

War Occupation in Israeli Hate Speech Against Palestinians

الاحتلال الحربي في خطابات الكراهية الإسرائيلية ضد الفلسطينيين

Boulanouar Rawiya

University of Brothers Montori Constantine 1

Laboratory of Constitutional Law and Supervisory Legal Studies

rawiya.boulanouar@doc.umc.edu.dz

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Abstract :

This paper addresses the phenomenon of hate speech that has escalated in recent years and is pursued by governments, parties, groups or individuals hostile to other parties that are often fragile or for racial, religious or security reasons. ... etc., his violence has intensified and now takes on alarming dimensions within complex levels of intolerance and rejection of the other, Especially in the context of the war occupation translated by Israel's occupation of the Palestinian territories and its escalation of hate speech against Palestinians according to various forms, This has resulted in international condemnation of these violent Israeli rhetoric against the Palestinians, The study also reached an important conclusion that the Israeli occupation was practising hate speech against Palestinians with criminal professionalism that violated its obligations as an occupier of the Palestinian territory.

Keywords : War Occupation; hate speech; Israel; Palestinian; international conventions .

ملخص:

تتناول هذه الورقة البحثية ظاهرة خطاب الكراهية الذي تصاعد في السنوات الأخيرة و تنتهجه حكومات أو أحزاب أو مجموعات أو أفراد تعادي أطرافاً أخرى غالباً ما تكون هشة أو لأسباب عرقية أو دينية أو أمنية... الخ، ولقد زادت حدة عنفه و أصبح يتخذ أبعاداً تندر بالخطر في الوقت الراهن ضمن مستويات معقدة من التعصب ورفض الآخر، لا سيما في كنف الاحتلال الحربي الذي يترجمه الاحتلال الإسرائيلي للأراضي الفلسطينية وتصعيده لخطاب الكراهية ضد الفلسطينيين وفق صور متنوعة، وهو ما أفرز معه إدانات دولية مستنكرة لهذه الخطابات الإسرائيلية العنيفة ضد الفلسطينيين، كما توصلت هذه الدراسة إلى نتيجة مهمة مفادها أن الاحتلال الإسرائيلي يمارس خطاب الكراهية ضد الفلسطينيين باحترافية إجرامية تنتهك التزامات وجوده كمحتل للأرض الفلسطينية.

الكلمات المفتاحية: – الاحتلال الحربي - خطاب الكراهية - إسرائيل - الفلسطينيين - الإتفاقيات الدولية.

Auteur correspondant : Boulanouar rawiya

Introduction

Freedom of expression is one of the first-generation human rights enshrined in international, regional and national documents. However, we find practical paradoxes of freedom of expression that are born contradictory to and contradictory to the so-called hate speeches of the latter that have suffered and continue to suffer from societies. As human history has evolved, the world has witnessed the emergence of hate speech against certain human groups that has turned into practices of discrimination, persecution and segregation.

The reasons for such discrimination have varied, but have usually been associated with different races, races and cultures. Sometimes as hostile behaviour by disputing States in the context of an armed conflict as an inevitable consequence of the deteriorating situation between these States. ... etc., which necessitates the need to address such rhetoric as a threat to international peace and security, So many international laws and treaties have addressed the need to criminalize hate speech and inflammatory messages in such a way as to deter anyone who tries to stir discord, The international legislature has provided for a series of articles protecting the right to expression, expression of opinion, condemnation, belief and equality between the sexes and between ethnicities and human assets. These articles are among the most important provisions of international treaties and laws.

Here we stop the tsunami of hate speech between the parties to the conflict in the misfortune of armed conflicts of a non-international or international nature. Hate speech is one of the methods used by one of the parties to the conflict to disseminate a culture of discrimination and hostility and to ostracize the other and sometimes amounts to violence, hatred and incitement to commit crimes in all their aspects. Here we infer Israel's occupation and its role in broadcasting hate speech against the Palestinian people in a variety of ways.

The importance of studying hate speech in general is to monitor the global prevalence of this phenomenon and its repercussions. The challenges it continues to face, and the obstacles to achieving the desired goal, especially in the scourge of the Israeli occupation against the Palestinians.

Hate speech is one of the methods used to address in its content calls for murder, violence, reprisals, contempt, discrimination, insults, insults, etc., which leads us to pose the following **problem** in the place of this study:

how much influence hate speech against Palestinians?.

Besides the fundamental problem of this study, we have the following sub-problems:

- What is the role of international conventions in reducing hate speech, Especially the International Covenant on Civil and Political Rights ?.
- How inconsistent Israel's conduct is with the rules imposed by the war occupation under its hate speech against the Palestinians?.

In response to the problem previously raised and Subsidiary Problems , we have relied on the descriptive approach through which we tried to provide a definition of some concepts and terminology in this paper. We have also relied on the analytical approach as it is best suited for such a study.

We have also decided to follow a two-pillar bilateral plan entitled:

FIRST: "Conceptual Framework for War Occupation and Hate Speech".

SECOND : Forms of Israeli hate speech against Palestinians with international criminalization.

Section I: Conceptual framework for war occupation and hate speech

The occupying Power's prejudice against the group or individuals occupying its territory has long been a cause of defamation. Such prejudice may turn into a form of discrimination and incitement to hatred that increases the likelihood of such a group or individuals being subjected to violence.

A) Concept of war occupation:

1- Definition of war occupation

According to the Hague Regulations on Land Warfare of 1907, the territory of the State is considered occupied if it falls under the effective authority of the enemy army, with this authority limited to the territory in which it is actually exercised after its establishment¹.

International jurisprudence distinguishes between war and occupation, as the first is the stage of engagement and fighting on the battlefield, and the second is the interim phase following war and armed aggression².

The Fakhir "HYDE" defined the military occupation as: (That stage of the war operations by invading forces in part of the enemy territory, when they can overcome unsuccessful resistance to the enemy and establish their own military authority in these territories).

While Dr. Kamil Mustafa Shehta considered that the war occupation (a phase of war, when the invasion forces were able to enter the territory of an enemy State, defeat their forces if they responded to the invasion and then dominate the territory or part of it and establish an occupying military authority to replace the legitimate government authority)³.

We can say that the war occupation is a factual and unlawful situation imposed by one State on the territory of another State for its victory in the armed conflict between them, whereby the victorious State was able to take full control of the territory of the opposing State or part thereof.

2- Elements of the war occupation

International jurisprudence has established that there must be three elements for a state of war occupation:

-The establishment of a state of war and armed hostility between the forces of two States resulting in the full or partial invasion and occupation of the territory of the other State by their forces, The military occupation is not a legal situation but a de facto situation created by force majeure, resulting from the presence of foreign armed forces in the occupied territories after their defeat of forces by hostile forces and their paralysis of their ability to resist and silence their effectiveness.

The occupation is also a temporary, non-permanent situation, as it is a stage of war in which occupying forces are temporarily fixing their feet on the territory of the occupied territory, pending a resurgence of fighting with the occupied territory's forces, which, during the period of occupation, are attempting to reorganize to expel the occupying army or to end the state of war and withdraw from the occupied territories.

War occupation is a reality that is not based on law, but rather as a result of the reality of invasion. Even if the occupation arises after the conclusion of an armistice, during which fighting between the occupying Power and the occupying territory's State stops, the armistice does not end the war⁴.

- The actual or temporary situation of foreign forces occupying the territory of another State and subjecting them to its physical and military control⁵.

- That the occupation should be influential: the occupation would begin only if its forces were able to control the territories they invaded and halted armed resistance, and were able to maintain security and order in the occupied territories they subjected to military authority, which the occupation establishes immediately after the cessation of hostilities.

This may happen if the enemy forces have not been deployed throughout the occupied territories, but control over all these territories is sufficient, although they have resided in part of the territory they occupied and have left the rest of the territories subject to control.

The territories that the occupying forces have not been able to control are outside the scope of the actual occupation situation, and emphasize this article. (42) of the Hague Land Warfare

Custom Regulation of 1907, which provides that occupation extends only to territories where the occupying Power is based and is able to consolidate its influence.

3- The obligations imposed by the occupying Power's military occupation law on the inhabitants of the occupied territory

The rules governing military occupation have become one of the most important areas of international law, given the importance of the topics they deal with on the one hand, and given the aims and objectives they seek to achieve on the other, especially with regard to the obligations imposed on the occupying Power towards protected persons, among which are, for example, the following:

- The Occupying Power undertakes to respect protected persons and their honour, family rights, beliefs, religious practice, customs and traditions, as stipulated in article 27 of the Fourth Geneva Convention of 1949. This right was enshrined earlier in the Geneva Convention in article 46 of the Hague Convention Regulation of 1907.

- The occupying Power is responsible for torture, murder and inhuman treatment of the inhabitants of the occupied territories.

- Safeguarding and safeguarding the fundamental rights of the inhabitants of the occupied territories vis-à-vis the occupying power.

B) The concept of hate speech:

1 - definition of hate speech

In fact, there is no specific and agreed definition of hate speech that regulates what it is and is universally adopted. However, we can offer some approaching attempts and hints of the content of hate speech as follows:

- In the doctrinal context of the definition of hate speech, Yulia Timoveva was drawn to the meaning of the Black Legal Dictionary as "a speech that carries the meaning of hate expression against a group belonging to a particular race and which, in certain circumstances, is likely to provoke mutual violence".

- In the international sphere, Stadium William Chappas considers that "the road to genocide in Rwanda was described as hate speech." The Stadium, Manfred Nowak, considers that the reference to both propaganda for war and advocacy of national, ethnic or religious hatred in the text of article 20 of the International Covenant on Civil and Political Rights, is evidence of the seriousness of hate speech ".

- The Aruban Council proposed a definition of hate speech as "all forms of expression that propagate, incite, encourage or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including intolerance expressed by nationalism, ethnicity, discrimination and hostility to minorities, migrants and people of immigrant origin".

- At the level of jurisprudence, in the Nahimana case, the Criminal Tribunal for Rwanda referred to the concept of hate speech as "a form of discriminatory aggression aimed at destroying human dignity and attacking the group"⁶.

Through the content of past and introduction concepts about hate speech we can say that hate speech is "Every speech is based on silver violence directed against a particular person or group, which is based on incitement and discrimination based on race, sex, religion, etc., fuelling and shipping feelings of hostility and hatred." "In order to prepare hate speech, it must be deliberate and directed for the purpose of spreading or promoting and justifying hatred towards a group or any form of hatred based on intolerance.

Therefore, freedom of expression is restricted by restrictions provided for in articles 19 and 20⁸ of the 1977 International Covenant on Civil and Political Rights is totally incompatible with hate speech.

Section II: Israeli hate speech against Palestinians and their international condemnations

For decades, through a creeping march, Palestinians have suffered and continue to suffer from the hateful rhetoric of Israeli occupation against them since their land was occupied. This was evident through statements by its rabbis, leaders and racist laws, which it promoted through the media from newspapers, radio and television it applied on the ground to uproot the Palestinian and portray him as "backward and violent."

A) Highlights of Israeli hate speech against Palestinians:

1- Provocative and inflammatory terms:

The Palestinian identity had been subjected to a policy of denial since the beginning of the Zionist project, which had denied the existence of Palestinians altogether.

Palestine was a people's land without land. It had reached the point of denying the existence of indigenous peoples with a special culture, through the Balfour Promise of 1917, which gave the right to those who did not have it and denied it to its owners⁹.

The phrase "land without people" is the first beginning of hate speech directed against Palestinians, a claim promoted by the leaders of the Zionist movement such as Israel, Zangwell and Theodore Herzl, resulting in one of the most significant humanitarian disasters of the twentieth century, namely the deportation of Palestinians.

In a speech delivered by Israel's radical Finance Minister in Tselel Smotrich on 19 March 2023 in the French capital Paris, he denied any existence of Palestinian history and culture as well as the Palestinian people, considering that the Palestinian people were just inventions, so the tone spoken by Israeli leaders and ministers fuels hate speech on incitement and violence against Palestinians.

B 'Tselel Smotrich was also called upon, through his provocative speeches, to erase the Palestinian town of Hawwara as, in his view, an imperative that Israel must do.

If we focus with the recent statement of the Israeli Minister of Finance, who aims to erase a Palestinian town from existence, we find it a speech that not only calls for hatred but is a serious incitement to commit a war crime that violates all international legal norms of the occupier's war obligations.

Israeli inflammatory rhetoric is also escalating under the annual flag march in Jerusalem's Old City, through inflammatory and racist chants by some Israeli participants in this march, especially the 2023 march, including the words "Death to Arabs, Death to Palestinians," denounced by Tor Winsland, the United Nations coordinator for the Middle East peace process.

In the recent Gaza War, the intensity of hate speech was the highest incitement to the killing and extermination of Gazans, whether by members of the Israeli military or settlers. During a meeting in the Southern Command of the Israeli Army, Defense Minister Yoav Gallant said in a statement dated 9/10/2023: "I have ordered a complete blockade of Gaza. There will be no electricity and no food. We fight human animals and act accordingly "¹⁰.

2- Israeli hate speech in educational curricula

One of Israel's most prominent ways of promoting hate speech against Palestinians is through educational curricula that feed their young people's minds inside their schools into violence and the killing of Palestinians, considering it as a rat that must be killed as they always depict it.

In one of the reports issued by the Egyptian Alliance for Human Rights and Development, entitled "Hate speech and apartheid in the Occupied Palestinian Territory", stated that hate speech circulating in Israel against Palestinians comes from education and curricula that sow hatred in minds from a young age.

Israeli textbooks teach racist rhetoric that permanently removes Palestine from the map, and there are no positive aspects of Palestinian culture and life.

The report confirmed that Palestinians were subjected in isolated areas to numerous images of settler hate crimes, including beatings, encroachment, coasts, punches with rifle butts, handles, sticks, the use of firearms, killings, threats of fire, stone-throwing and dog-firing.

3- Impact of social media sites on incitement to hatred against Palestinians

The digital communication environment has not remained untouched from the production and circulation of hate speech. Various social platforms have been strengthened by contents and outputs incorporating hate speech, which has been exacerbated by the interactive and participatory features provided by the digital network.

In the last decade, social networking sites have played a major role in the Palestinian-Israeli conflict by trying to make use of its tools to prove its narrative. Israel's influence over the international arena has exploited these sites to disseminate inflammatory and counterfeit material, especially at the time of the conflict.

Israel's racist rhetoric can be said to have attracted millions of followers on social media, specifically through official pages of political figures through which Israeli politics were justified, portraying the Palestinian as a "saboteur and a terrorist."

One of the most prominent pages was the Israeli army spokesman, Afichai, who, since the inauguration of his page, has provoked Palestinians and supporters of their cause by broadcasting and falsifying historical information and real-time news to justify the occupation's crimes and incite the punishment and defamation of Palestinian resistance movements and their followers.

Annually, the Campaign releases a report on the Racism and Incitement Index in Israeli Social Networks, according to the 2021 outcome, there was an 8% increase in hate speech towards Palestinians and Arabs in 2020.

Social media platforms during May 2021 were a reflection of what is happening on the ground. Violent rhetoric has significantly doubled and social media has served as a tool for mobilizing violent and inflammatory attacks against Palestinians and Arabs, which have not only affected digital space, but also violence on the ground¹¹.

A Palestinian report also monitored the escalation of the language of incitement and hate speech issued by the Israeli establishment against Palestinians in the month of February 2023, through official pages and accounts tracking the Israeli Government, members of the Israeli Knesset, the Israeli military governing body in the Occupied Bank, which included threats and incitement to expel Palestinians, demolish and punish their homes and punish them¹².

It seems clear during studies and reports that the last 10 years have increased the frequency of Israeli hate speech against Palestinians, and it has made it easier for Israel to spread false facts and misinformation its influence on social media sites, especially Facebook and Twitter, to promote its false narrative and track and restrict the Palestinian narrative.

Digital platforms have a significant role and responsibility in combating hate speech and incitement in the digital space, but in fact we have noticed the opposite in the last Gaza war since October 7, 2023, by posting many of these statements made by senior Israeli officials as well as some professional groups and public figures on social media platforms.

It states that genocide was perpetrated against the unarmed people of Gaza, and that the companies that own these sites continue to disseminate this kind of harmful content on their platforms.

B) criminalise hate speech in international conventions:

The harm caused by hate speech not only harms the feelings of individuals and groups targeted by such rhetoric, but also contributes to the perpetration of crimes against them and the ignition of armed conflicts and conflicts. For example, most Israeli hate speech against the

Palestinian people has been directed against the Palestinian people in various forms of international condemnation Based on the content of international agreements:

01- Criminalization of hate speech at the level of the United Nations Convention on the Elimination of All Forms of Racial Discrimination 1965

This Convention contains 18 articles that include all forms of racial discrimination and similar practices, including hate speech, which is considered an offence under international law, as well as a mechanism to ensure the optimal implementation of its provisions of the Committee on the Elimination of Racial Discrimination ¹³.

02- The Camden Principles on Freedom of Expression and Equality 2009

The Camden Principles were drafted by ARTICLE 19 organization and in consultation with high-level United Nations officials, other officials, civil society experts and universities, The Camden Principles on Freedom of Expression and Equality are based on the idea that freedom of expression and equality are fundamental and fundamental rights. They are complementary rights that play a vital role in protecting human dignity, guaranteeing democracy and promoting international peace and security.

The Camden Principles contained 12 articles addressing the relationship between freedom of expression and hate speech. Principle 12, "Incitement to hatred", stipulated 5 points calling on States to take certain measures to ensure the prevention of hate speech.

The Camden Principles have explicitly referred to acts in the form of hate speech that constitute incitement to international crimes such as war, crime against humanity and genocide ¹⁴.

03- The Rabat Action Plan on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence combines the conclusions and recommendations of several expert workshops organized by OHCHR (2012).

The Rabat Action Plan on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence brings together the conclusions and recommendations of several expert workshops convened by OHCHR at the final meeting held in Rabat on 4 and 5 October 2012, in Geneva, Vienna, Nairobi, Bangkok and Santiago de Chile. Through the consolidation of the debate in international human rights law, the objective was the following three points:

- Improved understanding of legislative patterns, judicial practices and policies regarding the concept of incitement to national, racial or religious hatred while ensuring full respect for freedom of expression as provided for in articles 19 and 20 of the International Covenant on Civil and Political Rights.
- A comprehensive assessment of the status of implementation of this prohibition of incitement in conformity with international human rights law-
- Identify possible actions at all levels ¹⁵.

Besides international conventions criminalizing hate speech, Israel's hate speech against the Palestinian people has been internationally condemned by the United Nations as well as many Arab and Western countries mention them :

United Nations human rights expert condemned the attacks on the Palestinian minority in Israel, namely in June 2023, by far-right groups and community groups, including settler groups. Sometimes with the support of security forces, according to United Nations reports, It also urged Israel to provide full and equal protection to all its citizens without any discrimination.

These attacks have been shared on social media, and far-right groups appear to have used these platforms to incite hatred, incite violence with impunity, mobilize people and urge them to use their weapons and attack Palestinians.

As a result of the urgent and poor situation of the Palestinians, the expert called on the Government of Israel to strongly condemn all acts of violence, hatred and discrimination against the Palestinian citizens of Israel ¹⁶.

At a related level, the United Nations and other international institutions, regimes and Governments are working hard to address and address the phenomenon of hate speech at the national, regional and global levels.

Racist hate speech and incitement to violence against Palestinians are Israeli government officials and members of the Israeli security forces.

Therefore, these various international institutions must work to reduce the escalation of these discriminatory rhetoric against the Palestinians by effectively condemning the Israeli occupation. Failure to effectively address Israel's hate speech and incitement not only undermines the safety and interest of the Palestinian people, but also violates the occupying obligations towards the individuals of the land it occupies.

Arab and foreign countries condemned several statements made by Israeli Finance Minister B'Tselel Smotrich denying the presence of the Palestinian people.

Saudi Arabia also condemned the offensive and racist statements made by the Israeli Minister against Palestine and its people. <https://www.ohchr.org/ar/freedom-of-expression>

Saudi Arabia's Foreign Ministry said in a statement that it reiterates the Kingdom's rejection of these anti-truth statements, which contribute to the dissemination of hate speech and violence and undermine the efforts of dialogue and international peace.

The Ministry renewed the Kingdom's support for all international efforts aimed at resolving the Palestinian question, based on the Arab Peace Initiative and ensuring the establishment of a Palestinian State on the 1967 borders with East Jerusalem as its capital.

The United Arab Emirates also condemned Smotrich's statements as racist, stressing the need to confront hate speech and violence charged against the Palestinian people.

Many events emphasize the need to accelerate intolerance and stand firmly against a culture of hatred, exclusion and marginalization, because this culture is the biggest and primary incubator of many crises¹⁷.

We know that the occupying Power has legal obligations towards the occupied territory, which has been essentially regulated by three international treaties. (Rules of the Hague Regulations annexed to the 1907 Hague Convention IV on Respect for the Customs and Laws of War on Land, The 1949 Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, Additional Protocol I of 1977 to the four Geneva Conventions of 1949), These documents impose legal and customary obligations on the occupying Power.

They also aim to limit the occupying power and to minimize the suffering of the population in the occupied territories. It must therefore fulfil its obligations by providing protection to the citizens of the occupied territories at all levels, which was required of the Israeli occupying Power.

However, it is clear from Israel's illegal occupation practices against the Palestinian people in various ways, including the professional study of the practice of hate speech, which has taken on very serious dimensions that may evolve over time to the point of committing war crimes by mobilizing and shipping the spirits of Israeli settlers with hatred and grudge towards those who are Palestinian and those who are Palestinian.

This inflammatory behaviour was not confined to Israeli settlers, but even Israeli leaders and leaders had the greatest share. Thus, Israel's occupation has never respected the obligations imposed on it under the law of war occupation, Provided in the texts of international conventions as an occupying element of the Palestinian State's territory is a war occupation. The restoration and safeguarding of public order and life in the occupied territories as a fundamental requirement.

The occupation law imposed on it the protection of the Palestinian civilian population and their property, and international humanitarian law imposed numerous safeguards on protected persons.

Conclusion:

According to this paper, our world has recently become increasingly full of hate-mongering rhetoric that some use to pass under the cover of freedom of expression, the latter of which is guaranteed by international, regional and national laws. This is what the Israeli occupation authorities are teaching and promoting through incitement to hatred, violence and intolerance against the Palestinian people at different levels. This study therefore has the following findings:

1- Hate speech is a tool for stimulating, stirring up and mobilizing emotions in a particular direction. It becomes inflammatory and rallying in order to create behaviour, culture, a conviction of discrimination, racism and infringement of the rights of those against whom the rhetoric is directed, Here lies the seriousness of hate speech, especially if there are media platforms or an environment that continues to be fertile and more widespread.

2- Hate speech is not permissible. It has been criminalized in international conventions.

3-Freedom of expression is protected and legally guaranteed by international instruments and even national laws. This, however, never means that this freedom is absolute, so that the Israeli occupation authorities may practise it against the Palestinian people in accordance with the grudge of hatred against the Palestinians.

We therefore make the following proposals:

1- The necessity for Israeli occupation to disseminate a culture of human rights that includes a culture of tolerance, dialogue of civilizations and the rejection of its hate speech at different levels, in line with the occupying Power's war obligations in the occupied territory.

2- The genocide against the people of Gaza was fraught with hate speech that was the prelude to the heinous crimes in Gaza, so Israel must respect its treaty obligations as an occupying Power to also consider hate speech as a prohibited act under the International Convention and a crime.

3-The obligation of the international community to fulfil its responsibilities by halting Israel's hate speech and incitement campaigns aimed at the Palestinian people in an actual and concrete manner is not limited to mere inactive rhetoric suspended. It requires the establishment of strong international mechanisms to combat hate speech and incitement to murder, Such mechanisms could also include the establishment of a special international court for hate speech, or the establishment of a United Nations mechanism to monitor and follow up hate speech and incitement to murder.

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