



Urgent Appeal to the United Nations Special Procedures  
**Imminent Deportation of Human Rights Defender Salah Hammouri Following  
Confirmation of Decision to Revoke his Permanent Residency**

**Date:** 27 October 2021

**Submitted by:**

- Cairo Institute for Human Rights Studies
- Association France Palestine Solidarité
- Palestinian Human Rights Council:
  - Addameer Prisoner Support and Human Rights Association
  - Al Haq Organization - Law in the Service of Mankind
  - Al MezanCenter for Human Rights
  - Aldameer Association for Human Rights
  - Defense for Children International – Palestine
  - Hurryyat - Center for Defense of Liberties and Civil Rights
  - Jerusalem Legal Aid and Human Rights Center
  - Muwatin Institute for Democracy and Human Rights - Observer Member
  - Palestinian Centre for Human Rights
  - Ramallah Center for Human Rights Studies
  - The Independent Commission for Human Rights - Observer Member
- Palestinian Non-Governmental Organizations Network:
  - Applied Research Institute- Jerusalem
  - Human Rights & Democracy Media Center “Shams”
  - Bisan Center for Research & Development
  - Alrowwad Cultural and Arts Society
  - Palestinian Counseling Center
  - Women’s Studies Centre

**For the attention of the United Nations:**

- Special Rapporteur on the situation of Human Rights in the Palestinian Territory Occupied since 1967, Mr. S. Michael Lynk;
- Special Rapporteur on the Situation of Human Rights Defenders, Ms. Mary Lawlor;
- Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression, Ms. Irene Khan;

- Special Rapporteur on Contemporary Forms of Racism, Ms. E. Tendayi Achiume;
- Special Rapporteur on the Independence of Judges and Lawyers, Mr. Diego Garcia-Sayan; and
- Special Rapporteur on the Right of Everyone to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health, Ms. Tlaleng Mofokeng.

## Introduction

On 18 October 2021, the Israeli Interior Minister Ayelet Shaked officially notified 36-year-old Palestinian-French human rights defender Salah Hammouri of the revocation of his permanent residency status in Jerusalem based on a “breach of allegiance to the State of Israel.” The initiation of his residency revocation and forced deportation, pursuant to Amendment No. 30 to the Entry into Israel Law of 1952, comes on the heels of the Israeli apartheid regime’s targeted harassment campaign against Salah Hammouri, a vocal Palestinian human rights advocate, a long-time employee at Addameer Prisoner Support and Human Rights Association, and a former political prisoner. The arbitrary, punitive, and unlawful decision entails profound violations of international law and human rights, amounting to the war crime of forced population transfer and crimes against humanity, as well as violations of the rights to movement, family life, and free expression, specifically the right to voice opposition to Israeli policies and practices. This case represents yet another example of Israel’s protracted and systematic policies and practices intended to silence human rights defenders.

Israeli occupying authorities first notified Salah Hammouri of the Ministry’s intention to revoke his permanent residency on 3 September 2020<sup>1</sup> under then-Israeli Interior Minister Aryeh Deri. In response, our organizations submitted a joint urgent appeal calling on the United Nations (UN) Special Procedures to address the imminent risk of transfer and deportation.<sup>2</sup> Following the submission of the appeal, several UN Special Rapporteurs expressed concern over the imminent revocation as possible retaliation for Hammouri’s “legitimate human rights work supporting Palestinian political prisoners in the Occupied Palestinian Territories.”<sup>3</sup> Still, on 29 June 2021, current Israeli Interior Minister Ayelet Shaked announced the adoption of recommendations to revoke the permanent residency, pending approval by the Israeli Attorney General and Minister of Justice. UN Special Rapporteur on the situation of human rights defenders Mary Lawlor further

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<sup>1</sup> Addameer Prisoner Support and Human Rights Association, “Joint Urgent Appeal to the United Nations Special Procedures on the Imminent Threat of Forcible Transfer/Deportation of Salah Hammouri for “Breach of Allegiance,” 30 September 2020, <https://www.addameer.org/news/human-rights-organisations-send-urgent-appeal-un-special-procedures-imminent-threat-forcible>

<sup>2</sup> *Ibid.*

<sup>3</sup> UN OHCHR Communiqué AL ISR 8/20, 14 October 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25604>

cited the case of Salah Hammouri in expressing concern over “arrests, harassment, criminalization and threats against human rights defenders in the Occupied Palestinian Territory.”<sup>4</sup>

Nevertheless, in communicating the decision to move forward with the revocation of the residency status on the basis of “breach of allegiance,” the Minister of Interior cites intentionally vague and broad allegations of “terroristic activities” and/or affiliation with “terrorist entities,” based on withheld “secret information”. The withholding of “secret information” mirrors the Israeli occupation’s practices of administrative detention, in stark violation of fair trial standards, which place Palestinians under indefinite detention based on secret material that cannot be disclosed to the detainees or their lawyers. To this end, she further cites that recommendations made based on his history of arrests—the majority of which were under administrative detention, without charge or trial. Notably, the Ministry explicitly alludes to the escalation in the use of punitive residency revocations on the basis of “breach of allegiance,” as exemplified by the case of Salah Hammouri, by stating that the decision was necessary “to deter others from breaching allegiance to the State of Israel.”

Beyond the explicit prohibition under international law forbidding the Occupying Power from demanding allegiance from the occupied population,<sup>5</sup> the Israeli occupation’s practice of punitive residency revocation should be contextualized amid its broader residency and land policies aimed at indigenous population transfer and demographic manipulation, prominently embodied by the discriminatory Entry into Israel Law of 1952.<sup>6</sup> Furthermore, the case represents the intensification of Israel’s systematic silencing campaign targeting civil society organizations and individual human rights defenders to maintain its apartheid regime over the Palestinian people.

### **Past History of Harassment by Israeli Occupation Authorities**

Salah Hammouri is a Jerusalem native, born to a Palestinian Jerusalemite father and a French mother. During the second Intifada, when he was only sixteen years old, Salah was detained for five months for participating in student activities.<sup>7</sup> In 2004, he was arrested again and spent five months in jail under administrative detention, without trial or charge. His third and longest detention began in 2005, when he was imprisoned for allegedly planning an attack against an Israeli Rabbi and spiritual godfather of the ultra-Orthodox Shas Movement, Ovadia Yosef. Incidentally, the orchestrations for Salah’s residency revocation were initiated by then-Israeli Minister Aryeh Deri, who also serves as the leader of the Movement. Salah denied the accusations,

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<sup>4</sup> UN OHCHR, “Israel must safeguard human rights defenders in Occupied Palestinian Territory and within its borders – UN expert,” 11 August 2021,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27375&LangID=E>

<sup>5</sup> Article 45 Hague Regulations and Article 68(3) of the Fourth Geneva Convention.

<sup>6</sup> Al-Haq, “Residency Revocation: Israel’s Forcible Transfer of Palestinians from Jerusalem,” 03 July 2017, available at: <http://www.alhaq.org/advocacy/6331.html>.

<sup>7</sup> Al-Haq Affidavit 209A/2020, given by Salah Hasan Salah Hammouri, 35, a resident of Kufr ‘Aqab in occupied East Jerusalem, on 17 September 2020.

but was imprisoned for seven years after refusing to accept an offer to be deported to France for fifteen years.<sup>8</sup> Salah was released as part of a prisoner exchange deal, only three months before the end of his seven-year sentence.

Since his release, Salah has been subject to unrelenting harassment by the Israeli occupying authorities. Following his prison sentence, Salah enrolled in university, graduated from law school, and immediately enrolled in a human rights program for a master's degree. Israeli occupying authorities have targeted Salah, a vocal Palestinian human rights advocate, with the aim of repressing his right to free expression and to de-legitimise and discredit his work as a human right defender. The persistent attacks against Salah include several arbitrary arrests, the imposition of exorbitantly high fines and bail, and the imposition of travel bans against him and his family. In September 2014, Salah was banned for a period of six months from travelling to designated areas within the occupied West Bank from his place of residency in Jerusalem. The travel ban was renewed twice before finally being lifted in March 2016.<sup>9</sup>

In addition to the targeting of Salah Hammouri, Israeli occupying authorities further targeted his family, including his wife, French national Elsa Lefort. Following their marriage, Israeli occupying authorities refused to renew her visa, under the pretext that Salah was released through a prisoner exchange deal and was thereafter blacklisted in all departments of the Israeli government. Israeli occupying authorities further delayed response to their family reunification application to enable Elsa to stay and live in the occupied Palestinian Territory (oPT), forcing Elsa to stay in the oPT fearing to be unable to re-enter the country if she left. In 2015, Elsa was finally granted a one-year visa through her work at the Consulate General of France in Jerusalem. However, upon her return from France on 5 January 2016, she was held at the airport for several hours before being denied entry and was ordered to return to France. Despite their appeal, and that Elsa was then seven months pregnant, she was denied contact with her husband and family, refused medical attention, and ordered deportation. Around the same time, Salah's family reunification request was denied. Ever since, Elsa has been denied entry to the oPt, preventing the possibility of her, Salah and their newborn from living a normal life as a family in Salah's hometown.

Nonetheless, Israeli occupying authorities escalated their harassment of Salah, arbitrarily detaining him on 23 August 2017 for several days before his release, without charge, under a number of conditions, including house arrest for ten days, a ban from entering Jerusalem for 90 days, a travel ban for three months, and a fine of 10,000 NIS/3,110 USD. Still, the military prosecution subsequently issued a six-month administrative detention order against Salah from 29 August 2017

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<sup>8</sup> *Ibid*, see also Middle East Eye, "Franco-Palestinian lawyer latest target of Israel's Jerusalem residency revocation policy," 10 September 2020, available at: <https://www.middleeasteye.net/news/palestine-israel-jerusalem-salah-hammouri-residency-revocation>.

<sup>9</sup> *Ibid*.

to 28 February 2018 before renewing it for an additional four and then added an additional three months. Salah was released 30 September 2018.

In his latest arrest, Israeli occupation forces detained Salah on 30 June 2020 near Sheikh Jarrah health centre in Jerusalem while he was being tested for COVID-19, in preparation for traveling to France to visit his family. Taken to al- Moscobiya for interrogation, his detention was extended for an additional eight days under the pretext of further investigation. On 7 July 2020, Salah was released under the condition of fulfilling the following requirements, which included paying a NIS 2,000 fine (approximately \$570 USD) that had already been paid, and depositing a NIS 1,000 guarantee (approximately \$285 USD). Salah was also ordered to cease communication with certain individuals, a full list of whom has not been shared with him. It was on the heels of this latest arrest that Salah was first notified, on 3 September 2020, of the Israeli Interior Minister's intention to revoke his residency status.

### **Israeli Occupation Authorities Practices of Punitive Residency Revocation, Illegal Population Transfer**

Israeli occupation authorities rely on illegal population transfer and demographic manipulation, manifested through laws, policies and practices, including the Entry into Israel Law of 1952, to maintain their institutionalised regime of racial domination and oppression over the Palestinian people as a whole.<sup>10</sup> The 1952 Entry into Israel Law, which concerns the entry of non-citizens into Israel, grants preferential treatment to Jewish immigrants under the Law of Return, while imposing the precarious “permanent resident” status on Palestinians in occupied East Jerusalem.<sup>11</sup>

As such, the Palestinian population in occupied and illegally annexed East Jerusalem live with the risk of residency revocation and deportation from the city, in line with Israel's demographic engineering to unlawfully establish and maintain a Jewish majority in the city. Residency revocation is one of the main tools used by Israel to transfer protected Palestinians from occupied East Jerusalem. Since 1967, Israel has revoked the residency of more than 14,500 Palestinians. In the past decade, Israel has gradually expanded the criteria for the revocation of residency rights to include granting authority to the Ministry of Interior to revoke Palestinian residency rights on arbitrary and punitive grounds.<sup>12</sup>

According to the Interior Ministry, the residency status of 13 Palestinians has been revoked on the basis of “breach of allegiance” as of 17 October 2017, in violation of international law and with

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<sup>10</sup> *See Supra 5*

<sup>11</sup> SoI, Entry into Israel Law (5712/1952), available at: <https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-LawsDatabase/English/40-Entry-into-Israel-Law-1952.pdf>.

<sup>12</sup> *See Supra 5*

no basis in Israeli law itself.<sup>13</sup> On 13 September 2017, the Supreme Court acknowledged the absence of any legal grounds in Israeli legislation allowing for the Israeli Minister of the Interior to punitively revoke residency status on the basis of “breach of allegiance.”<sup>14</sup> Still, it provided the Ministry six months to legislate for an *ex post facto* justification for the measures. On 7 March 2018, the Israeli parliament adopted the amendment to the 1952 Entry into Israel Law, officially granting the Minister of the Interior the prerogative to revoke the residency status of Palestinians based on “breach of allegiance.”

Amendment No.30 to the Citizenship and Entry into Israel Law to the Entry into Israel Law of 1952 grants the Israeli Minister of Interior broad discretion to revoke Palestinians’ residency status, further threatening the transfer of indigenous Palestinians from Jerusalem as a punitive measure. According to the Law, as amended, “breach of allegiance” is amorphously defined as committing, participating in, or incitement to commit a terrorist act, or alleged affiliation with a terrorist organization, as well as committing acts of treason or aggravated espionage. The practice of punitive residency revocation is thus justified by the vague and illegal ground of “breach of allegiance” to the State of Israel, amounting to unlawful collective punishment<sup>15</sup> and is based solely on the Israeli Interior Minister’s interpretation that the resident “has committed an act which is considered a breach of loyalty to the State of Israel.”

Residency policies, embedded in Israel’s regime of racial domination and oppression, are designed to maintain a perilous legal status for Palestinians in East Jerusalem while upholding an Israeli-Jewish demographic majority in the city. Israel’s demographic laws and policies, amounting to war crimes and crimes against humanity, remain integral to its master plans for Jerusalem<sup>16</sup> and are consistent with a decades-long effort to alter the character, legal status, and demographic composition of the city.

## **The Crime of Forcible Transfer Apartheid**

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<sup>13</sup> The first punitive residency revocation carried out by the Israeli occupying authorities dates June 2006, with the revocation of residency status of three elected members of the Palestinian Legislative Council and the former Palestinian Minister of Jerusalem. Despite a pending case appealing the Interior Ministry’s decision before the Israeli Supreme Court, Israeli occupation authorities forcibly transferred the former Minister of Jerusalem and the three parliamentarians to the West Bank in 2013. *See also* Al-Haq, “Cracking Down on Palestinian Political Life in East Jerusalem: Israel Arrests PLC Member Mr. Ahmed Attoun to Enforce His Forcible Transfer from the City,” 01 October 2011, <http://www.alhaq.org/advocacy/6990.htm>

<sup>14</sup> Adalah, “After 10 years of litigation, Israeli Supreme Court rules interior minister cannot revoke Palestinian parliamentarians’ Jerusalem residency for ‘breach of loyalty,’” 13 September 2017, <https://www.adalah.org/en/content/view/9227>.

<sup>15</sup> Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, 15 July 2020, available at: [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A\\_HRC\\_44\\_60.pdf](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A_HRC_44_60.pdf).

<sup>16</sup> Coalition for Jerusalem, Master Plan 2000 – English Translation, 2 May 2007, available at: <http://coalitionforjerusalem1.blogspot.com/2007/05/master-plan-2000-english-translation.html>.

The transfer of protected Palestinians from occupied East Jerusalem is considered a war crime under Article 8 of the Rome Statute of the International Criminal Court,<sup>17</sup> and a grave breach of Articles 49 and 147 of the Fourth Geneva Convention.<sup>18</sup> Moreover, the adoption of residency revocations and forced deportations as part of a widespread and systematic transfer policy directed against a civilian population, may amount to a crime against humanity as per Article 7 of the Rome Statute.

Israel's policy of revoking Palestinian residency rights in East Jerusalem violates Article 43 of the Hague Regulations and Article 64<sup>19</sup> of the Fourth Geneva Convention, which stipulate that the Occupying Power may not act as a sovereign legislator or extend its own legislation over the occupied territory. Moreover, the criterion of allegiance to Israel is illegal. International Humanitarian Law explicitly forbids the Occupying Power from demanding allegiance from the occupied population, as stated in Article 45 Hague Regulations and Article 68(3) of the Fourth Geneva Convention.<sup>20</sup>

The revocation of Salah's residency status and impending deportation clearly violate Article 49 of the Fourth Geneva Convention prohibiting "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not," regardless of motive. The transfer of the Palestinian civilian population is not only illegal but further results in the denial of basic human rights including rights to family life, health, education, work, and many other civil, political, social, economic and cultural rights. The revocation of residency status violates the basic right of Palestinians to leave and return to their own country, in violation of Article 12 of the International Covenant on Civil and Political Rights (ICCPR), which notes "no one shall be arbitrarily deprived of the right to enter his own country."<sup>21</sup> Article 17 of the ICCPR further prohibits arbitrary attacks and unlawful interference with an individual's privacy, family, home or correspondence.

## Recommendations

The Israeli judicial system allows for unlawful policies and practices to be carried out with impunity and with complete disregard for international law. Notably, the revocation of Salah's residency status on intentionally vague grounds of "terroristic activities," previous arrests—the majority of which were under administrative detention—*ex post facto*, and withheld "secret

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<sup>17</sup> *Rome Statute of the International Criminal Court* (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3. (henceforth "Rome Statute")

<sup>18</sup> *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (adopted 12 August 1949, entry into force 21 October 1950) 75 UNTS 287 (henceforth "Fourth Geneva Convention")

<sup>19</sup> *Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land* (adopted 18 October 1907, entry into force 26 January 1910) (henceforth the "Hague Regulations") Article 43, Hague Regulations.

<sup>20</sup> Article 45, Hague Regulations, and Article 68(3), Fourth Geneva Convention.

<sup>21</sup> *International Covenant on Civil and Political Rights* (adopted 16 December 1966, entry into force 23 March 1976) 16 December 1966, 999 UNTS 171 (henceforth the "ICCPR").

information” marks a grave expansion of the Israeli apartheid regime’s systematic policies and practices intended to silence Palestinians, including human rights defenders, who seek justice and accountability for violations of Palestinian rights. Such policies are part and parcel of Israel’s apartheid regime of racial domination and oppression designed to engineer and maintain a Jewish demographic majority in the city at the expense of indigenous Palestinians. Salah’s case will open the way for more widespread use of residency revocation on the basis of “breach of allegiance”, putting thousands of Palestinians in Jerusalem at risk of arbitrary and punitive measures leading to their transfer.

Accordingly, it is imperative that the international community immediately and urgently address the punitive residency revocation of Salah Hammouri as it represents a step towards its wider application. In light of the above, our organisations submit this urgent appeal for the immediate intervention of the relevant UN Special Procedure mandates and urge them to:

1. Issue a public statement calling on Israel to reverse its decision to revoke the residency status of Salah Hammouri, which will lead to his imminent deportation;
2. Communicate with the Israeli Foreign Ministry and other relevant interlocutors to reiterate the illegality of residency revocation leading to the forcible transfer of Palestinian civilians, which is a war crime under the Rome Statute of the ICC.
3. Call on Israel to put an end to all policies and measures of intimidation and harassment against human rights defenders and activists.

**For more information, please consult some of the recent civil society actions on this matter:**

- [Webinar “HRD Salah Hammouri at Imminent Threat of Deportation from Jerusalem: Israel Must Be Held Accountable”](#)
- In a [joint statement](#) before the Human Rights Council, 56 local and international human rights organizations called on the international community to take immediate action to protect Palestinian human rights defenders and hold Israel accountable, including ensuring the protection of Salah Hammouri, including his right to reside in Jerusalem.
- In an [urgent appeal](#), 14 Palestinian and regional human rights organizations called for the urgent intervention of the UN special procedures and the international community to request Israel, the Occupying Power, to immediately halt its legal proceedings for the revocation of Salah Hammouri’s residency.
- [Joint statement](#): Punitive Residency Revocation: The Most Recent Tool of Forcible Transfer.