

The Rt Hon David Lammy MP
Secretary of State for Foreign, Commonwealth and Development Affairs
King Charles Street London, SW1A 2AH
Sent by email only to: fcdo.correspondence@fcdo.gov.uk
Via email - 5th February 2025

Dear Foreign Secretary,

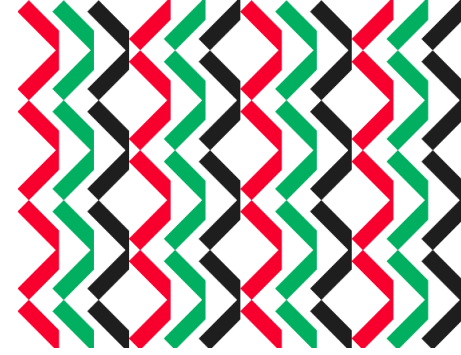
RE: URGENT – UK Duties amidst US Policies Undermining the Rule of Law

We write to raise our critical concern regarding several current and imminent threats to the rule of law, peace, and conflict resolution in the occupied Palestinian territory (“oPt”). These threats arise from recent policies by the federal government of the United States (U.S. government). We write with specific reference to the following policy decisions:

1. Public comments encouraging permanent displacement of Palestinians from Gaza, including political pressure on Egypt and Jordan, in what can be described as ethnic cleansing.
2. Potential imposition of sanctions on the International Criminal Court (ICC) through the H.R.23 Illegitimate Court Counteraction Act.
3. Lifting of sanctions on illegal Israeli settlements via revocation of executive order 14115: "Imposing Certain Sanctions on Persons Undermining Peace, Security and Stability in the West Bank."
4. Withdrawal of all foreign aid funding, including for the UN Relief and Works Agency, but excluding Israel and Ukraine.

We call on the United Kingdom (UK) to urgently act in defence of rule of law and to maintain its duties in holding accountable entities and individuals that violate international law in the oPt. We demand the UK takes concrete steps and devise an action plan that would aim to counter these policy measures; mere condemnations and soft diplomacy are futile in the face of such threats.





Statement regarding 'clean out' of Palestinians from Gaza and Foreign Aid Funding

Alongside the policy positions adopted by the Trump administration since entering office, ICJP also note with alarm comments made by President Trump regarding the forced displacement of Palestinians from Gaza to neighbouring countries including Egypt and Jordan. In particular, President Trump referred to the 'cleaning out' of Gaza.¹

Such suggestions were immediately dismissed by both countries: Egyptian President Abdel Fattah El-Sisi said displacing "the Palestinian people from their land is an injustice we cannot take part in" whilst Jordanian King Abdullah II stressed his country's "firm position on the need to keep the Palestinians on their land."²

These comments have continued to escalate. Following the arrival of Israeli Prime Minister Benjamin Netanyahu for a visit to the U.S. on the 4th February 2025, President Trump said: "The US will take over the Gaza strip, we'll own it." In response to a question about permanent occupation, the President replied, "I do see a long-term ownership position."³ Asked about deploying US troops to fill a potential security vacuum, the president replied: "We'll do what is necessary."⁴ He also said Palestinians from Gaza should move to an 'area to resettle people, permanently', rather than return to Gaza.

UK Environment Secretary Steve Reed reiterated that 'Palestinians must be able to return to their homes' but said that the UK should not provide a 'running commentary' on Trump's remarks. These comments are highly alarming. The inflammatory nature of Trump's remarks must be immediately and clearly challenged by the UK Government, including from the Foreign Office and the Cabinet Office, as well as the Environment Secretary. The Environment Secretary praised Trump for his perceived role in bringing about a ceasefire in Gaza but failed to elaborate in any meaningful deal on today's comments alluding to permanent occupation, permanent forced displacement, potential US military involvement and possible annexation of Gaza. It is wholly

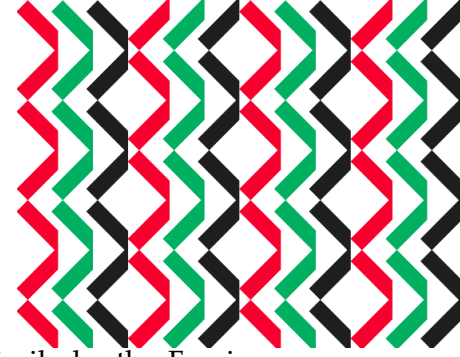
¹ Betsy Klein and Lex Harvey. (26th January 2025) [Trump suggests his plan for Gaza Strip is to 'clean out the whole thing.'](#) CNN.

² Agence France Press. (30th January 2025) [Trump insists Egypt, Jordan will take Gazans.](#) France 24.

³ Sky News. (5th February 2024) [Shock as Trump says US will make Gaza 'Riviera of the Middle East'.](#)

⁴ Andy Hayes and Claire Gilbody Dickerson. (5th February 2025) [Trump says US will take over Gaza and all Palestinians should relocate.](#) Sky News.





inappropriate to downplay or avoid strong criticism of these remarks. Similarly, the Foreign Secretary and Prime Minister both reiterated the right to return, but failed to condemn Trump's remarks.⁵

This political pressure is reckless, poses a significant threat to stability in the region, and undermines Palestinian people's rights to self-determination. The UK must strongly condemn President Trump's comments and any undue US influence that encourages the forced displacement of Palestinian people.

Further, such remarks are in stark contravention with accepted international law norms. Trump's remarks are an attempt to forcibly displace the protected Palestinian population, both a war crime and a crime against humanity under articles 7 (1)(d) and 8 (2)(a) (vii) of the Rome Statute (1998). Forcible transfer is also prohibited in accordance with article 49 of the Fourth Geneva Convention of 1949 and is considered a grave breach of the Convention as stipulated in Article 147.

Illegitimate Court Counteraction Act

As you will be aware, on 9 January 2025, the US House of Representatives passed a bill (H.R.23 Illegitimate Court Counteraction Act)⁶ aimed at imposing sanctions against the ICC, its officials, and those supporting investigations at the court involving US citizens or allies.⁷ The text of the bill is highly troubling and provides wide discretion in who these sanctions might extend to. This is the latest in a series of threats and efforts aimed at undermining the court's global mandate, ranging from Russian arrest warrants against the ICC prosecutor and judges to surveillance and intimidation of ICC elected officials and human rights defenders. That being said, the power of US sanctions is unique.

As of 28 January 2025, the bill has failed to advance in the Senate, following a vote of 54-45 in favour of the bill, falling short of the 60 votes required to advance to a vote on passage of the bill.

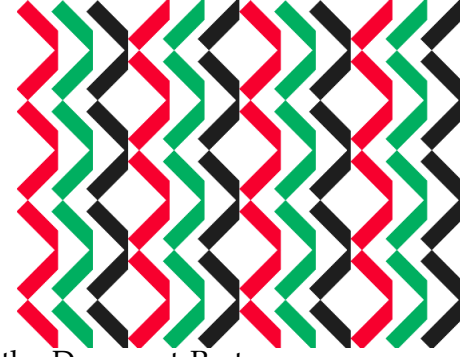
⁵ Pippa Crerar and Peter Walker. (5th February 2025) [UK disagrees with Trump's proposals for US takeover of Gaza, says Lammy](#). The Guardian.

⁶ US Congress. (2025) Summary: H.R.23 - 119th [Congress \(2025-2026\)](#).

⁷ Reuters, 'US House Votes to Sanction International Criminal Court over Israel' (9 January 2025) <https://www.reuters.com/world/us-house-votes-sanction-international-criminal-court-over-israel-2025-01-09/>.

⁸ Harry Davies (27th November 2024) [Former ICC chief prosecutor says she faced threats and 'thug-style tactics'](#). The Guardian.





However, significant concerns remain regarding concessions provided to the Democrat Party, that would facilitate an altered version of the bill to pass, or for a Presidential Executive Order to be used to implement such sanctions on the ICC.

This legislation mirrors- to an extent- a similar move in Trumps' first Term. On 2 September 2020, the Trump administration-imposed sanctions via an executive order against the ICC Chief Prosecutor and senior officials, significantly undermining the Court's independence and effectiveness.⁹

These coercive measures would gravely jeopardise the ICC's critical work, particularly in its ongoing investigation on the situation in Palestine. As a state party to the Rome Statute, the UK must stand behind the ICC, reiterating its support for the Court's independence in the same manner it did in June 2020.¹⁰ The UK's commitment to supporting the court cannot be allowed to wane.

As you are well aware, in 2024, the Conservative government sought to challenge ICC arrest warrants for Israeli leaders. This challenge was later withdrawn by the Labour government,¹¹ who is now expected to abide by its obligations to comply with arrest warrants. However, as a crucial ally to the United States, it is important that the government ensures that its support for the ICC is not influenced in any way by US policy.¹²

The ICC's work in the situation in Palestine is time-sensitive and so far, one of the only effective accountability tools that might ensure those responsible for international crimes are held to account. Any sanctions targeting the Court or persons involved with the Court would not only obstruct justice as it did in 2020 but would also endanger the interests of victims and witnesses.⁸ This is also important to consider in other contexts, as the Court's work in other countries has been crucial in bringing war criminal before justice and ensuring that the rules-based order is effective.

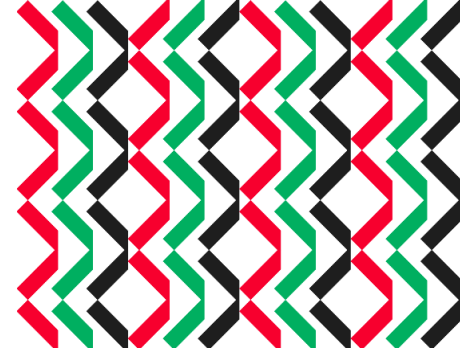
⁹ CNN, 'Trump Signs Executive Order Targeting International Criminal Court' (11 June 2020) <https://edition.cnn.com/2020/06/11/politics/icc-executive-order/index.html>.

¹⁰ Reuters, 'UK Supports International Court after Trump Approves Sanctions' (21 July 2020) <https://www.reuters.com/article/world/uk-supports-international-court-after-trump-approves-sanctions-idUSKBN23K0IN/>.

¹¹ Kiran Stacey (26th July 2024) [Britain drops its challenge to ICC arrest warrants for Israeli leaders](#). The Guardian.

¹² The Guardian, 'Britain Drops Challenge to ICC Arrest Warrants for Israeli Leaders Netanyahu and Gallant' (26 July 2024) <https://www.theguardian.com/law/article/2024/jul/26/britain-drops-challenge-icc-arrest-warrants-israeli-leaders-netanyahu-gallant>.





In this regard, we call on the UK to adopt an amendment via secondary legislation and update the proscribed sanctions list included in the 'Protecting against the Effects of the Extraterritorial Application of Third Country Legislation' to include US sanctions on the ICC and related personnel.- This legislation has been used previously to protect British persons from the effects of US sanctions against Iran and Cuba.

By introducing this amendment, the UK can offer a concrete attempt to mitigate the impact of U.S. sanctions on the ICC while sending a strong signal of its unwavering support for the Court's mission to uphold justice and accountability.

Revocation of Executive Order 14115

The first term of the Trump administration provided ample evidence of the need for vigilance and swift action to counter policies that undermine international law. Trump's policy in relation to illegal Israeli settlements in the occupied West Bank diverged sharply from the international legal consensus, including the Foreign Office's (FCDO's) position,¹³ which deems all settlements illegal under international law. The recent advisory opinion by the International Court of Justice ("ICJ") reaffirms Israel's obligations to cease all settlement activities and evacuate settlers.¹⁴ It also underscores the obligations of all states not to recognise or support these violations.¹⁵

Despite this international consensus, the U.S. has repealed sanctions on extremist settler groups -via the revocation of Executive Order 14115: "Imposing Certain Sanctions on Persons Undermining Peace, Security and Stability in the West Bank." This decision disregards international legal rulings and the US obligations as a third state.¹⁶ During Trump's first term, statistics by anti-settlement watchdog organisation Peace Now indicated a 28% surge in

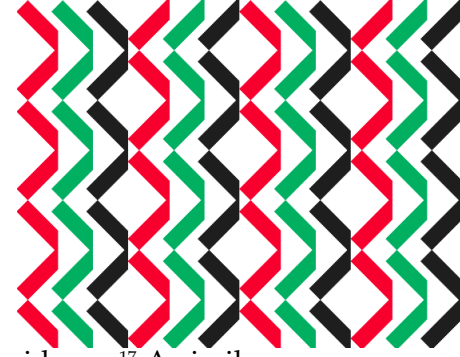
¹³ Hamish Falconer. (31st October 2024) Response to Written Question by Abtisam [Mohamed MP, Gaza: Israel](#). UIN 10867.

¹⁴ International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem: Advisory Opinion* (19 July 2024) <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-sum-01-00-en.pdf> Para {285}.

¹⁵ Ibid

¹⁶ Al Jazeera, 'Trump Lifts US Sanctions on Israeli Settlers in the Occupied West Bank' (21 January 2025) <https://www.aljazeera.com/news/2025/1/21/trump-lifts-us-sanctions-on-israeli-settlers-in-the-occupied-west-bank>.





settlement building compared to a similar time period during Obama's presidency.¹⁷ A similar spike in illegal settlement expansion and settler violence is only expected given Trump's most recent executive order.

In such times, the UK must maintain its own sanctions policies and set a precedent by fulfilling its legal obligations as a third state. This includes holding accountable any entities within its jurisdiction that aid or abet Israel's illegal settlement enterprise through financial or business operations.

In a statement on 15 October 2024, FCDO reaffirmed the UK's commitment to act as long as violent extremists remained unaccountable.¹⁸ Such affirmations are welcome from the UK government, but it must also acknowledge that this impunity is being exacerbated by recent U.S. policies. The time has come for a robust UK response that not only upholds its legal obligations to safeguarding the rule of law, ensuring accountability, but also implores its allies, including the U.S. to do the same. Furthermore, we call on the government to expand its sanctions policy to fulfil its responsibilities in ending Israeli settlement policies and addressing the unlawful acts that arise as a direct consequence of these policies.

Foreign Aid Funding

There must be a critical focus on providing humanitarian aid to Gaza, especially through funding of the UN Relief and Works Agency (UNRWA). ICJP has separately called on FCDO to sanction Israeli ministers for Israel's implementation of legislation that bans UNRWA from Israel and we reiterate these calls here.¹⁹

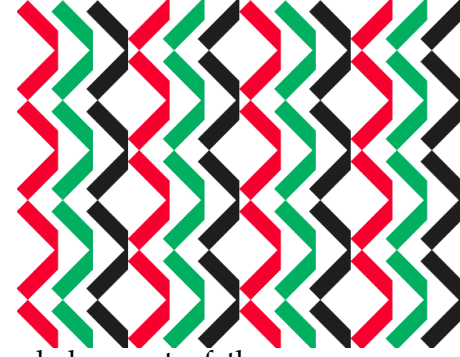
The restoration of funding for UNRWA by the UK government is a step towards the right direction, however, it does not negate the regrettable consequences of the previous government's decision to revoke funding, relying on unsubstantiated Israeli smears against the organisation.

¹⁷ AP News, 'Biden Reinstates Trump-Era Sanctions on Iranian Entities Linked to West Bank Settlement Activities' (22 January 2025) <https://apnews.com/article/joe-biden-donald-trump-israel-iran-nuclear-west-bank-afda64d2a213cb8de2ce72e46fe3385f>.

¹⁸ UK Government, 'New UK Sanctions Target Illegal Outposts and Organisations Supporting Extremist Israeli Settlers in the West Bank' (15th October 2024) <https://www.gov.uk/government/news/new-uk-sanctions-target-illegal-outposts-and-organisations-supporting-extremist-israeli-settlers-in-the-west-bank>.

¹⁹ ICJP. (30th January 2025) Israel's ban of UNRWA comes into force after three month [implementation period – another missed opportunity for UK government](#).





The restoration of funding is encouraging, as is the government's acknowledgement of the importance of UNRWA's role in humanitarian aid provision to Gaza and the announcement on the 28th of January 2025 of a £17 million package of humanitarian support including some provision for UNRWA.²⁰ However, clarity is needed on the proportion of funding allocated to UNRWA. As the largest and most effective aid provider in the region, it is important that the UK commits significant resources to the organisation.

Moreover, the UK must again leverage its position as an ally of the U.S. to voice its concerns regarding the U.S. decision to halt nearly all existing foreign assistance and paused new aid,²¹ including to UNRWA. Not only is this an egregious move that will inevitably cost the lives of Palestinians, but it is particularly insulting that Israel is one of only two countries exempt from these aid cuts, despite the plethora of international law violations by Israel against Palestinians during Israel's war on Gaza. As one of the countries most complicit in Israel's mass destruction of Gaza, it is surely the bare minimum that the U.S. contributes significantly to the reconstruction of Gaza. Once again, the UK must condemn US policy, provide explicit assurances that it will not follow suit, and use diplomatic levers available to it to pressure the U.S. to change course.

Yours sincerely,

International Centre of Justice for Palestinians

²⁰ Gov.UK (28th January 2025) [New humanitarian support for Gaza as ceasefire allows operations to scale up](#). Foreign, Commonwealth and Development Office.²¹ Tom Bateman. (25th January 2025) [US orders immediate pause to foreign aid, leaked memo says](#). BBC News.

²¹ Tom Bateman. (25th January 2025) [US orders immediate pause to foreign aid, leaked memo says](#). BBC News.

