

22 April 2021

Ms. Fatou Bensouda, Prosecutor
Office of the Prosecutor
International Criminal Court
Oude Waalsdorperweg 10
The Hague, The Netherlands

Urgent: Investigate Imminent Forced Evictions in Sheikh Jarrah

Dear Ms. Fatou Bensouda,

We, the undersigned, are representatives of 500 Palestinian refugees residing in the Karm Al-Ja'ouni area of the Sheikh Jarrah neighbourhood in occupied East Jerusalem, Palestine, at risk of forced eviction by Israel, the Occupying Power. Amidst this global pandemic, eight families totalling 87 Palestinians, are at imminent risk of forced eviction. Unlawfully applying Israeli domestic law to an occupied territory, Israeli courts have ruled in favour of lawsuits undertaken by settler organisations to evict the eight Palestinian families. Israel's Jerusalem District Court has ordered four families to leave their homes by 2 May 2021 and three other families by 1 August 2021.¹ For this reason, immediate action by your Office is necessary to forestall the displacement of these Palestinian families from their homes in East Jerusalem.

We, and the endorsing organizations, call on your Office to include the imminent forced displacement of Palestinians from Sheikh Jarrah as part of the open investigation, and the related war crimes and crimes against humanity on the territory of Palestine of which this action is but the latest example. Specifically, we ask that you include as part of the investigation the war crimes of forcible transfer of parts of the population of the occupied territory (art. 8(2)(b)(viii) and 8(2)(a)(vii)), transfer by the Occupying Power of parts of its civilian population into the territory it occupies (art. 8(2)(b)(viii)), destruction and

¹ For more detailed background on the current situation facing the Palestinian residents of Sheikh Jarrah, see Al-Haq and others, 'Joint Urgent Appeal to the United Nations Special Procedures on Forced Evictions in East Jerusalem' (10 March 2021) <https://www.alhaq.org/cached_uploads/download/2021/03/10/joint-urgent-appeal-to-the-united-nations-special-procedures-on-forced-evictions-in-east-jerusalem-1615372889.pdf> accessed 09 April 2021; The Office of the United Nations High Commissioner for Human Rights, 'UN expert calls for reversal of Israel's eviction order against 16 Palestinian families' (11 January 2021) <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26648&LangID=E>> accessed 09 April 2021; European Union, 'Six Month Report on Israeli Settlements in the occupied West Bank, including East Jerusalem' (4 February 2019) at: <https://eeas.europa.eu/sites/default/files/six-month-report-on-israeli-settlements-in-the-occupied-west-bank-including-east-jerusalem-reporting-period-july-december-2018_0.pdf> accessed 09 April 2021 ("Sheikh Jarrah is one in a ring of Palestinian neighbourhoods where displacement activities are increased in order to deepen Israeli control").

appropriation of property not justified by military necessity and carried out unlawfully (art. 8(2)(a)(iv)) and, as these forced evictions are part of an ongoing, widespread and systematic attack against Palestinian civilians, the crimes against humanity of deportation or forcible transfer (art. 7.1(d)), persecution (art. 7.1(h)), apartheid (art. 7.1(j)) and other inhumane acts causing great suffering or serious injury to *inter alia* mental health (art. 7.1(k)).

In 2018, the Office of the Prosecutor issued a statement expressing concern regarding the planned eviction of the Bedouin community of Khan al-Ahmar “and with it the prospects for further escalation and violence,” and put Israel on notice “that extensive destruction of property without military necessity and population transfers in an occupied territory constitute war crimes under the Rome Statute.”² With the Court’s jurisdiction over the territory of the State of Palestine – Gaza and the West Bank, including East Jerusalem – confirmed,³ and an investigation underway,⁴ we call upon your Office to urgently focus on this component of the investigation before the Palestinian residents of Sheikh Jarrah suffer imminent and irreparable harm due to Israel’s settlement-related criminal activities.

Background

During the 1948 War, we were forcibly displaced from our homes in Palestinian towns, cities, and villages that are today inside the Green Line, and following the establishment of the State of Israel, have been denied our inalienable right to return to our homes and properties. In 1956, 28 Palestinian refugee families moved to the Karm Al-Ja’ouni area of Sheikh Jarrah in East Jerusalem as part of an agreement between the government of Jordan and the United Nations Relief and Works Agency (UNRWA). The agreement stipulated that the Jordanian government would provide land, that UNRWA would sponsor the construction of housing units for us on this land, and that we would receive legal title to the properties after three years. The legal title of the property was never transferred to us. Rather, since Israel occupied and illegally annexed East Jerusalem in 1967, all Palestinian Jerusalemites have been subjected to a coercive environment designed to transform Jerusalem’s demographic composition to secure Israeli-Jewish control over Jerusalem and drive out Palestinians. Today, the Karm Al-Ja’ouni area is home to at least 72 Palestinian households of approximately 500 people, and we all face the threat of a second forced displacement.

The eviction orders by Israeli courts in favour of the settler organisation Nahalat Shimon International in our neighbourhood have been facilitated by the 1970 Legal and Administrative Matters Law, which exclusively allows Jewish Israelis to pursue claims to land and property allegedly owned by the Jewish population in East Jerusalem before the establishment of the

² ICC, ‘Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, regarding the Situation in Palestine’ (17 October 2018) <<https://www.icc-cpi.int/Pages/item.aspx?name=181017-otp-stat-palestine>> accessed 09 April 2021.

³ Situation in the State of Palestine, Decision on the ‘Prosecution request pursuant to article 19(3) for a ruling on the Court’s territorial jurisdiction in Palestine’ ICC-01/18, (5 February 2021) <https://www.icc-cpi.int/CourtRecords/CR2021_01165.PDF> accessed 09 April 2021.

⁴ ICC, ‘Statement of ICC Prosecutor, Fatou Bensouda, respecting an investigation of the Situation in Palestine’ (3 March 2021) <<https://www.icc-cpi.int/Pages/item.aspx?name=210303-prosecutor-statement-investigation-palestine>> accessed 09 April 2021.

State of Israel in 1948.⁵ Utilising this law, the Israeli Custodian General in 1972 transferred the ownership of the Karm Al-Ja'ouni land we have been residing on since 1956 to two Jewish Committees. In the 1990s, the two Jewish Committees sold their ownership rights to Nahalat Shimon International, a private settler organisation, which does not have ties to the original alleged Jewish owners. The settler organisation has vigorously worked to bring eviction lawsuits against us.

Current Situation in Sheikh Jarrah: Imminent Forced Displacement

Three families totalling 67 people were already forcibly evicted from our neighbourhood in 2009, with the support of the Israeli police. Following these evictions, the settler organisation, Nahalat Shimon International, submitted a Town Plan Scheme to the Jerusalem Local Planning Commission of the Jerusalem Municipality for the establishment of a new settlement in our neighbourhood. The Plan proposed to evict the Palestinian residents, demolish their houses, and later construct 200 settlement units for Jewish Israeli settlers.⁶

In addition to the threat of losing our homes, we have been enduring a lengthy, exhausting, and unaffordable legal struggle to challenge the eviction lawsuits filed against us by settler organisations in Israeli courts since 1972. Given the discriminatory and untransparent nature of the Israeli legal system as applied in the occupied territory, we are systematically denied access to justice or any effective remedy.

If the forced evictions move forward, we will be subjected to other Israeli policies that together make-up Israeli practices that result in the widespread and systematic transfer of the Palestinian Jerusalemite population. If we set up a tent outside our houses, the Israeli occupying forces will demolish it, as part of its widespread and systematic policy of demolition of Palestinian property. If we rent a home outside Jerusalem because we cannot afford to rent in Jerusalem, we will be at risk of having our residency status revoked and not be allowed to enter Jerusalem, pursuant to Israel's residency revocation policy, which requires Palestinian Jerusalemites to constantly prove their "center of life" is in the city.

We welcome the 3 March 2021 announcement by your Office on the opening of a full criminal investigation into the Situation in Palestine. This is a long-awaited and a critically important step towards ensuring the rule of law and ending impunity, while ensuring accountability for Israel's crimes within the jurisdiction of the Court.

As part of that investigation, we call on your Office to:

⁵ Legal and Administrative Arrangements Law, 1970

<https://www.nevo.co.il/law_html/law01/319_009.htm> accessed 09 April 2021

⁶ Ir Amim, 'Evictions and Settlement Plans in Sheikh Jarrah: The Case of Shimon HaTzadik' (25 June 2009) <<https://www.ir-amim.org.il/sites/default/files/SheikhJarrahEngnew.pdf>> accessed 09 April 2021.

1. Publicly condemn the imminent forced evictions of Palestinians in Sheikh Jarrah neighbourhood and urgently investigate this case within the Situation of Palestine;
2. Warn those perpetrators most responsible for the conduct in question that their policies and actions in occupied East Jerusalem, which aim at manipulating the city's demographic character in favour of Israeli-Jewish domination, may constitute war crimes and crimes against humanity within the jurisdiction of the Court;
3. Operating under Part 9 of the Rome Statute, call upon Jordan and Palestine, as ICC States Parties, to cooperate with your Office in providing any documents relevant to the investigation of the imminent forced evictions in Sheikh Jarrah; and
4. Take any appropriate action, within the confines of the exercise of your mandate under the Rome Statute, to prevent the Palestinian protected population in the Karm Al-Ja'ouni area of Sheikh Jarrah from being displaced and dispossessed for the second time.

We remain at your disposal and stand ready to provide further information to assist the investigation.

Yours sincerely,

The 28 families of the Sheikh Jarrah neighborhood in occupied East Jerusalem

List of endorsing Palestinian, Israeli, regional and international human rights organisations; Palestinian coalitions representing over 150 Palestinian civil society organisations; solidarity groups for Palestine; faith-based groups; indigenous groups; racial justice groups; and student groups:

1. Academics for Palestine (Ireland)
2. ACT Conflict Resolution
3. Adalah Justice Project
4. Addameer. Prisoner Support and Human Rights Association
5. AISHA Association for Woman and Child Protection
6. Al Mezan Center for Human Rights
7. Al-Awda New York, The Palestine Right to Return Coalition
8. Al-Awda, The Palestine Right to Return Coalition (PRRC)
9. Al-Haq, Law in the Service of Man
10. Alrowwad Cultural and Arts Society
11. American Muslim Bar Association (AMBA)
12. American Muslims for Palestine
13. American Muslims for Palestine of New Jersey (AMP NJ)
14. American-Arab Anti-Discrimination Committee (ADC)
15. American-Arab Anti-Discrimination Committee Georgia Chapter
16. Applied Research Institute-Jerusalem
17. Arab Agronomists Association
18. Arab Canadian Lawyers Association

19. Arab Center for Agricultural Development (ACAD)
20. Arab Lawyers Association (UK)
21. Arab Organization for Human Rights (AOHR)
22. Asia Pacific Center for Integral Study of Life
23. Asociación Americana de Juristas
24. Association Belgo-Palestinienne WB
25. Association France Palestine Solidarité (AFPS)
26. Association Suisse-Palestine
27. AssoPacePalestina (Italy)
28. Australian Centre for International Justice
29. Avaaz
30. B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories
31. Bisan Center for Research and Development
32. Boycott from Within (Israeli citizens for BDS)
33. Broederlijk Delen
34. Cairo Institute for Human Rights Studies (CIHRS)
35. Canada Palestine Association
36. Canadian BDS Coalition
37. Canadians for Justice and Peace in the Middle East (CJPME)
38. Center for Constitutional Rights (USA)
39. Civil Liberties Defense Center
40. Coalition on Law and Representation at NYU Law
41. Columbia Law Students for Palestine
42. Columbia University South Asian Feminisms Alliance
43. Columbia University Students for Justice in Palestine
44. Columbia-Barnard Jewish Voices for Peace
45. Combatants for Peace
46. Comité de Solidaridad con la Causa Árabe (CSCA)
47. Community Action Center- Al-Quds University
48. Community Media Center
49. Council for Arab-British Understanding (Caabu)
50. CRED/GIGI (Center for Research and Elaboration on Democracy/International Legal Intervention Group)
51. Cultura è Libertà (Italy)
52. Diensten en Onderzoek Centrum Palestina (Netherlands)
53. Disabilities Representative Persons Network (Gaza)
54. Disciples Palestine Israel Network
55. Eclipse Rising
56. El-Wedad Society for Community Rehabilitation (WSCR)
57. End the Deadly Exchange—Seattle
58. European Legal Support Center
59. Faces of Feminism - Georgia State University
60. Falastiniyat Seattle
61. FIDH - International Federation for Human Rights
62. Filastiniyat Organization

63. Finnish-Arab Friendship Society
64. Forum Civil Peace Service
65. Friends of Sabeel North America - FOSNA
66. Gaza Action Ireland
67. Gaza Urban & Peri-urban Agriculture Platform (GUPAP)
68. Giovani Palestinesi d'Italia
69. Global Kairos Asia Pacific Solidarity for Palestine (GKAPS)
70. Global Kairos for Justice Coalition
71. Global Legal Action Network
72. Global Network of Movement Lawyers
73. Good Shepherd Collective
74. Grassroots Al-Quds
75. Grassroots International
76. Harvard Law School Palestine Trek
77. Horyzon (Switzerland)
78. Human Rights & Democracy Media Center (SHAMS)
79. ICAHD (The Israeli Committee Against House Demolitions)
80. ICAHD Finland
81. ICAHD UK
82. IECD (l'Institut européen de coopération et de développement)
83. IfNotNow
84. Independent Jewish Voices Canada
85. Indo-Palestine Solidarity Network
86. International Association of Democratic Lawyers (IADL)
87. International Jewish Anti-Zionist Network (IJAN)
88. International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD)
89. Ireland-Palestine Solidarity Campaign
90. Israel Palestine Mission Network of the Presbyterian Church (USA)
91. Italian Association Democratic Jurists
92. Jewish Voice for Just Peace (Ireland)
93. Jewish Voice for Peace
94. Jewish Voice for Peace-New York City
95. Jews for Palestinian Right of Return
96. Just Peace Advocates/Mouvement Pour Une Paix Juste
97. Just Vision
98. Justice for Palestinians, Calgary
99. Kairos Palestine
100. Labor for Palestine
101. Lawyers for Palestinian Human Rights
102. MA'AN Development Center
103. Maghazi Community Rehabilitation Society (MCRS)/Community Development Foundation
104. Middle East Children's Alliance
105. Na'amod: British Jews against Occupation
106. National Association of Democratic Lawyers (NADEL) - South Africa

107. National Lawyers Guild
108. National Lawyers Guild - NYU Chapter
109. National Lawyers' Guild - Yale Law School chapter
110. National Lawyers Guild, Palestine Subcommittee
111. National Students for Justice in Palestine
112. New York University Law Women
113. Niagara Movement for justice in Palestine-Israel (NMJPI)
114. Norwegian People's Aid
115. Norwegian Union of Municipal and General Employees – Fagforbundet
116. NOVACT — International Institute for Nonviolent Action
117. NY4Palestine
118. NYU Law Ending the Prison Industrial Complex
119. NYU Law International Refugee Assistance Project
120. NYU Law Students for Justice in Palestine
121. NYU Middle Eastern Law Students Association
122. NYU OUTLaw
123. Oakville Palestinian Rights Association
124. Observatori DESC (Barcelona)
125. Ontario BDS
126. Palestina Solidariteit vzw, Belgium
127. Palestine Action Committee of Texas
128. Palestine Solidarity Campaign UK
129. Palestine Solidarity Committee - Austin, Texas
130. Palestine Solidarity Network Edmonton
131. Palestine Writes
132. Palestinian Canadian Academics and Artists Network
133. Palestinian Centre for Human Rights (PCHR)
134. Palestinian Christian Alliance for Peace
135. Palestinian Family Planning and Protection Association (PFPPA)
136. Palestinian Non-Governmental Organizations Network (PNGO)
137. Palestinian Women Development Society
138. Palestinian Working Woman for Development (PWWSD)
139. Palestinian Youth Movement (PYM)
140. PAN Asia Pacific
141. Pax Christi Diözesanverband Rottenburg-Stuttgart
142. Pax Christi England and Wales
143. Pax Christi International
144. Pax Christi Nahostkommission, Germany
145. Paz con Dignidad (Spain)
146. Peace Alliance Winnipeg
147. Philippine Alliance of Human Rights Advocates, Inc. (PAHRA)
148. Project South
149. Ramallah Center for Human Rights Studies RCHRS
150. Rhode Island School of Design (RISD) Students for Justice in Palestine
151. Rochester Witness for Palestine, Inc.
152. Sadaka-the Ireland Palestine Alliance

153. Samidoun Palestinian Prisoner Solidarity Network
154. Scottish Palestine Solidarity Campaign
155. Sheffield Labour Friends of Palestine
156. Socio-Economic Rights Institute of South Africa
157. SODEPAZ (Spain)
158. Solutions Not Punishment Collaborative (SNaP Co.)
159. South Asian Law Students Association, NYU School of Law
160. Stop the Wall - the Palestinian Grassroots Anti-Apartheid Wall Campaign
161. Students for Justice in Palestine at Occidental College
162. Students for Justice in Palestine Chicago
163. The Agricultural Development Association (PARC)
164. The Black and Brown Coalition of PHL
165. The Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ)
166. The Jerusalem Legal Aid and Human Rights Center (JLAC)
167. The National Centre for Community Rehabilitation (NCCR)
168. The National Society for Rehabilitation- Gaza strip
169. The O'odham Anti- Border Collective
170. The Palestine Institute for Public Diplomacy
171. The Palestine Project
172. The Palestinian Center for Organic Agriculture
173. The Palestinian Developmental Women Studies Association (PDWSA)
174. The Palestinian Human Rights Organizations Council (PHROC)
175. The Palestinian Initiative for the Promotion of Global Dialogue and Democracy-MIFTAH
176. The Red Nation
177. The Rights Forum
178. Trade Union Friends of Palestine, Ireland
179. U.S. Palestinian Community Network (USPCN)
180. Ukrainian Association of Democratic Lawyers
181. Union of Palestinian Women Committees (UPWC)
182. Unite the Union Rep of Ireland
183. United Church of Christ Palestine Israel Network
184. United Methodists for Kairos Response (UMKR)
185. United Network for Justice and Peace in Palestine-Israel
186. US Campaign for Palestinian Rights
187. US Campaign for the Academic and Cultural Boycott of Israel
188. Vegans for BDS
189. Vrede vzw
190. War on Want
191. Women's Centre for Legal Aid and Counselling