



Right Hon Philip Hammond MP
Foreign Secretary
Foreign and Commonwealth Office
King Charles Street
City of Westminster
London
SW1A 2AH

Email: fcocorrespondence@fco.gov.uk

For the attention of: Right Hon Philip Hammond MP

13 April 2015

Dear Mr. Hammond,

Re: Imminent eviction of the Palestinian Ghaith-Sub Laban family in Jerusalem

As lawyers committed to the protection and promotion of Palestinian human rights, we write to express our extreme concern about the threatened eviction of the Palestinian Ghaith-Sub Laban family in Jerusalem from their family home, and to request urgent action to prevent this.

We understand that on 14 September 2014 a court order was granted to evict the family, which consists of two children aged nine and two as well as six adult members, to allow a Jewish settler family to move in. Despite a pending appeal against the eviction order, due to be heard in May 2015, the Israeli court has refused to grant an injunction preventing the family's eviction until the further hearing and two attempts to forcibly evict the family have already taken place.

The first, on 9th February 2015, took place in contravention of legal procedures, as one police escort was present and the procedure of notifying the family before the eviction was not followed. It was stopped following the intervention of activists and journalists. A further attempt on 16th March 2015 was prevented as a result of a temporary injunction obtained by the family's lawyer. **As the injunction was only valid for a single day, the family could still be evicted at any time.**

The Ghaith-Sub Laban family have lived in the house since 1956, when they entered a protected lease agreement with the Jordanian government custodian that took over "absentee" property following the 1948 hostilities. The agreement was renegotiated with the Israel custodian in 1967, giving the family a "protected tenant" status under the Protected Tenant Law of 1972, which allows them to remain as long as they continue to pay rent and live in the house.



In 2010, the Israeli Guardian of Absentee Property passed the property's ownership to Ateret Cohanim, an Israel settler organisation who have publicly declared their aim of creating a Jewish majority within the Muslim quarter of Jerusalem's Old City and who believe that any property which has been Jewish at any point in the past should be given to Jewish owners. On the basis of testimony provided solely by settlers affiliated with Ateret Cohanim, the Judge who granted the eviction order held that the family had deserted the house and thus lost their protected tenancy status. These witnesses, as well as the Judge herself who is also a settler, clearly have a vested interest in the eviction.

Israel's policies of forced displacement in East Jerusalem and the West Bank

The Ghaith-Sub Laban family's threatened eviction is a direct result of their Palestinian identity and is part of Israel's ongoing policy of forcibly displacing Palestinians in East Jerusalem and the West Bank to make way for expanding settlements. The Internal Displacement Monitoring Centre (IDMC) estimates that there were at least 263,000 internally displaced people (IDPs) in occupied Palestine as of September 2014, of which an estimated 141,000 were in the West Bank, including East Jerusalem.

In addition to an increase in house demolitions, Israel operates a discriminatory system of allocating permits to Palestinians, which prioritises Israel's military and settler interests over those of Palestinians. With only 14% of East Jerusalem zoned for Palestinian construction, of which the majority is already built on, it is generally impossible for Palestinians to obtain a permit. This leaves them with the option of either building without a permit or internal displacement. The Committee on the Elimination of Racial Discrimination (CERD) has already called on Israel to take immediate steps to prohibit and eradicate any such policies or practices.

Violations of international humanitarian and human rights law

Article 49 of the Fourth Geneva Convention, to which Israel is a state party, strictly prohibits the individual or mass transfer of protected persons. This includes Palestinians living in the West Bank and East Jerusalem who should be protected from forced evictions as a consequence.

We consider that the eviction procedures, including the judicial process which led to the making of an eviction order, is in violation of Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) on the right to adequate housing. This has previously been interpreted by the UN Committee on Economic, Social and Cultural Rights to include the right to legal security of tenure, including through rental agreements.



We further consider that the eviction procedures violate Article 17 of the International Covenant on Civil and Political Rights (ICCPR), which provides for the right to protection of home and family life from arbitrary or unlawful interference. The aforementioned rights should be guaranteed without discrimination as established by Article 2(2) of the ICESCR and Article 2(1) of the ICCPR. In this case, the threatened denial of the right to adequate housing and the right to a private life is a direct result of the family's ethnicity.

The family's discriminatory treatment in the courts also violates the right to access to justice under Article 14(1) of the ICCPR. The independence and impartiality of the court granting the eviction order is seriously called into question by the Judge's status as a settler, in addition to all witnesses in the case. The attempted eviction and harassment of the family is also detrimental to the well-being of the two children of the family. This is a violation of Article 27 of the Convention on the Rights of the Child, which establishes the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Requirement for urgent action

We consider the attempts at a forced eviction of the Ghaith-Sub Laban family from their home to be unlawful, arbitrary and deeply discriminatory. It is our understanding that British diplomats are already aware of the matter and have visited the Ghaith-Sub Laban family in their home, but it is unclear at present what further action, if any, has been taken to halt their eviction.

As such, we respectfully urge the FCO to send a Consulate representative to observe the appeal hearing listed at the District Court in Jerusalem for **Sunday 31 May 2015**, and in the meantime to take the following urgent steps to protect the Ghaith-Sub Laban family from eviction:

- To contact the Israeli Ministry of Foreign Affairs expressing concern over this specific matter and similar cases of forced displacement taking place in East Jerusalem and the West Bank;
- To ensure that the case is discussed in any other bilateral dialogue between the FCO and the Israel authorities;
- To consider issuing a public statement of concern; and
- To engage with other EU states on the matter with a view to publishing a joint statement.

We look forward to receiving your written response and thank you in advance for any intervention you can provide in this urgent matter.



Yours sincerely,

Tareq Shrourou (Director) and Natalie Sedacca
Lawyers for Palestinian Human Rights

CC: British Consulate General Jerusalem
Law Society in England and Wales
Bar Human Rights Committee