



Lawyers for Palestinian Human Rights' briefing on suggested actions for the UK government to protect Palestinian families facing forcible transfer in Sheikh Jarrah and Silwan, occupied East Jerusalem

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About Lawyers for Palestinian Human Rights (LPHR)

LPHR is a lawyer-based charity in the UK that works on projects to protect and promote Palestinian human rights. We distinctly provide a legal and human rights perspective on issues affecting Palestinians. Our trustees include leading human rights lawyers, Sir Geoffrey Bindman QC and Tessa Gregory.

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Introduction

1. Over 150 families living in the Palestinian communities of Sheikh Jarrah and Silwan, in occupied East Jerusalem, are facing mass eviction and forcible transfer as a result of Israeli settlers' legal actions to take control of their homes. This process has been accelerating since the beginning of last year: according to figures collated by the Israeli NGO Peace Now, eviction orders have been made against 36 Palestinian families in these districts, totalling 165 people, since the beginning of 2020.
2. Most recently, a Jerusalem district court issued a decision on 16 February 2021 to evict six families in Sheikh Jarrah – a total of 27 people. They have been given until 2 May to vacate the homes they have lived in for almost 70 years, in favour of settlers. This followed a ruling ordering the expulsion of four families from their home in Batan al-Hawa in Silwan earlier in February 2021, and several other rulings of the Magistrate's Court and District Court in Jerusalem authorising evictions from these areas since September 2020. All the families involved have filed appeals, which have reached varying stages in both the district court and in some cases the Supreme Court.
3. The various proceedings take place against the backdrop of Israel's unlawful annexation of East Jerusalem in 1980 as well as the ongoing settlement expansion in both occupied East Jerusalem and the West Bank. They give rise to a serious and accelerating risk of mass evictions of families in the coming months. In January 2021 the UN Special Rapporteur Michael Lynk warned that "*neighbourhoods such as Sheikh Jarrah and Silwan are either gradually disappearing or are becoming completely surrounded and isolated by Israeli settlements.*" In addition to eviction proceedings, Palestinians in East Jerusalem are subject to discriminatory planning and zoning policies, a constrictive residence permit regime and limited access to services.

Violations of international humanitarian and human rights law

4. The threatened large scale evictions resulting from the application of a discriminatory planning and zoning regime in occupied East Jerusalem would amount to forcible transfer and dispossession of hundreds of Palestinian families. It is a grave violation of the Fourth Geneva Convention both to forcibly transfer an occupied population, and to transfer the occupier's population in to occupied territory. Forcible transfer is a war crime and falls within the jurisdiction of the International Criminal Court.
5. Forced evictions are also likely to violate a number of international human rights law provisions, including the right to adequate housing, to protection of the home and family from arbitrary or unlawful interference, to non-discrimination, and right of every child to an adequate standard of living. It is apparent that Israel's domestic legal



processes do not take into account relevant international humanitarian law (IHL) obligations when ordering the effective forcible transfer of Palestinian families from their homes.

6. The threatened evictions result from the application of an ongoing, discriminatory policy of forcibly displacing Palestinians in occupied East Jerusalem and the occupied West Bank to make way for expanding Israeli settlements. Many of the relevant lawsuits have been initiated by two settler organisations, Nahalat Shimon and Ateret Cohanim, relying on a law that allows Israeli Jews to initiate claims in East Jerusalem for properties that may have been owned by Jewish families before 1948. The application of this law is discriminatory: there is no equivalent avenue for Palestinians to claim for property that was expropriated from their families in the same war.

Suggested actions for the UK government

7. We welcome the UK government's [statement](#) on 22 January 2021, in response to a question by Alistair Carmichael MP, which accepts that forcible evictions of this nature are contrary to IHL, except in the most exceptional cases. We would add that there is nothing to make this case exceptional, and the forcible transfer would clearly violate IHL.
8. While we welcome the concerns that the UK government has stated that it has raised with the Israeli ambassador, we consider that the extreme gravity of the threats and the concerning recent judgment make it crucial to go beyond diplomatic discussions. We therefore consider that the UK government should take the following urgent steps:
 - i) Urgently call on the government of Israel to end the forcible transfer of families from their homes in East Jerusalem, in public statements as well as in bilateral discussions.
 - ii) Use precise terminology that expressly refers to 'forcible transfer' in public statements and bilateral relations with Israel on this issue, to make it clear that potential violations of international criminal law as well as IHL are involved.
 - iii) Assess how the UK government can fully conform with its legal obligation under the Geneva Convention to "ensure respect" for its provisions, including where appropriate through preparing the domestic exercise of *universal jurisdiction* measures to hold individuals criminally responsible for committing the war crime of forcibly transferring Palestinians in occupied East Jerusalem and the occupied West Bank.
9. Since the threatened evictions relate to ongoing illegal settlement expansion and in recognition of the fact that diplomatic criticism of settlement expansion has proved to



be inadequate, we consider that the UK government should additionally take the following steps through regulatory measures:

- i) Ban settlement goods from entering the UK marketplace in full conformity with its international law obligations not to recognise, aid or assist the maintenance of a serious breach of international law. This is entirely distinct from calls for a boycott of Israel, because settlements are not recognised as part of Israel under international law.
- ii) Prevent companies from operating in and trading with settlements, or otherwise from contributing to their maintenance and / or expansion.

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