, as well as providing preventive care, disease monitoring, and treatment of chronic conditions.

UNRWA's relief and social services programs provide food aid, financial support, and development programs for vulnerable refugees. It also offers community rehabilitation, vocational training, awareness campaigns, and specialized support for orphans and elderly.

The agency also monitors water quality, and provides sanitation services, thereby reducing the risk of epidemics. For example, the following images compare the sanitary conditions in the Shu'fat refugee camp with those in nearby neighborhoods under the jurisdiction and responsibility of the Municipality of Jerusalem.

Sanitary Conditions under the Responsibility of Jerusalem Municipality in nearby neighborhoods	Sanitary Conditions under the Responsibility of UNRWA (Shu'fat Refugee Camp)
	





UNRWA's emergency response seeks to address the devastating impact of emergencies on Palestinian refugees by providing essential, life-saving assistance, including food, water, shelter, and clothing. Following the outbreak of the war on Gaza in October 2023, which has resulted in over 46,000 killed, more than 109,000 injuries, and the displacement of over 1.9 million Palestinians, a catastrophic humanitarian crisis has unfolded. Over 1.1 million people are now experiencing acute food insecurity, with northern Gaza and Gaza City classified as IPC 5 (famine). In response, UNRWA delivers critical humanitarian aid, including food, healthcare, psychosocial support, education, and water, sanitation, and hygiene services. Additionally, the agency has played a pivotal role in implementing the polio vaccination campaign.

The Legislative Process

In January 2023, a bill was introduced in the Knesset in response to the UN General Assembly's decision to extend UNRWA's mandate. The stated goal of the proposal at that time was "to implement the sovereignty of the State of Israel and apply the Basic Law: Jerusalem, Capital of Israel." Identical to the law that passed, it stated that "UNRWA shall not operate any representation, provide any service, or carry out any activity, either directly or indirectly, within the sovereign territory of the State of Israel."

The bill was not advanced at that time, but was reintroduced in February 2024, citing allegations of involvement by some UNRWA staff in the October 7 attacks in Israel.

The Knesset's Foreign Affairs and Defense Committee prepared the bill for its first, second, and third readings with only five deliberations, some of which were held behind closed doors. A review of the public deliberations reveals a lack of substantive and factual foundations underpinning the discussions. The deliberations were marked by heated exchanges and failed to engage with critical data on UNRWA's operations, including the scale of its assistance to Palestinian refugees in East Jerusalem, the West Bank, and Gaza. Furthermore, the committee entirely neglected to consider the significant ramifications of halting or diminishing the agency's operations.

During the committee deliberations, it was clear that the goal was to halt UNRWA's operations in Jerusalem, the West Bank, and Gaza. The Committee Chairman MK Yuli Edelstein clarified:

> "**The purpose of these bills is to stop UNRWA's activities within what was once called the Green Line, in Gaza, Judea and Samaria, and everywhere they operate.** That is the goal. There were debates on various formulations, but only for one purpose – how we achieve the goal in a better, more efficient way." (Emphasis added)

The Stated Reasons Behind the Legislation

Three main reasons were cited in support of advancing the laws.

1. "Preventing the perpetuation of the Palestinian refugee problem"

MK Boaz Bismuth (Likud), one of the initiators of the law, stated that:

> "UNRWA itself, leaving aside the events of October 7 for a moment, is an organization that perpetuates the Palestinian refugee problem and fuels the conflict. We said that there is a before October 7 and an after October 7, and the organization only worsens the situation of Palestinians and maintains the false narrative of Palestinian displacement."

MK Tali Gotliv (Likud) also noted:

> "I want to say the following. It seems to me that there should be no disagreement that Israel must do everything to remove UNRWA altogether – even on the level of global awareness. It is clear that once we remove it, we will only encourage Egypt to absorb refugees, something that it is not obliged to do right now. If UNRWA is removed from the mandate, it will be much easier for us in this regard. I don't need to explain the basics. I want to return to the

UN Refugee Convention, and without UNRWA, it will be Egypt, and the facts are clear."

The committee chair, MK Yuli Edelstein, also noted:

"We are looking for a way to clearly define the relationship between the State of Israel and UNRWA, to stop viewing its activity in the region, also because of the perpetuation of the refugee issue."

This argument blatantly violates applicable international law and Israel's international obligations.

2. "Israeli sovereignty" in Jerusalem

The second reason concerns the **imposition of "Israeli sovereignty" in Jerusalem**. This also contradicts Israel's obligations under international law because annexation through force of another state or self-governing entity is prohibited under international law.

3. UNRWA employees participated in the October 7 attacks

The third reason centers on the claim that **UNRWA employees participated in the October 7 attacks.** Based on such claims, many members of the Knesset involved in the discussions claimed that UNRWA is engaged in acts of terror. The lawmakers entirely disregarded the decisive response by the agency and the UN to Israel's allegations. Among other measures, several employees were dismissed, and an investigation was conducted by the UN's highest investigative body, the Office of Internal Oversight Services (OIOS). Further details about the independent reviews and investigations can be found at the following link: UNRWA Claims vs. Facts - February 2024. It is important to note that many of the accusations, which were vague and unsubstantiated, targeted specific employees in an attempt to discredit the entire organization as supporting terrorism—a clear political motive.

The Implications of the Laws on the Palestinian Refugee Population

The laws have devastating consequences for Palestinian refugees in East Jerusalem, the West Bank, and Gaza. The non-contact clause, in particular, could lead to the complete paralysis of UNRWA's operations in these regions. The agency's operations depend on extensive coordination and approvals from Israeli authorities, including entry permits and work visas for international staff, permits for the agency's fleet of hundreds of vehicles, and the movement of goods. The non-contact clause puts many lives at risk, for example, by preventing coordination

with the military during military operations, as such coordination ensures that UNRWA can evacuate teams, patients from clinics, and students from schools, as well as close its facilities when necessary.

The laws will dramatically exacerbate the already catastrophic humanitarian crisis in the Gaza Strip, which is a direct result of Israel's relentless assaults on Gaza. UNRWA plays an indispensable role in providing life-saving aid to approximately 1.9 million displaced Palestinians. The agency's services, including food distribution, emergency healthcare, medical supplies, and fuel, are crucial for the survival of the population in Gaza. Furthermore, UNRWA is vital for the humanitarian operation in Gaza. Given that such operations rely on constant coordination with the Israeli military, the laws effectively cripple the agency's ability to operate in Gaza, worsening the humanitarian disaster.

Testimonies of the Petitioners about the Impact of the Legislation:

One of the petitioners from the Al-Aroub refugee camp in the West Bank, a widow living with four of her children, testified that all of her children (seven in total) attended UNRWA schools. The youngest of them still attends one, and she testified that "he received all the educational supplies like writing tools, pens, notebooks, and toys, and recently, we received an iPad from them to help him study, all of this without any payment." **Due to chronic underlying health conditions, she requires constant medical monitoring, which she receives at the UNRWA clinic in the camp,** including her medications. She further testified that the agency covered half of her childbirth expenses. One of her daughters suffers from paralysis and an 80% disability, and "because of the paralysis, she suffers from wounds all over her body. I receive all the medications for treating the wounds as well as dressings from the agency. I also take her to the agency's clinic when she is ill." She further testified that "I receive 700 shekels every three months. This amount helped provide the basic household needs, food items, and medications for my daughter that we cannot get from the agency. We also receive a voucher worth 450 shekels per month to purchase basic food items like flour, sugar, oil, and salt." She explained that: "**If the agency stops operating, I don't know where I will get food for my children or buy my medications. For example, in the past, when the agency couldn't provide me with the medication I needed, I couldn't buy it, so I didn't take it.** Without the agency's help, I also can't afford the hygiene bandages that my disabled daughter needs. These bandages alone cost me 300 shekels per month. I can't work to provide for these needs, and there is no one to stay with my disabled daughter and care for her".

Another petitioner, from the Shu'fat refugee camp in East Jerusalem, lives there with his wife and two children (a son aged 11 and a daughter aged 12). He suffers from life-threatening

chronic illnesses and relies on medical equipment around the clock. In his affidavit, he testified: "Due to my medical condition, I am unable to work, and my wife cares for me and the children at home, so she cannot go out to work. As a result of my condition, I am regularly monitored with tests at the UNRWA clinic and require numerous medications, which I receive free of charge. If UNRWA suspends its operations, I won't be able to afford the medications I need for my chronic illnesses, which are vital for my survival. **Discontinuing these medications, which the agency provides without charge, would lead to a deterioration of my health, as my wife and I cannot afford to buy them**."

A third petitioner, from the Nur Shams refugee camp in the West Bank, lives in the camp with his wife and four children (two daughters and two sons). He suffers from severe chronic diseases and noted in his affidavit: "I do not work due to the amputation of my leg in 2024... and I have a permanent disability of 82%. My wife works part-time, and her income is very limited... Due to my chronic illnesses... I am treated regularly at the UNRWA clinic... This requires monthly monitoring and daily medications, which are fully provided by the agency without charge. The agency also provides my wife with treatments for her chronic illnesses and daily medications, free of charge. **The cessation of UNRWA's operations means a death sentence for me**, because I cannot buy medications for my chronic illnesses or my wife's. My wife's income barely covers food, and i**f UNRWA stops operating, we will have to choose between medications and food."**

The laws will also have significant economic repercussions for hospitals in the West Bank. A substantial portion of the income for local hospitals is derived from UNRWA's health network, which covers the costs of hospitalization and medical services for Palestinian refugees referred for treatment.

The laws will severely impact the education system in East Jerusalem, particularly in the Shu'fat refugee camp. Many students in the camp cannot attend schools outside of the camp due to bureaucratic restrictions and the dangerous, time-consuming commute through checkpoints. The schools in the surrounding areas are inadequate—overcrowded, lacking basic facilities, and are unsafe. Closing UNRWA schools would leave most families with no viable alternatives. The government approved schools, which were suggested as alternatives for children currently attending UNRWA schools, fail to meet safety standards, are often converted from residential buildings and are generally in poor conditions. **One petitioner, who is the Chairperson of the Parents' Council in UNRWA schools in the Shu'fat refugee camp**, noted: "Enrolling students outside the camp, as suggested by the municipality, would require **daily travel through traffic jams at the checkpoint**... The journey to schools in nearby East Jerusalem neighborhoods typically takes between two to two and a half hours. This situation is, of course, abnormal and

places both students and parents in a difficult position, leading many to reject this option due to the time and dangers associated with the travel."

Schools accredited by the Israeli Ministry of Education in the neighborhoods surrounding the Shu'fat refugee camp.	The UNRWA school complex in the Shu'fat refugee camp.

Legal Arguments

The laws are unconstitutional as they violate fundamental rights and contravene both Israeli and international law. These laws will cause significant harm to Palestinian refugees, a vulnerable and protected population, violating their rights to dignity, life, and bodily integrity, as well as their rights to property, education, and freedom of occupation.

- **Right to Dignity:** UNRWA's operations are vital in providing essential support to refugees, many of whom are unable to meet their basic needs independently. Halting or reducing UNRWA's services would directly jeopardize the fundamental conditions required for their well-being and even survival. As highlighted in the petitioners' testimonies, these laws not only threaten the basic needs of refugees but also violate their inherent right to dignity. Denying essential services, such as healthcare and nutrition, strips individuals of their dignity, forcing them to endure conditions of extreme deprivation and insecurity.

- **Right to Education:** As detailed above, the laws could lead to the closure of 380 schools and send over 340,000 students home, undoubtedly violating their right to education.

- **Right to Property and Freedom of Occupation**: the laws violate the right to property by causing unemployment for approximately 17,000 UNRWA employees and cutting off essential economic and nutritional aid relied upon by many Palestinians. Under Israeli constitutional law, "property" is interpreted to include the protection of livelihoods and essential resources. The law further violates the employees' freedom of occupation.

- **Right to Life and Bodily Integrity:** As mentioned earlier, UNRWA operates a health system offering comprehensive healthcare services across the OPT. The laws threaten to halt or severely diminish these vital services, on which Palestinian refugees are entirely dependent, alongside aid for food security. For some refugees, the denial of these services could pose a life-threatening risk, as they would be unable to afford essential medications and healthcare services.

These rights are protected under both Israeli law and international human rights law. Some of the rights mentioned above are also enshrined in international humanitarian law, and as such, the laws further breach Israel's obligations as an occupying power.

<u>Violation of the UN Charter and Obligations to Cooperate with UN Bodies</u>

The laws blatantly undermine the established framework between UN member states and UN bodies, including UNRWA. The laws directly contradict the UN Charter, to which all member states are bound. Notably, Article 2(5) obligates states to support UN bodies in their actions. The laws also breach Article 104 of the UN Charter, which obligates member states to ensure the legal capacity required for the organization to carry out its functions and purposes. Furthermore, they violate Article 105 of the UN Charter, which mandates member states to grant the privileges and immunities necessary for the organization to effectively fulfill its mission. The laws also contravene the Convention on the Privileges and Immunities of the United Nations, signed by Israel in 1949. According to this convention, signatories are obligated to provide a legal framework for UN agencies, enabling them to enter into contracts, acquire and dispose of property, and undertake legal proceedings.

These laws thus contradict democratic values, a fundamental requirement under Israeli constitutional law, specifically the Basic Law: Human Dignity and Liberty. According to Israeli law, any restrictions on rights under this law can only be justified if they meet certain conditions, including alignment with the values of a democratic state.

The Laws are Driven by Political Objectives

The laws fail to serve a legitimate or appropriate purpose, as they are driven by political objectives rather than the needs of the occupied population. They violate both Israeli and international law, rendering them unlawful. The primary aim of these laws appears to be political, such as “strengthening sovereignty” in Jerusalem and undermining the Palestinian refugees status under international law as noted above, aims that directly contradict international law.

Moreover, Israel’s claims about the involvement of several UNRWA employees in the October 7 attacks cannot justify the excessively sweeping measures imposed by these laws, especially given that the issue has already been thoroughly investigated by the UN. These laws also impose collective punishment on Palestinian refugees by halting or diminishing essential services. Such measures are prohibited by international law, including the Geneva Conventions.
As such, the laws fail to serve a legitimate purpose, a requirement for constitutionality under Israeli constitutional law, and should be deemed unlawful

Disproportionate and Unjustifiable Harm:

The laws impose disproportionate harm on Palestinian refugees without a legitimate or proportional justification. They fail the test of proportionality, required under Israeli law. The harm the laws cause is both disproportionate and unjustifiable.

Violation of International Law

The Hague Regulations (1907) and the Fourth Geneva Convention require the occupying power to uphold the existing legal framework and prioritize the welfare of the protected population, particularly as outlined in Article 43 of the Hague Regulations. International humanitarian law establishes the normative framework binding the occupying power. This means that Israeli law and administration of the State of Israel do not apply in these areas.

Any Israeli actions that fail to comply with Article 43, which serves as the basic norm in the occupied territories, is therefore invalid in these regions. The UNRWA laws, by depriving Palestinians of essential and life-saving services, undoubtedly violate Article 43 and the underlying principles of the laws of occupation. The application of Israeli law in the occupied territories may also constitute de facto annexation, violating international law and potentially constituting a crime of aggression under Article 8(2)(a) of the Rome Statute of the International Criminal Court (ICC). This contravenes the advisory opinion of the International Court of Justice (ICJ) from 19 July 2024, on the question of the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem.

With regard to Gaza, the UNRWA laws—which will exacerbate the already catastrophic humanitarian situation—contravene the provisional measures issued by the International Court of Justice (ICJ) in the case of ***South Africa v. Israel***, concerning the applicability of the Genocide Convention in Gaza. On 26 January 2024, the ICJ issued a provisional measures order, asserting that certain actions by Israel may fall within the scope of the Genocide Convention. The Court held that: "The State of Israel shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions faced by Palestinians in Gaza."

In **March 2024**, the Court further reiterated this obligation, urging Israel to: **"Take all necessary and effective measures to ensure, in full cooperation with the United Nations, the uninterrupted provision of urgently needed basic services and humanitarian assistance…"**

The laws directly contradict the ICJ's measures and could constitute a violation of **Articles II(a) and (c)** of the **Genocide Convention**, which criminalize acts such as the killing of members of a group and deliberately inflicting on the group conditions of life calculated to bring about its

physical destruction in whole or in part. Halting or diminishing **UNRWA**'s operations, and the denial of essential humanitarian aid, particularly in Gaza, may also constitute **war crimes** under **Article 8(2)(b)(xxv)** of the **Rome Statute**, which criminalized the use of starvation as a method of warfare.

The laws also amount to collective punishment, violating a fundamental principle of international law prohibiting such practices (Regulation 50 of the Hague Regulations, Article 33 of the Fourth Geneva Convention, Article 75(2)(d) of Protocol I to the Geneva Conventions (1977)). Collective punishment, in this context, infringes upon the basic human dignity of refugees, who are being used for political purposes. This principle is enshrined in Article 10 of the International Covenant on Civil and Political Rights.