

# Political Affairs Digest

*A daily summary of political events affecting the Jewish Community*  
**Scottish Council of Jewish Communities**  
**SCoJeC**

## Contents

Home Affairs

Israel

Relevant Legislation

Consultations

## Home Affairs

### High Court of Justice

#### Approved Judgment on Costs

**Between : R (Adath Yisroel Burial Society and Mrs Ita Cymerman) Claimants, and HM Senior Coroner for Inner North London**

*[This application for costs relates to the case concerning the Senior Coroner for Inner North London who summarized her policy as “No death will be prioritised in any way over any other because of the religion of the deceased or family, either by the coroner’s officers or coroners.” This has been described at various times by the Defendant as being a “cab rank rule” and “an equality protocol”. An abstract of that judgement was included in [“Political Affairs Digest” of 29 April 2018.](#)]*

2. The Claimants apply for an order that their costs of the claim for judicial review should be paid by the Defendant subject to detailed assessment. ... The Defendant resists the application. ...
4. We understand that on 25 May 2018 or thereabouts the London Borough of Camden (“Camden”), which is the local authority responsible for the Defendant, indicated for the first time that it was minded not to indemnify the Defendant for any adverse costs order which might be made against her. ...
6. In the event, on 8 June 2018, Camden confirmed that it would, after all, indemnify the Defendant in respect of any adverse costs order ...
9. The general rule is that the unsuccessful party will be ordered to pay the costs of the successful party. However, the position in relation to judicial officers such as coroners is not necessarily subject to that general rule. ...
11. The Claimants contend that they are entitled to their costs of the action on a number of grounds based on *Davies* which can be summarised as follows:
  - i) The Defendant has not acted neutrally because she has actively sought to defend her policy.
  - ii) The Defendant unreasonably declined to withdraw her policy or sign a consent order.
  - iii) The case is distinguishable from *Davies* because the Defendant in making her policy was not making a judicial decision.
  - iv) It is manifestly unjust that the Claimants should have to bear the costs of bringing and pursuing these proceedings.
12. The Defendant resists each one of those grounds. ...
15. We are satisfied that the policy formulated by this Defendant was judicial in its nature.

By that policy, the Defendant directed herself and her staff about the order in which decisions would be taken about deaths, including decisions about whether and when to release the body. Such decisions are plainly judicial in nature. ...

18. Plainly, the fact that a coroner loses a case is an insufficient basis, in and of itself, on which to make an adverse costs order against him or her. ...
19. However, it is difficult to understand why the Defendant did not reconsider her position once the Chief Coroner had indicated his view that her policy was unlawful ...
22. The Defendant did not take the opportunity following the receipt of the Chief Coroner's Detailed Grounds to review her position and reconsider the basis on which she was defending it. Her failure to do that was not flagrantly improper behaviour, nor was it akin to refusing to sign a consent order. But it is an "important consideration" for us ...
23. We stop short of saying that the Defendant acted unreasonably. ... we do not consider that we have sufficient information available to us to reach a judgment on the point. ...
24. The Claimants submit that the Defendant has not been neutral in her stance. They argue that she actively sought to defend her policy as lawful. ... The Defendant resists that, saying that she has done nothing more than seek to assist the Court on matters of fact or procedure, maintaining a neutral position. ...
32. ... The Defendant was representing herself and did not have any legal assistance to help her to determine where the line between neutrality and active participation lay. Objectively judged, and with the benefit of hindsight, we conclude that she crossed the line into active participation, but this line is not set in black and white, and it may have seemed indistinct to the Defendant at the time. ...
33. There are two related bases on which we conclude that the Claimants must succeed, at least in part, in this application ...
34. For either or both of these reasons, we conclude that the Defendant, indemnified by Camden, must pay the Claimants' reasonable costs from the date she filed her Addendum, such costs to be the subject of detailed assessment if not agreed. From that date onwards, fairness requires that the costs should not fall on the Claimants' shoulders; alternatively, from that date onwards, the Defendant ceased to be neutral. ...
35. The costs order we make against the Defendant includes the Claimants' costs of making the application for costs. ...

**To read the full judgement see**

<https://www.judiciary.uk/wp-content/uploads/2018/06/aybs-v-hm-coroner-costs-judgment.pdf>

**The judgement to which this judgement on costs relates, can be read at**

<https://www.judiciary.uk/wp-content/uploads/2018/04/aybs-v-hmcoroner-judgment.pdf>

TOP

## Israel

### House of Commons Written Answers

#### **Palestinians: Demonstrations**

**Richard Burden (Labour)** [155172] To ask the Secretary of State for Foreign and Commonwealth Affairs, what discussions he has had with his counterpart in the Palestinian Authority on the actions of Palestinian security forces during the demonstrations in Ramallah on 13 June 2018; and if he will make a statement.

**Alistair Burt:** Our Consul General to Jerusalem raised our concerns over the

actions of the Palestinian Authority (PA) security forces and police during the demonstration held in Ramallah on 13 June with the Palestinian Liberation Organisation and the PA on 21 June. He urged the need for an investigation to understand what happened, to learn the lessons, and to enable appropriate action in light of the investigation.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-19/155172/>

#### **Laith Abu Zeyad**

**Richard Burden (Labour)** [155173] To ask the Secretary of State for Foreign and Commonwealth Affairs, what discussions he has had with his counterpart in the Palestinian Authority on the detention and treatment of Amnesty International staff member Laith Abu Zeyad by Palestinian Authority security forces; and if he will make a statement.

**Alistair Burt:** Whilst we have not raised the case of Laith Abu Zeyad, our Consul General to Jerusalem raised our concerns over the actions of the Palestinian Authority (PA) security forces and police during the demonstration held in Ramallah on 13 June with the Palestinian Liberation Organisation and the PA on 21 June. He urged the need for an investigation to understand what happened, to learn the lessons, and to enable appropriate action in light of the investigation.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-19/155173/>

#### **Occupied Territories**

**Lloyd Russell-Moyle (Labour Co-op)** [155912] To ask the Secretary of State for Foreign and Commonwealth Affairs, pursuant the Answer of 29 March 2018 to Question 133735 on Occupied Territories, for what reason the data is not being collected.

**Alistair Burt:** We are confident that our robust process for assessing export licence applications manages the risk that UK-supplied equipment might be used in a way that is inconsistent with the Consolidated EU and National Arms Export Licensing Criteria. That process includes a rigorous assessment of the risks of diversion. In addition, we judge that it would not be practical or effective to carry out verification visits to end users in country. We keep extant licences under review and will revoke a licence if we judge that the export of the items covered by the licence would no longer be consistent with the Consolidated Criteria. We do not generally collect information on whether items granted an export licence are exported, or how they are then used.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-20/155912/>

*The answer referred to above can be read at*

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-03-21/133735/>

#### **Duke of Cambridge: Speeches**

**Wera Hobhouse (Liberal Democrat)** [156645] To ask the Secretary of State for Foreign and Commonwealth Affairs, what advice his Department plans to provide on Prince William's response to any questions on recent killings in Gaza which are raised during the five day visit starting on 24 June 2018 to Jordan, Israel and the Occupied Palestinian Territories.

**Alistair Burt:** The main purpose of Royal Visits is to strengthen diplomatic, economic and people-to-people relations between the UK and the countries and places visited. Members of the Royal Family undertaking official visits for the UK receive a range of factual briefings in the lead-up to the visits. It would not be appropriate to comment on the specific details of these briefings.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-22/156645/>

### **Gaza: Death**

**Chris Williamson (Labour)** [157109] To ask the Secretary of State for Foreign and Commonwealth Affairs, what representations he has made to his Israeli counterpart on ensuring an independent element in the inquiry into the recent deaths at the Gaza border.

**Alistair Burt:** The UK has called directly on Israel to carry out a transparent inquiry into the Israeli Defence Forces' conduct at the border fence and to demonstrate how this will achieve a sufficient level of independence. We have made clear that this investigation should include international members and that the findings of such an investigation should be made public. The Prime Minister stressed the need for Israel to carry out a transparent, independent inquiry into recent protests in Gaza when she met Israeli Prime Minister Netanyahu in London on 6 June.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-25/157109/>

### **Israeli Settlements**

**Chris Williamson (Labour)** [157110] To ask the Secretary of State for Foreign and Commonwealth Affairs, what steps he plans to take to encourage the Israeli Government to freeze the building of illegal settlements in the West Bank.

**Alistair Burt:** The Foreign Secretary issued a statement on 1 June calling on Israel to reconsider its plans to construct over 3,000 settlement units in the West Bank. I raised our concerns about new settlement announcements with the Israeli authorities during my visit to Israel on 30-31 May.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-25/157110/>

*The statement referred to above can be read at*

<https://www.gov.uk/government/news/foreign-secretary-statement-on-khan-al-ahmar>

### **Israel: Bedouin**

**Chris Williamson (Labour)** [157112] To ask the Secretary of State for Foreign and Commonwealth Affairs, what representations he has made to his Israeli counterpart on the evacuation of the Bedouin village of Umm al Hiran in Israel.

**Alistair Burt:** We are closely following the debate around the issue of unresolved Bedouin land claims, unrecognised Bedouin villages in the Negev, and lack of basic services. The UK continues to encourage the Israeli authorities and Bedouin community to work together to find a solution that meets the needs and respects the rights of the people affected.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-06-25/157112/>

## **House of Lords Written Answer**

### **Palestinians: Syria**

**Lord Hylton (Crossbench)** [HL8707] To ask Her Majesty's Government whether they will consult the United Nations Relief and Works Agency for Palestine Refugees in the Near East and other UN agencies about what can be done for the Palestinians formerly living in Yarmouk, who moved to Babbila, Yalda and Beit Sahem but who now face eviction.

**Lord Bates:** Through the United Nations Relief and Works Agency (UNRWA)

Syria Emergency Appeal, the UK continues to support Palestinian refugees in Syria, including those who are displaced following the siege of Yarmouk. The UK remains in dialogue with UNRWA as they assess and develop contingency plans to assist displaced Palestinian refugees, including should they be evicted from Yarmouk, Yalda, Babbila and Beit Sahem.

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2018-06-18/HL8707/>

## United Nations

### **Changing Realities Create Need to Give Jerusalem Priority in Palestinian-Israeli Conflict, Say Speakers at International Conference**

... Abdallah Siam, Deputy Governor of Jerusalem under Palestinian Authority, said ... that Israeli policies were aimed at pushing Palestinians out of the city in order to impose facts on the ground. Those policies were based on principles such as strengthening the Jewish character of the city, the growth of Israeli settlements, even inside Palestinian neighbourhoods, and the occupation of Palestinian lands. ...

Lara Friedman, Foundation for Middle East Peace, said that President Donald Trump's decision to recognize Jerusalem as the capital of Israel ... marked the end of that country's role as sponsor of the Middle East peace process ...

Daniel Seidemann, Terrestrial Jerusalem, remarked ... that solving the question of Palestine required a viable Palestinian State. ... He compared the Israeli occupation to a disease spreading within the body, which was felt today in the form of violations of something sacred to all — Jerusalem.

Amneh Badran, Al Quds University ... cited significant data relating to the situation of Palestinians in the city, such as the fact that the percentage of Palestinians residing in Jerusalem was around 37 per cent, of whom almost half could be stripped of their residency permits at any moment. The Palestinians could resist merely by the act of staying in the city, she said ...

Moshe Amirav, Professor at the Hebrew University of Jerusalem, said Jerusalem was everyone's city and must remain the City of Peace. He recalled that he had proposed, with the late Faisal Housseini, a "two capitals in one single city solution", that had been rejected by the then-Israeli Prime Minister, Yitzhak Shamir. That had been among the factors that had triggered the first intifada ... he said, stressing that Jerusalem was the cornerstone of the conflict between Palestinians and Israelis. ...

Mohammad Shtayyeh said ...the Palestinians were ready and open, but Israel refused to return to the 1967 borders ... noting that Israel had tried to empty Jerusalem of Palestinians. ...

Mr. Zayyad said in response to questions that Zionism had brought religion into the conflict because the Zionist movement had used religion to create a nationality. Israeli society was today becoming more extremist and pushing Palestinians to adopt the same behaviour. There was a risk that the continued occupation could push the conflict from being a nationalist struggle into becoming a conflict between two religions, he warned. ...

**To read the full press release see**

<https://www.un.org/press/en/2018/gapal1412.doc.htm>

TOP

## Relevant Legislation \*\* new or updated today

### UK Parliament

#### **Holocaust (Return of Cultural Objects) (Amendment) Bill**

<https://services.parliament.uk/Bills/2017-19/holocaustreturnofculturalobjectsamendment.html>

#### **Marriage Act 1949 (Amendment) Bill**

<http://services.parliament.uk/bills/2017-19/marriageact1949amendment.html>

#### **Organ Donation (Deemed Consent) Bill**

<http://services.parliament.uk/bills/2017-19/organdonationdeemedconsent.html>

### Scottish Parliament

#### **Human Tissue (Authorisation) (Scotland) Bill**

<http://www.parliament.scot/parliamentarybusiness/Bills/108681.aspx>

TOP

## Consultations \*\* new or updated today

#### **\*\* closes in 4 days**

#### **Home Education** (closing date 2 July 2018)

<https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/>

#### **Ecclesiastical exemption and guidance on scheduled monuments** (closing date 13 July 2018)

<https://beta.gov.wales/ecclesiastical-exemption-and-guidance-scheduled-monuments>

#### **\*\* Financial Memorandum of the Human Tissue (Authorisation) (Scotland) Bill** (closing date 31 August 2018)

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/109042.aspx>

#### **Human Tissue (Authorisation) (Scotland) Bill** (closing date 4 September 2018)

<http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/108999.aspx>

#### **Antisemitism: Survey of European Jews** (closing date not stated)

<http://www.eurojews.eu/>

TOP

The Scottish Council of Jewish Communities (SCoJeC) is Scottish Charitable Incorporated Organisation SC029438