

Urgent Appeal to the United Nations Special Procedures

Palestinian Human Rights Defender and Lawyer Salah Hammouri Facing Continued Arbitrary Arrest and at Imminent Risk of Forcible Deportation

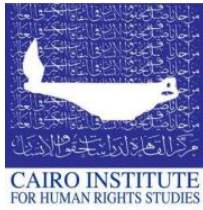
Date: 21 March 2022

Submitted by:

- Association France Palestine Solidarité (AFPS)
- Cairo Institute for Human Rights Studies (CIHRS)
- 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
- The Platform of French NGOs for Palestine

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;
- Working Group on Arbitrary Detention, Ms. Leigh Toomey (Chair-Rapporteur);
- The United Nations Special Rapporteur on the situation of human rights defenders, Ms. Mary Lawlor;
- The United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Ms. Irene Khan;
- The United Nations Special Rapporteur on contemporary forms of racism, Ms. E. Tendayi Achiume;
- The United Nations Special Rapporteur on the Independence of Judges and Lawyers, Mr. Diego García-Sayán;
- The United Nations Independent Expert on human rights and international solidarity, Mr. Obiora C. Okafor; and
- The United Nations Special Rapporteur on the Right to Privacy, Ms. Ana Brian Nougrères.



- Introduction and Case Summary

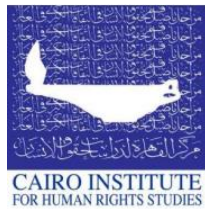
On 7 March 2022, between 4:00-5:00 am, about 25 Israeli occupying forces, including special unit forces, *Al-Musta'ribeen Unit*, broke Salah Hammouri's apartment door in Kufor Aqab north of Jerusalem, entered his bedroom, and grabbed him from his bed while still sleeping. The Israeli occupying forces ransacked the premises and confiscated three mobile phones and one laptop belonging to Salah. During his arrest, Salah sustained an injury to his wrist as he was bound with a plastic zip-tie, aggressively escorted out, and forced to kneel on the floor facing a wall until he was transferred to a military jeep. Salah was first taken to Ofer military base in Beitounia, Ramallah, where he was held until the evening and later transferred to Al-Mascobbiya Interrogation Center in Jerusalem. On 13 March 2022, Salah was again transferred to the holding section in Ofer prison, where he is currently detained when submitting this urgent appeal.

On 9 March 2022, Salah Hammouri appeared in Ofer military court via video conference, where the military judge ruled to extend his detention for 48 hours to issue an administrative detention order. The following day, on 10 March 2022, the Israeli military commander issued a three-month¹ administrative detention order against Salah, without charge or trial, based on "secret information." Notably, 490 Palestinian administrative detainees are currently undertaking a collective boycott of Israeli military courts to protest the Israeli occupation's illegal systematic, and arbitrary practice of administrative detention.² Salah joins the boycott, refusing to participate in the military proceedings related to his administrative detention and requesting his legal counsel do the same.

Salah Hammouri, 36 years old, is a Palestinian-French Jerusalemite, long-time human rights defender (HRD), a lawyer with Addameer Prisoner Support and Human Rights Association, and a former political prisoner. Salah has been the subject of Israeli persecution since he was 15 years old when he sustained a bullet injury in 2000. He was first arrested at the age of 16 and has since then been facing continuous judicial and administrative harassment by the Israeli occupation authorities, including six periods of imprisonment and arbitrary arrests, several travel bans, exorbitant bail and fines, house arrests, separation from his family, surveillance and spyware attack, and most recently, the illegal revocation of his permanent Jerusalem residency and forced

¹ On 10 March 2022, the Israeli military commander issued a four-month administrative detention order, however, later on 13 March 2020, Salah's legal counsel was notified that the administrative detention order was faultily dated and corrected the duration of the order to three months instead of four months.

² *Addameer Prisoner Support and Human Rights Association*, "Our Decision is Freedom...No to Administrative Detention": Palestinian Administrative Detainees Declare Boycott of Israeli Military Courts" 15 February 2022, https://www.addameer.org/index.php/news/4662#_ftn1



deportation from Jerusalem on 18 October 2021,³ in addition to his current arbitrary administrative detention subject to indefinite renewals.

- Administrative Detention Amidst Residency Revocation

The arbitrary arrest and detention of Salah Hammouri are made more urgent and exceptional in light of the Israeli Minister of Interior's unlawful decision, on 18 October 2021, to revoke his permanent residency status in Jerusalem based on a "breach of allegiance to the State of Israel."⁴ The initiation of his residency revocation under Amendment No. 30 to the Entry into Israel Law of 1952 entails profound violations of international law and puts him at imminent risk of forced deportation.⁵ It directly breaches Article 45 of the Hague Regulations and Article 68(3) of the Geneva Convention (GCIV), with the resulting forcible transfer violating Article 49 of the GCIV, amounting to a grave breach of the Geneva Conventions, the war crime of forced population transfer, and crimes against humanity of displacement,⁶ and apartheid.⁷ It 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.

Further still, the circumstances of the ongoing residency revocation procedures and arbitrary detention of Salah Hammouri are creating a phenomenon akin to a legal blackhole wherein the broader Israeli legal regime governing his status as a Jerusalemite is suspended. Israel's procedure of administrative detention, in which a detainee is held without charge or trial, is based on the *British Mandate Defense (Emergency) Regulations (1945)*, later reappropriated and incorporated by the Israeli occupation under three separate laws: (1) Article 285 of Military Order 1651, which is part of the military legislation applying in the West Bank; (2) Internment of Unlawful Combatants Law (Unlawful Combatants Law), which has been used against residents of the Gaza Strip since 2005; (3) Emergency Powers (Detentions) Law, which applies to individuals holding Israeli citizenship.⁸ Whereas the Israeli military commander orders administrative detention in the

³ See PHRC and PNGO's urgent appeal to the UN Special Procedures on Salah Hammouri's residency revocation and imminent deportation, submitted 27 October 2021: <https://addameer.org/news/4562>

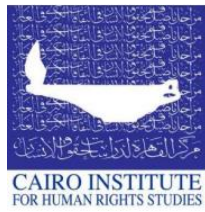
⁴ See *Supra 1; Addameer Prisoner Support and Human Rights Association*, "Joint Urgent Appeal to the United Nations Special Procedures on the Imminent Threat of Forcible Transfer/Deportation of Salah Hammouri for 'Breach of Allegiance,'" 30 September 2020. Available at: <https://www.addameer.org/news/human-rights-organisations-send-urgent-appeal-un-special-procedures-imminent-threat-forcible>.

⁵ *Al-Haq*, "Punitive Residency Revocation: The Most Recent Tool of Forcible Transfer", 17 March 2022. Available at: [Punitive Residency Revocation: the Most Recent Tool of Forcible Transfer \(alhaq.org\)](https://www.alhaq.org/)

⁶ Article 7(1)(d), Rome Statute of the International Criminal Court.

⁷ Article 7(2)(h), Rome Statute of the International Criminal Court.

⁸ *Addameer Prisoner Support and Human Rights Association*, "Administrative Detention in the Occupied Palestinian Territory: A Legal Analysis Report," Fourth Edition 2016, https://www.addameer.org/sites/default/files/publications/administrative_detention_analysis_report_2016.pdf



oPt, administrative detention for Jerusalemites and Palestinians with Israeli citizenship is authorized by the Israeli Minister of 'Defense.'⁹

In the case of Salah Hammouri, a native Jerusalemite, IOF arbitrarily arrested him, transferring him first to a military base to conduct the required physical examination before transferring him to Ofer military base for interrogation. Nevertheless, following the interrogation, Salah remained in a military jeep in front of Ofer military prison for six hours, as Ofer prison administration refused to take him as his legal status was not that of a Palestinian from the oPt. Instead, he was later transferred to Al-Mascobiya Detention Center in Jerusalem. Importantly, the legal void created by the ongoing revocation procedures and arbitrary detention of Salah Hammouri is exploited by Israeli occupation authorities to forcibly establish his residency revocation as *fait accompli*, irrespective of ongoing civil court procedures. Salah's case establishes a dangerous precedent for the Israeli occupation's escalation of residency revocation and arbitrary administrative detention.

- Ongoing Legal Procedures Contesting Salah Hammouri's Residency Revocation

Still, and at the time of his latest arrest, Salah continues to wage a legal battle challenging his illegal residency revocation. On 18 October 2021, the Israeli Interior Ministry officially notified Salah Hammouri of the revocation of his permanent residency status in Jerusalem, following the notification of the Ministry's intention to revoke his permanent residency on 3 September 2020.¹⁰ Since the revocation, Salah Hammouri's defense counsel submitted an appeal against the residency revocation, along with a petition to suspend the procedures associated with the residency revocation—most prominently freedom of movement beyond the neighborhood of Kufur Aqab, the travel ban, and halting of residency social security and health insurance benefits.

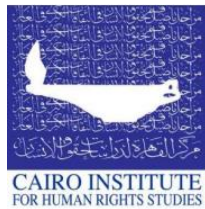
Nevertheless, on 14 December 2021, Salah Hammouri received a letter from the Israeli National Social Security Agency notifying him of his national and health insurance termination due to his "leaving the country" and lack of "proof of residency."¹¹ On 26 December 2021, the Israeli High Court issued a decision rejecting the appeal to suspend procedures regarding the permanent residency revocation, citing "secret information" provided by the Israeli Interior Ministry determining Salah Hammouri to continue to pose a "security threat."

Following, on 3 January 2022, the Jerusalem District Court ruled to dismiss the defense counsel's appeal of the permanent residency revocation until a final ruling by the Israeli High Court on the

⁹ *Ibid*; for greater analysis of the differing legal regimes governing administrative detention, see p. 24-27.

¹⁰ See *Supra I*.

¹¹ *Addameer Prisoner Support and Human Rights Association*, "Israeli High Court Rules to Move Forward with the Implementation of the Permanent Residency Revocation and Forced Deportation of HRD Salah Hammouri," 10 February 2022, <https://addameer.org/news/4687>



matter. On 3 February 2022, the defense counsel submitted two petitions to the Israeli Interior Ministry and Attorney General in response to the Israeli High Court, petitioning for a suspension of the implementation of the residency revocation procedures until a final ruling by the Israeli High Court.¹² Most recently, on 24 February 2022, the Israeli Attorney General, in response to the High Court, also recommended rejecting the appeal, citing the "secret information" provided by the Israeli Interior Ministry.¹³

On 10 March 2022, the Israeli High Court adopted the recommendation made by the Israeli Attorney General and rejected the appeal. Salah Hammouri's lawyer was made aware of communication by the Israeli Attorney General to the Israeli High Court on their intention to issue an administrative detention order against Salah in an attempt to strengthen the Attorney's claim about the alleged national threat that he poses through a "secret file."

- Continued Persecution and Harassment

Amid legal procedures and advocacy challenging the Israeli occupation regime's gross violations amounting to war crimes and the crime of apartheid, Salah's case has been increasingly highlighted on the international fora by UN Special Rapporteurs,¹⁴ NGOs,¹⁵ and human rights organizations.¹⁶ For that, Israeli occupation authorities have systematically harassed and targeted Salah, a vocal Palestinian human rights advocate, to repress his right to free expression and delegitimize and discredit his work as a human rights defender.

The Israeli occupation regime's recent arbitrary and blanket criminalization of six leading Palestinian civil society organizations, Addameer among them, in October 2021, equally relied upon the denial of due process and the use of alleged "secret evidence." This draconian decision was widely denounced by international human rights organizations and UN bodies as a "frontal attack on the Palestinian human rights movement," constituting political persecution devoid of any legal basis. Nevertheless, Israeli occupation authorities continue to leverage individual Palestinian

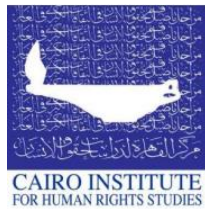
¹² *Ibid.*

¹³ Addameer Prisoner Support and Human Rights Association, "Israeli Occupation Forces Arrest Human Rights Defender and Addameer Lawyer Salah Hammouri," 7 March 2022, <https://www.addameer.org/news/4716>

¹⁴ UN OHCHR, "Israel must safeguard human rights defenders in Occupied Palestinian Territory and within its borders – UN expert", 11 August 2021. Available at: <https://www.ohchr.org/en/press-releases/2021/08/israel-must-safeguard-human-rights-defenders-occupied-palestinian-territory?LangID=E&NewsID=27375>

¹⁵ Front Line Defenders, "Human Rights Defender Facing Deportation for Alleged "Breach of Allegiance", 28 February 2022. Available at: <https://www.frontlinedefenders.org/en/case/human-rights-defender-facing-deportation-alleged-%E2%80%9Cbreach-allegiance%E2%80%9D>

¹⁶ Human Rights Watch, "Spyware Used to Hack Palestinian Rights Defenders", 8 November 2022. Available at: <https://www.hrw.org/news/2021/11/08/spyware-used-hack-palestinian-rights-defenders>



human rights defenders to escalate systematic harassment campaigns against Palestinian civil society and persist in their attempts to criminalize the six targeted Palestinian CSOs further.

On 8 November 2021, a Front Line Defenders investigation conducted in collaboration with Citizen Lab and Amnesty International's Security Lab found that Salah Hammouri had been one of six Palestinian HRDs hacked by Israeli NSO Group's notorious Pegasus spyware. In light of the discovery of the Pegasus spyware on the devices of six Palestinian HRDs, several NGOs, including the International Federation for Human Rights (FIDH), urged the European Union to place NSO on its global human rights sanction regime; among others, FIDH and Salah Hammouri planned to file a joint complaint in France against NSO group, in light of the violations against him as a French national.

Salah Hammouri's case evidences the Israeli occupation and apartheid regime's widespread and systematic practice of illegal population transfer and demographic manipulation, as manifested through laws, policies, and practices, to maintain their institutionalized regime of racial domination and oppression over the Palestinian people. His case was highlighted in Amnesty International's landmark report demonstrating Israel's crimes of apartheid, specifically the illegal practice of forcible population transfer, deportations, and demographic engineering.¹⁷

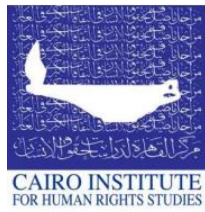
Similarly, on 3 March 2022, during its review of the fifth periodic report of Israel on its implementation of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee noted Salah's case in pointing to Israel's alarming arbitrary policy of residency revocation based on "breach of allegiance" to control the demographic composition of Jerusalem.¹⁸

- **Recommendations:**

Accordingly, it is imperative to immediately and urgently address the arbitrary arrest and continued punitive residency revocation of Salah Hammouri as it represents a step towards its wider application against HRDs, peaceful dissent, and Palestinians of Jerusalem more generally to achieve demographic goals. In light of the above, our organizations submit this urgent appeal for the immediate intervention of the relevant UN Special Procedure mandates and urge them to:

¹⁷ Amnesty International, "Israel's Apartheid against Palestinians: Cruel System of Domination and Crime against Humanity", 1 February 2022, p 236-239. Available at: <https://www.amnesty.org/en/documents/mde15/5141/2022/en/>

¹⁸ Human Rights Committee, CCPR- International Covenant on Civil and Political Rights, 3841st Meeting, 134th Session, 2 March 2022. Available at: <https://media.un.org/assets/k1v/k1vz640m3b> [Around minute 47:30]



- i. Demand Israel, as an Occupying Power, to reverse its decision to revoke the permanent Jerusalem residency status of Salah Hammouri; reiterating the illegality of residency revocation based on "breach of allegiance" leading to the forcible transfer of Palestinian civilians, which is a war crime and crime against humanity under the Rome Statute of the ICC;
- ii. Call on Israel to unconditionally and immediately release Salah Hammouri from administrative detention, and further, put an end to his prolonged persecution and all policies and measures of intimidation and harassment against him;
- iii. Call on Israel to immediately repeal its Entry into Israel Law (1952), which has been used to further the Israeli policy of population transfer and achieve demographic goals in Jerusalem in violation of Palestinians' fundamental rights, including their right to freedom of movement and residence, and the right to leave their country and to return;
- iv. Urge Israel to immediately cease any and all practices and policies intended to intimidate and silence human rights defenders, in violation of their right to freedom of expression, including through arbitrary detention, torture and other ill-treatment, institutionalized hate speech and incitement, residency revocation, deportations, and other coercive or punitive measures;
- v. Require the immediate initiation of an investigation into the illegal infiltration of Human Rights Defenders' phones and all the other victims that have been in communication with the targeted HRD;
- vi. Require an immediate moratorium on the sale, transfer, and use of all forms of surveillance technology, particularly NSO Group's Pegasus spyware, until a full independent investigation of its operation within Palestine is carried out by the UN to identify the scope of its surveillance activities carried out against Palestinian human rights defenders, and their ties to the Israeli government; and
- vii. Call for international justice and accountability, including at the International Criminal Court, for Israel's widespread and systematic human rights violations and alleged international crimes, including the crime of population transfer and the crime of apartheid, which constitutes a crime against humanity.