



Rt Hon Liz Truss MP
Secretary of State for Foreign, Commonwealth and Development Affairs of the UK
Foreign, Commonwealth and Development Office
London SW1A 2AH

10 May 2022

Dear Secretary of State,

Re: Requesting the UK Government's urgent intervention against the risk of imminent widespread and systematic forcible transfer of Palestinians in the South Hebron Hills, including direct engagement with the UK heavy machinery manufacturer, JCB

As lawyers committed to the protection and promotion of Palestinian human rights, we write to request urgent intervention by the UK Government following the 4 May 2022 decision by Israel's Supreme Court to reject the petitions against eviction orders of the residents of Masafer Yatta in the occupied West Bank.

The alarming decision allows for the eviction of over one thousand Palestinian residents including 500 children in the occupied West Bank, making it one of the single largest expulsion decisions since the beginning of the Israeli occupation of the West Bank in 1967. As all domestic legal remedies have been exhausted, the community is now unprotected and at risk of imminent displacement.

Violations of international humanitarian and human rights law

The imminent widespread and systematic evictions in the South Hebron Hills would amount to forcible transfer. It is a grave violation of the Fourth Geneva Convention to forcibly transfer an occupied population. Forcible transfer is also a war crime and falls within the jurisdiction of the International Criminal Court. Forced evictions are also likely to violate a number of international human rights law provisions. They include the right to adequate housing, to protection of the home and family from arbitrary or unlawful interference, to non-discrimination, and of every child to an adequate standard of living. Israel's domestic legal processes routinely do not take into account relevant international humanitarian and human rights law obligations when deciding on petitions against demolition or eviction orders.

The threatened evictions result from the intentional application of an ongoing, discriminatory policy of forcibly displacing Palestinians in the occupied West Bank, including East Jerusalem, to make way for expanding Israeli settlements. In this instant case, it is also related to the designation of part of the Masafar Yatta area as a closed military zone for training. This raises its own problems as it amounts to appropriation of land for purposes that do not benefit the people living there. Israel has designated some 18 percent of the occupied West Bank, or half of Area C, as military firing zones, in which any person is prohibited unless special permission is granted by Israel's military forces. There are 38 small Palestinian communities,



12 of them in Masafer Yatta, located within these zones that is home to more than 6,200 Palestinians.

Recognising the overarching context of de facto annexation

It is fundamentally important to recognise that demolitions, displacement, and settlement expansion are inextricably-linked illegal policies that are implemented for the specific purpose of annexation of Palestinian territory. You will be aware that on 25 May 2021, Ireland's Minister for Foreign Affairs, Simon Coveney, stated: "the scale, pace and strategic nature of Israel's actions on settlement expansion and the intent behind it have brought us to the point where we need to be honest about what is happening on the ground... it is de facto annexation".

We urge the UK Government to follow the lead of the Government of Ireland and officially recognise, as a clear matter of fact, that there is *de facto* annexation of parts of the occupied West Bank. This is a necessary step to ensure full cognisance of the reality and intent behind Israel's widespread and systematic implementation of illegal policies of demolitions, displacement and settlement expansion in the occupied Palestinian territory.

The potential involvement of JCB machinery in imminent serious violations

The UK Government will be aware of the 12 November 2021 decision of the UK National Contact Point which found the UK company, JCB, to be in breach of its human rights responsibilities under the OECD Guidelines for Multinational Enterprises. The finding stemmed from its failure to exercise human rights due diligence in connection with the material and prolific use of its products in demolitions of Palestinian homes, and in illegal settlement-related construction, in the occupied Palestinian territory. In its decision, which followed a two-year investigation involving LPHR's substantive engagement as the complainant, the UK NCP states:

“the scale of alleged adverse human rights impact and the evidence of JCB products used in demolition of houses.. [requires JCB to] set out a plan on how it will integrate and act upon the findings of its due diligence – including how impacts will be addressed – if adverse human rights impacts are identified in its supply chain.”

JCB will be expected to report back to the UK NCP at the end of this year. We respectfully encourage the UK Government to engage with JCB for the purpose of ensuring it does create and implement an effective human rights due diligence system as a necessary preventative step against the material use of its products in human rights violations. The imminent widespread displacement of Palestinians in the South Hebron Hills, along with the reasonable likelihood that JCB machinery will be materially used to operationalise it on the basis of clear evidence that Israeli authorities rely on imported heavy machinery to carry out demolitions and JCB machinery is frequently used for this purpose in Area C of the West Bank, heightens the urgency for this specific action.



Requested actions for the UK Government

We request that the UK Government urgently consider taking the following immediate steps:

1. Urgently call on the Government of Israel to end the forcible transfer of Palestinians from their homes, in public statements as well as in bilateral discussions.
2. Follow the lead of the Government of Ireland and use precise terminology of *de facto annexation*, to accurately reflect the the clear reality and intent of Israel's widespread and systematic implementation of illegal policies of demolitions, displacement and settlement expansion in the occupied Palestinian territory.
3. Engage directly with JCB to ensure the implementation of preventative steps against the use of its products in demolitions, displacement and settlement-related construction in the occupied Palestinian territory.
4. 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 the occupied West Bank, including East Jerusalem.

Since the threatened mass displacement relate to ongoing illegal settlement expansion, and in recognition of the fact that diplomatic criticism of settlement expansion has proved an insufficient deterrent, we also ask you take the following steps through regulatory measures:

1. End the significant anomaly of permitting entry of products produced in whole or part in illegal Israeli settlements from entering the UK marketplace. This is not logically consistent with the applicable international law obligation not to recognise an illegal situation, and arguably amounts to aiding or assisting an illegal situation in serious breach of international law. We would stress that adopting this restrictive measure would be entirely distinct from implementing a boycott of Israel, because settlements are not recognised as part of Israel under international law.
2. Introduce a regulatory framework that ensures there is an effective deterrent and consequences for corporate involvement in violations of human rights.

We would be grateful for your careful consideration of this urgent letter and for your reply.

Yours sincerely,

Tareq Shrourou (Executive Director & Principal Lawyer) and Natalie Sedacca

Lawyers for Palestinian Human Rights