Dr Ralph Wilde
Professor of International Law
University College London, University of London
Faculty of Laws, Bentham House
Endsleigh Gardens, London WC1H 0EG, UK
ralph.wilde@ucl.ac.uk +447966312867
https://profiles.ucl.ac.uk/2151-ralph-wilde

The Rt Hon Andy Burnham MP
Prime Minister
10 Downing Street
London
SW1A 2AA

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Dear Prime Minister

The attack on Shawan Jabarin and, through this, the Palestinian people, and the international rule of law

Introduction

I am writing to respectfully request that the UK take up the case of Shawan Jabarin, the head of the Palestinian human rights NGO Al Haq, in being banned by Israel from leaving the illegally occupied Palestinian territory (OPT). The UK can, and should, do this, as a way of discharging its obligations in international law to the Palestinian people, arising out of the ongoing consequences of its particular historical legal responsibilities for the Palestine Mandate, and the general legal duty it has, alongside all States, not to recognize Israel's illegal presence in the OPT, and to take positive steps to bring this presence to an end. And, more broadly, to discharge the UK's commitment to promote the international rule of law. I am writing to you in my private, personal capacity only, not on behalf of any other actor, including my university.

Al Haq and Shawan Jabarin

Al Haq is one of the leading Palestinian human rights NGOs, performing a vital role in advocating for the legal rights of the Palestinian people in the OPT, seeking to promote and enable accountability for violations of these rights by the State of Israel as a matter of international State legal responsibility, such as before the International Court of Justice (ICJ), and individual Israelis as a matter of individual international criminal responsibility, such as before the International Criminal Court (ICC). Legal accountability mechanisms like the ICJ and ICC cannot function without the vital support given to their work by civil society organizations like Al Haq, in providing necessary evidence, and legal argumentation, which is fed into their deliberations, whether directly, or indirectly through the submissions of parties

in litigation. Al Haq has played a seminal role in this regard in the recent and ongoing cases about Palestine before the ICJ and ICC.

Shawan Jabarin is, through his leadership of Al Haq, a human rights icon within Palestine, and internationally, in the latter case having been the recipient of numerous national and international prizes.

The travel ban is part of a broader effort by Israel to suppress the exercise by the Palestinian people, through civil society organizations, of their international legal entitlement to advocate for their legal rights. Relatedly, it is an effort to undermine the international rule of law, by suppressing vital efforts to promote accountability for violations of international law, including enabling this through support for mechanisms such as the ICJ and ICC. An attack on Al Haq is, in effect, an attack on the ICC and ICC, and on international law itself.

My personal connection to Al Haq and Shawan Jabarin and the legal issues at stake

I have had the great honour and privilege to work with Al Haq, and Shawan Jabarin, over many years, as an expert on international law and the Palestinian people. I am the academic responsible for the scholarly argument concerning the illegal nature of Israel's presence in the OPT. It was for this reason, and his agreement with my argument, that Shawan Jabarin nominated me to the League of Arab States, to represent them, as Senior Counsel and Advocate, at the ICJ in the Advisory Opinion Case where, in its landmark 2024 ruling, the Court adopted my argument made before it that the occupation was illegal, a decision subsequently endorsed by the UN General Assembly.

The UK's legal duty to act

I welcome your historic decision to shift the UK's policy to an acceptance of the position reflected in the ICJ ruling, that Israel's presence in the OPT is illegal. I would respectfully remind you that implicit in the UK adopting this position is agreement to the legal consequences, for the UK, that flow from it.

As I had the great honour and privilege to argue for the League of Arab States in the 2024 ICJ Advisory Opinion case, and for Bolivia in the related 2025 ICJ Advisory Opinion case, a key consequence of illegality is that Israel has no international legal entitlement to do anything in the OPT, and whatever it continues to do there, in defiance of the legal obligation to withdraw, is, of its very nature, an exercise of illegal authority. In consequence, as the UK has stated, Israel had no legal right to seek to close the UK Consulate in East Jerusalem in October this year, and it has no legal right now to prevent the exit and re-entry of Shawan Jabarin from and to the OPT. In this regard, UK and Shawan Jabarin are facing exactly the same illegal treatment by Israel, and this treatment deserves the same response.

As I also argued in the 2024 Advisory Opinion, the Court agreed, and the General Assembly endorsed, because Israel's presence in the OPT violates rules—the law of self-

determination, and the law on the use of force—that have a special fundamental character, all states, including the UK, have special legal duties to suppress these violations. You can find a full explanation of these duties in a legal opinion that Al Haq Europe asked me to write for them in 2024.

The UK is obliged not to recognize as lawful Israel's illegal exercise of authority in restricting Shawan Jabarin's exit and entry from and to the OPT. The duty of non-recognition, then, applies not only when the UK is directly affected—as in the effort to close the Consulate—but as a general matter, regardless of any link to the UK. Just as the UK has made it clear that Israel has no right to close the Consulate, the UK is legally required not to affirm, whether expressly or impliedly, that Israel has any right to exercise any authority in the OPT whatsoever, including in specific instances such as the travel ban on Shawan Jabarin.

The UK is also obliged to take positive steps to bring Israel's illegal presence in the OPT to an end. This requires, at a bare minimum, the UK officially adopting and publicly expressing, on a repeated and consistent basis, the position not only that this presence is illegal, but also that, in consequence, this illegal presence must end as rapidly as possible. I would, therefore, respectfully encourage the UK, having crossed the Rubicon of stating that the occupation is illegal, to take the next, legally-required, step: call for the occupation to end as rapidly as possible. Because, as indicated, the travel ban is part of the illegal presence that should end, the UK could begin, very modestly, to discharge its obligation to call for that end, by calling for the ban to be reversed.

Because the rules of international law being violated by Israel and individual Israelis through maintaining the illegal presence in the OPT, and in how this presence is conducted, are fundamental in character, all States, including the UK, have special legal duties to ensure accountability for these violations. Included here is a duty not to recognize as lawful, and to take positive action to prevent, efforts by Israel to suppress accountability. As the travel ban is one such effort, the UK should, again, not recognize this ban as lawful, and call for it to be reversed.

The UK also bears special legal duties to the Palestinian people because of its historic conduct, with ongoing consequences, as the colonial authority in Mandatory Palestine. I explained these duties, and the basis for them, in an academic publication. This explanation was adopted by Al Haq in a position paper co-authored by Shawan Jabarin and myself, and by the League of Arab States in the oral and written submissions I made for them in the 2024 ICJ Advisory Opinion case. By failing to implement the requirements of the League of Nations Covenant, part of the Treaty of Versailles, to implement provisional independent Statehood for Palestine—effectively, Palestinian self-determination—when it took over authority in Palestine after the First World War, the UK violated the "sacred trust" legal obligations in the Covenant, owed to the other parties to the Versailles treaty and the Palestinian people. The consequences of this illegality are ongoing, including because of the direct link between it and the illegal basis—a denial of the legal right of self-determination of the Palestinian people with respect to the entirety of historic Palestine—on which Israel claims an entitlement to exercise authority over the OPT. The legal steps required of the UK to make

amends for this are wide-ranging, and complex. They would include, as a bare minimum, duties corresponding to those I mentioned earlier to call for Israel's illegal presence in the OPT to end and, as part of this, to call for the travel ban on Shawan Jabarin to be removed.

Finally, and most fundamentally, Israel's presence in the OPT and, as part of this, its efforts to restrict the free movement of Shawan Jabarin from and to the OPT, are not only violations of the legal rights of the Palestinian people and Shawan Jabarin in particular. Because the rules being violated have a fundamental character, and part of the violative behaviour, including the travel ban on Shawan Jabarin, is aimed at avoiding accountability, and thereby enabling impunity, this behaviour is also an attack on the international rule of law itself. I recall your speech at the UN General Assembly in September, when you stated that the UK is "going to be much prouder in standing up for our values and the rule of law" and "will stand firm in the face of any threats and challenges to the rule of law." I would respectfully suggest that the treatment of Shawan Jabarin is a case in relation to which the UK can, and, legally, must, stand up, and stand firm.

Thank you for your consideration. I am at your disposal if I can assist further, in any respect.

Yours sincerely



Ralph Wilde