

Mr. Karim Khan
Prosecutor
International Criminal Court
Oude Waalsdorperweg 10,
2597 AK Den Haag,
The Netherlands.

Ref: IC/DAH/002JM

28 June 2023

Dear Mr. Prosecutor,

Re: URGENT – imminent eviction of the Ghaith-Sub Laban family, Occupied East Jerusalem

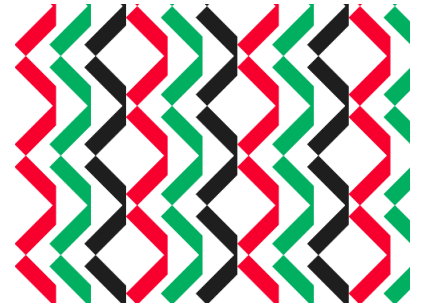
I write to you from the International Centre of Justice for Palestinians (ICJP) an independent organisation of lawyers, politicians, academics and journalists which seeks to protect the rights of Palestinians wherever they may live.

On 17 August 2022, we filed an Article 15 Communication to the International Criminal Court (ICC) regarding Israel's extensive destruction and expropriation of Palestinian property on behalf of the Kadih family in Gaza and the Salhiah family in Sheikh Jarrah. I attach a further copy of the document for ease of reference. We await a substantive response to that communication.

I now write with the utmost urgency on behalf of Nora Ghaith (68) and her husband Mustafa Sub Laban (72), an elderly Palestinian couple from Occupied East Jerusalem who are at imminent risk of being evicted from their home to make way for an Israeli settler organisation.

On 11 May 2023, the couple was served with a final eviction notice by the Israeli authorities informing them that they would be forcibly evicted from their home. **The eviction is expected to take place at any time starting today, 28 June 2023.**

For seventy years, the Ghaith-Sub Laban family have lived in their house in the Muslim quarter of the Old City of Jerusalem under a protected tenancy granted by the Jordanian government in 1953. The house, located in Aqabat Al-Khalidiyeh, is part of a large building complex, much of which has been seized by Israeli settlers. The Ghaith-Sub Laban family are the last remaining Palestinian residents of the building.



The family has battled 45 years of legal action from settler organisations and harassment from the Israeli authorities aimed at expropriating their house. Since 2010, the Kolliel Galicia Trust, a settler organisation, has brought repeated actions in the Israeli courts claiming that the house is a Jewish endowment.

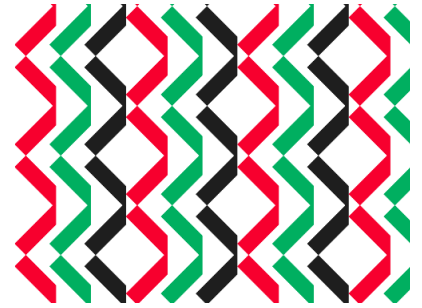
In March 2022, the Israeli courts ruled in favour of the settlers, terminating the Ghaith-Sub Laban family's protected tenancy and issuing an eviction order. The family appealed the decision, but on 6 February 2023, the Israeli High Court rejected their appeal. The family has now exhausted all available remedies within the Israeli court system.

The family now face a grave and distressing situation. If they refuse to leave voluntarily, Israeli settlers, with the backing of Israeli occupation forces, may arrive at any time to evict them by force. As a further – and particularly cruel - punitive measure, the Israeli authorities have informed Nora and Mustafa that if they do not leave voluntarily, they must pay the costs of their own forcible transfer, including the costs of the armed forces brought to the house to evict them.

The family has called on the international community to urgently intervene to stop their forced displacement and the seizure of their home. They, like many other Jerusalemites, remain steadfast in their refusal to leave their homes, which in many cases, their families have lived in for generations. Like so many others they live consumed by anxiety, in constant fear that their entire lives may be uprooted at any moment, with violence and brute force, and that they will be left homeless and impoverished as a result. The trauma and loss of such dispossession may last generations.

We ask you to take urgent and decisive action in support of this family, as well as the many other Palestinian families at risk of forcible transfer in East Jerusalem. There is overwhelming evidence that such evictions are part of a wider, institutionalised system of policies and practices employed by the Israeli authorities to forcibly displace Palestinians in East Jerusalem to make way for Israeli settlers.¹ These evictions are enabled and facilitated by Israeli courts, who provide a veneer of legality but have long been complicit in the forced displacement of Palestinians in Jerusalem.

¹ See further, 10 things you should know about the evictions in East Jerusalem, Norwegian Refugee Council, 11 November 2021, (https://www.nrc.no/perspectives/2021/10-things-you-should-know-about-the-evictions-in-east-jerusalem/#:~:text=Over%2020%20per%20cent%20of,Israeli%20settlement%20construction%20and%20expansion;)); "Israel: Jerusalem Palestinians Stripped of Status: Discriminatory Residency Revocations", Human Rights Watch, 8 August 2017 (<https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>); Revocation of permanent residency in 2022: 81 East Jerusalem Palestinians were stripped of their permanent residency status as part of Israel's "quiet deportation" policy, the highest number of revocations since 2016, 12 March 2023, (<https://hamoked.org/document.php?dID=Updates2344>); Israel: Jerusalem Palestinians stripped of status, Human Rights Watch, 8 August 2017, (<https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status>); The Legal Status of Palestinians in Jerusalem, Grassroots AIQuds, (https://64d2b920-2cb4-439e-88ef-0e686c650022.usrfiles.com/uqd/64d2b9_224167727264fb4b3e8b182a8dd5742.pdf); The Occupation and Annexation of Jerusalem through Israeli Bills and Laws, Al Haq, 5 March 2018 (<https://www.alhaq.org/advocacy/6263.html>); The Quiet Deportation Continues: Revocation of Residency and Denial of Social Rights of East Jerusalem Palestinians, B'Tselem and HaMoked, April 1997, (https://www.btselem.org/publications/summaries/199704_quiet_deportation); Revocation of Residency in the Occupied Palestinian Territories, Norwegian Refugee Council, December 2016, (https://www.nrc.no/globalassets/pdf/legal-opinions/legal_memo_residency_revocation.pdf).



As you are aware, the extensive destruction and appropriation of property in occupied territory by an occupying power which is not justified by military necessity constitutes a war crime under the Rome Statute. Moreover, the transfer by an occupying power of its own civilian population into occupied territory, and the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory also constitute war crimes.

While we understand that the forcible transfer of the Ghaith-Sub Laban family has not yet taken place, we believe that it is imminent. We believe that the Office of the Prosecutor can take urgent steps to try to prevent the transfer of this family. Accordingly, we strongly urge you to:

- 1) Actively monitor this case;
- 2) Make a public statement placing the Israeli authorities on notice that you are actively monitoring this case;
- 3) Specify in the statement that any attempt to evict the Ghaith-Sub Laban family may amount to grave breaches of international law, including potential war crimes; and
- 4) Closely monitor and take active steps to address the rapidly deteriorating situation in Palestine.

The office you hold has enormous persuasive power; and you have demonstrated with your public statements in the past the impact that the prosecutor's office can have on those committing violations of the Rome Statute. We are aware that previous prosecutors have taken such action in the past with the aim of preventing the commission of crimes which are imminent - or at least staying the hand of those who seek to commit such crimes. Indeed, we commend you for taking such action in respect of the situation in Afghanistan in August 2021.

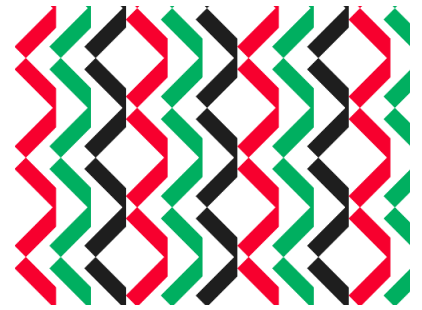
By taking such decisive action in support of the rights of the Sub Laban family, as well as the many other Palestinian families at risk of forcible transfer in Occupied East Jerusalem, we respectfully submit that the ICC will:

- 1) help prevent the forced displacement of this elderly couple and the seizure of their home by a far-right settler organisation for political/ethno-nationalistic purposes, and in violation of international law;
- 2) demonstrate its commitment, without bias or preference, to ensuring that perpetrators of international crimes are brought to justice;
- 3) demonstrate that the ICC supports the consistent and non-discriminatory application of the rule of international law, regardless of the ethnicity or religion of victims or perpetrators;
- 4) demonstrate that the ICC will not support the exceptionalism and impunity that Israel has enjoyed for the past 75 years; and



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- 5) enhance the credibility of the ICC, particularly among the people of the formerly colonised countries of the Global South, by demonstrating that apartheid will not be tolerated in the twenty-first century.

ICJP wishes to affirm our commitment to aiding the ICC's investigation into the Situation of Palestine and offer our support to the Office of the Prosecutor. We would greatly welcome the opportunity to assist your office in the conduct of its duties with respect to the Situation of Palestine, and to carry out its vital mission effectively and fairly.

Yours sincerely,

ICJP

