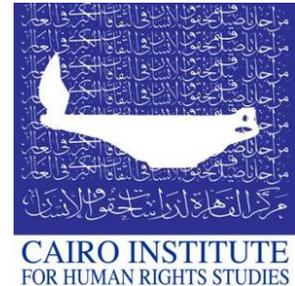


مجلس منظمات حقوق الإنسان الفلسطينية
Palestinian Human Rights Organizations Council



Joint Urgent Appeal to the United Nations Special Procedures on the Imminent Threat of Forcible Transfer/Deportation of Salah Hammouri for “Breach of Allegiance”

Date: 30 September 2020

Submitted by:

- Palestinian Human Rights Organizations Council, comprising of:
 - Al Haq Organization - Law in the Service of Mankind
 - Al Mezan Center for Human Rights
 - Addameer Prisoner Support and Human Rights Association
 - Palestinian Centre for Human Rights
 - DCI - Defense for Children International – Palestine
 - Jerusalem Legal Aid and Human Rights Center
 - Aldameer Association for Human Rights
 - Ramallah Center for Human Rights Studies
 - Hurriyat - Center for Defense of Liberties and Civil Rights
 - The Independent Commission for Human Rights (Ombudsman Office) - Observer Member
 - Muwatin Institute for Democracy and Human Rights - Observer Member
- Cairo Institute for Human Rights Studies (CIHRS)
- Community Action Center (CAC)

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;
- 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; and
- The United Nations Independent Expert on human rights and international solidarity, Mr Obiora C. Okafor.

1. Introduction

On 3 September 2020, the Israeli occupying authorities notified Salah Hammouri, a 35-year-old Palestinian-French human rights defender and a lawyer at Addameer Prisoner Support and Human Rights Association, of the ministry's intention to revoke his permanent residency status for so-called "breach of allegiance" to the State of Israel. This arbitrary, punitive and unlawful decision entails profound violations of human rights, including 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.

To maintain its apartheid regime over the Palestinian people,¹ Israel has targeted - for decades - those who advocate for Palestinians and seek justice and accountability for violations of Palestinian rights. While Israel's systematic campaign against human rights defenders targets civil society organisations and their work,² it also attacks individual human rights defenders. Having endured death threats,³ as well as other intimidation tactics aimed to oppress, dominate and delegitimise them, the safety and rights of Palestinian human rights defenders are continually and frequently violated while Israeli impunity reigns unabated.

With the approval of Israel's Supreme Court on 5 November 2019, Omar Shakir, the director of Human Rights Watch Israel/Palestine, was deported on 25 November 2019 for his human rights work.⁴ On 6 October 2019, the Israeli Interior Minister instructed the legal department of the

¹See, for example, Al-Haq, "Al-Haq Delivers Oral Statement at the 38th Regular Session of the United Nations Human Rights Council on Palestinian Women Human Rights Defenders Facing Online Violence," 26 June 2018, available at: <http://www.alhaq.org/advocacy/6183.html>, and, Al-Haq, "Palestinian Human Rights Organizations Condemn Israel's Unremitting Attempts to Silence Them," 25 May 2018, available at: <http://www.alhaq.org/advocacy/6197.html>.

²See, for example, Al-Haq, "Al-Haq submits a joint urgent appeal to the United Nations Special Procedures on the ongoing Israeli smear campaign against Al-Haq," 24 August 2019, available at: <http://www.alhaq.org/advocacy/14857.html>, Addameer, "Israeli Occupation Forces Raid Addameer's Office and Steal its Belongings," 19 September 2019, available at: <http://www.addameer.org/news/israeli-occupation-forces-raid-addameers-office-and-steal-itsbelongings>, Al-Haq, "Al-Haq Condemns Israeli Occupation Forces Raid on Addameer Prisoner Support and Human Rights Association," 20 September 2019, available at: <http://www.alhaq.org/advocacy/15199.html>, and Al-Haq, "Israeli Minister for Strategic Affairs Continues Attack on Al-Haq," 22 July 2019, available at: <http://www.alhaq.org/advocacy/14703.html>.

³ Al-Haq, "Al-Haq Under Attack – Staff Member's Life Threatened," 3 March 2016, at: <http://www.alhaq.org/advocacy/6432.html>.

⁴See, for example, Al-Haq, "Statement: Israeli Court Orders the Deportation of Human Rights Watch Director Omar Shakir," 17 April 2019, available at: <http://www.alhaq.org/advocacy/6067.html>, Al-Haq, "PHROC Condemns Israel's Order to Deport Human Rights Watch Director, Omar Shakir, as a Grave Violation of Right to Freedom of

Population, Immigration and Borders Authority to prepare the legal framework for the revocation of Omar Barghouti's residency status, placing him at risk of deportation.⁵ Omar Barghouti is a Palestinian human rights defender and co-founder of the Boycott, Divestment and Sanctions (BDS) Movement, who has been constantly targeted by Israel for his work calling for freedom, justice, and equality for the Palestinian people in accordance with international law.⁶ Israel also uses travel bans as a tactic to punish and silence Palestinian human rights defenders. For almost six years, soon after he was elected as the General Director of Al-Haq, Shawan Jabarin was banned from leaving the occupied West Bank.⁷ Notably, the entire case against Shawan was based on "secret information," which undermines and fundamentally violates his right to a fair trial.

Similarly, since 26 October 2019, Laith Abu Zeyad, who works as a Campaigner on the occupied Palestinian territory and Israel with Amnesty International, has been prevented from traveling outside the occupied West Bank by the Israeli authorities, for alleged and undisclosed "security reasons." Until now, and despite ongoing and constant efforts from Palestinian and international civil society organisations, Israel has failed to provide Laith with its justification for such a punitive and arbitrary ban, and has categorically refused to lift it.⁸

As part of its campaign targeting human rights defenders, Israel further resorts to arbitrary arrests and detention. On 30 July 2020, the Israeli occupying forces arrested Mahmoud Nawajaa, a 34-year-old Palestinian human rights defender and the coordinator of the Palestinian National Committee of the BDS movement from his house in Abu-Qash village, near Ramallah in the

Expression, and Systematic Shrinking of Civil Society Space," 23 May 2018, available at: <http://www.alhaq.org/advocacy/6199.html>, and, Human Rights Watch, "Israel: Supreme Court Greenlights Deporting Human Rights Watch Official," 5 November 2019, available at: <https://www.hrw.org/news/2019/11/05/israel-supreme-court-greenlights-deporting-human-rights-watch-official#:~:text=Israel%3A%20Supreme%20Court%20Greenlights%20Deporting%20Human%20Rights%20Watch%20Official,-Omar%20Shakir's%20Expulsion&text=%E2%80%9CThe%20Supreme%20Court%20has%20effectively,director%20of%20Human%20Rights%20Watch.>

⁵ Al-Haq, "Omar Barghouti at Imminent Risk of Deportation as Israeli Interior Minister Initiates Proceedings to Punitively Revoke his Residency Status," 4 November 2019, available at: <http://www.alhaq.org/advocacy/16156.html>.

⁶ Al-Haq, "Palestinian and regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti," 8 November 2019, available at: <http://www.alhaq.org/advocacy/16181.html>.

⁷ Al-Haq, "Human rights organisations call on Israel to lift travel ban on Shawan Jabarin," 29 November 2011, available at: <http://www.alhaq.org/advocacy/6959.html>.

⁸ See, for example, Al-Haq, "PHROC Condemns Israel's Policy of Silencing Those Who Raise the Voice of Justice," 8 June 2020, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/16957.html>, Al-Haq, "PHROC Condemns Israeli Imposed Movement Restrictions and Travel Ban against Amnesty International Staff Laith Abu Zeyad," 6 November 2019, available at: <http://www.alhaq.org/advocacy/16170.html>, Amnesty International, "Israel/ OPT: Amnesty staff member faces punitive travel ban for human rights work," 31 October 2019, available at: <https://www.amnesty.org/en/latest/news/2019/10/israel-opt-amnesty-staff-member-faces-punitive-travel-ban-for-human-rights-work/>. Amnesty International, "Israel/OPT: Lift punitive travel ban on Amnesty campaigner," 28 May 2020, available at: <https://www.amnesty.org/en/latest/news/2020/05/israelopt-lift-punitive-travel-ban-on-amnesty-campaigner/>, and Amnesty International, "Israel/OPT: Amnesty staff member to speak at UN Human Rights Council about his punitive travel ban," 15 July 2020, available at: <https://www.amnesty.org/en/latest/news/2020/07/israelopt-amnesty-staff-member-to-speak-at-un-human-rights-council-about-his-punitive-travel-ban/>.

occupied West Bank.⁹ On 18 August 2020, the Salem Military Court, in the northern occupied West Bank, released Mahmoud without condition.¹⁰

This joint urgent appeal calls on the United Nations (UN) Special Procedures to address the imminent risk of transfer or deportation facing Palestinian human rights defender Salah Hammouri, by urgently intervening to protect Salah's rights while opposing Israel's illegal policies and laws targeting Palestinians.

2. Facts of the case

Salah Hammouri was born in East Jerusalem to a Palestinian Jerusalemite father and a French mother, and has lived in East Jerusalem his entire life. During the second Intifada, when he was only sixteen years old, Salah was detained for five months for participating in student activities and spray painting slogans on walls.¹¹ In 2004, he was arrested again and spent five months in jail under administrative detention, without trial or charges.¹² His third and longest detention began in 2005, when he was imprisoned for allegedly planning to kill an Israeli Rabbi, Ovadia Yosef, who was the spiritual godfather of the ultra-Orthodox Shas Movement. Notably, the current Israeli Interior Minister, Aryeh Deri, who is orchestrating Salah's residency revocation, is now the leader of the Movement. Salah denied the accusations and was imprisoned for seven years rather than accepting an offer to be deported to France for fifteen years.¹³ Three months before the end of his seven-year sentence, Salah was released as part of a prisoner exchange deal.

Following his release, Salah was, and still is, subject to unrelenting harassment by the Israeli occupying authorities. In an attempt to regain control of his life following the seven years spent in prison, Salah enrolled in university, graduated from law school, and immediately enrolled in a human rights program for a master's degree. The Israeli occupying authorities have undertaken a targeted harassment campaign against Salah, who is a vocal Palestinian human rights advocate, with the aim of repressing his right to free expression and de-legitimising and discrediting his work as a human right defender. The persistent attacks against Salah have included arbitrary arrests, the imposition of exorbitantly high fines and bails, 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 order was renewed twice, until it was finally lifted in March 2016.¹⁴

In 2014, Salah Hammouri married Elsa Lefort, a French national who, at the time of the wedding, had a visitor's visa for six months. Despite Elsa's persistent efforts, the Israeli occupying authorities refused to renew her visa, under the pretext that Salah was released through a prisoner

⁹ Al-Haq, "PHROC condemns the arrest of human rights defender Mahmoud Nawajaa," 6 August 2020, available at: <http://www.alhaq.org/palestinian-human-rights-organizations-council/17191.html>.

¹⁰ Middle East Monitor, "Israel court releases BDS activist Mahmoud Nawajaa," 18 August 2020, available at: <https://www.middleeastmonitor.com/20200818-israel-court-releases-bds-activist-mahmoud-nawajaa/>.

¹¹ 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.

¹² *Ibid.*

¹³ *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>.

¹⁴ *Ibid.*

exchange deal and is therefore blacklisted in all of departments affiliated with the Israeli government. Similarly, Salah and Elsa submitted a family reunification application to enable Elsa to stay and live in the occupied Palestinian territory. However, the Israeli occupying authorities repeatedly delayed their response to the application, forcing Elsa to stay in the occupied Palestinian territory, fearing to be unable to re-enter the country in the event she travels to see her family in France. Finally, in 2015, Elsa was granted a one-year visa, which she received through her work at the Consulate General of France in Jerusalem. Accordingly, Salah and Elsa, who was pregnant, decided to travel to France to visit her family before she gave birth.

Upon Elsa's return on 5 January 2016, she was held at the airport for six to seven hours before being denied entry and ordered to return to France. Salah and Elsa immediately appealed the decision, and the hearing was set for the next morning. Pending her hearing, Elsa was detained at the airport, was denied contact with her husband and family, had her belongings confiscated, and was refused medical attention despite being seven months pregnant. The next morning, the judge rejected the appeal and Elsa was deported to France two days later. At around the same time, Salah's family reunification request was denied. Ever since, Elsa has been denied entry to the occupied Palestinian territory, eliminating the possibility of her, Salah and their new-born living a normal life as a family in Salah's hometown. Separating Salah from his wife and son, who was born in France, Salah has been travelling to Paris every three months in order to spend some time with his family. Following these visits, he returns home, alone.

Nonetheless, the Israeli occupying authorities continued to unremittingly harass Salah. On 23 August 2017, Salah was detained by the Israeli occupying authorities.¹⁵ During a hearing held on the same day, his detention was extended for five additional days to examine his confiscated devices. Following the prosecution's failure to present a list of charges against Salah during the second hearing, which took place on 27 August 2017, the judge decided to release Salah under a number of conditions, including a house arrest for ten days in Reineh near Nazareth, a ban from entering Jerusalem for 90 days, a travel ban for three months, and a NIS 10,000 fine (approximately \$2860 USD).

Immediately after the court's decision, Salah's father went to pay Salah's fine. However, before he was able to finish the required procedures, the prosecution had issued a six-month administrative detention order against Salah from 29 August 2017 until 28 February 2018. Subsequently, this order was extended for four months, before being renewed for an additional three months. Salah was released on 30 September 2018.

On 30 June 2020, Salah was arrested 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.

¹⁵*Ibid.*

Most recently, on 3 September 2020, Salah was officially notified of the Israeli Minister of Interior's intention to revoke his residency status. He was given 30 days to challenge this decision by submitting a written response, which would later be examined ahead of a final decision.

3. Israel's punitive residency revocation for "breach for allegiance"

Population transfer and demographic manipulation, manifested through laws, policies and practices, including the Entry into Israel Law of 1952,¹⁶ have been cornerstones of Israel's development and maintenance of an institutionalised regime of racial domination and oppression over the Palestinian people as a whole. While 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,¹⁷ it establishes the precarious "permanent resident" status imposed upon Palestinians in occupied East Jerusalem.¹⁸

Accordingly, the Palestinian population in occupied and illegally annexed East Jerusalem live with the risk of residency revocation, leading to their transfer from the city, in line with Israel's demographic plans 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. While applied since 1967, in more recent times, Israel has gradually expanded the criteria for the revocation of residency rights, which includes granting authority to the Ministry of Interior to revoke Palestinian residency rights on punitive grounds.¹⁹

Since 7 March 2018, based on the Entry into Israel Law of 1952 and Amendment No.30 to the Citizenship and Entry into Israel Law, the Israeli Minister of Interior has been granted broad discretion to revoke Palestinians' residency status, further threatening the transfer of indigenous Palestinians from Jerusalem, as a punitive measure.²⁰ According to the Law, as amended, "breach of allegiance" is defined as committing, participating in, or incitement to commit a terrorist act, or belonging to a terrorist organization, as well as committing acts of treason or aggravated espionage. Justified by the vague and illegal ground of "breach of allegiance" to the State of Israel, the practice of punitive residency revocation, which amounts to unlawful collective punishment,²¹

¹⁶ Al-Haq, "Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem," 03 July 2017, available at: <http://www.alhaq.org/advocacy/6331.html>.

¹⁷ 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>.

¹⁸ Al-Haq, "Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports," 10 November 2019, available at: http://www.alhaq.org/cached_uploads/download/2019/11/12/joint-parallel-report-to-cerd-on-israel-s-17th-19th-periodic-reports-10-november-2019-final-1573563352.pdf.

¹⁹ Al-Haq, "Residency Revocation: Israel's Forcible Transfer of Palestinians from Jerusalem," 03 July 2017, at: <http://www.alhaq.org/advocacy/6331.html>.

²⁰ Al-Haq, "Palestinian and regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti," 8 November 2019, available at: <http://www.alhaq.org/advocacy/16181.html>.

²¹ 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.

is based solely on the Israeli Interior Ministers' interpretations that the resident "has committed an act which is considered a breach of loyalty to the State of Israel."²²

While only being incorporated into Israeli law in March 2018, the Interior Ministry acknowledged that it had revoked the residency status of 13 Palestinians on the basis of "breach of allegiance by 17 October 2017."²³ In violation of international law and with no basis in Israeli law itself, the first punitive residency revocation carried out by the Israeli occupying authorities dates back to June 2006, when the Minister of Interior revoked the residency status of three elected members of the Palestinian Legislative Council and the former Palestinian Minister of Jerusalem, claiming they had "breached allegiance" to Israel.²⁴ Challenging the authority of the Minister of Interior to revoke the permanent residency status of Palestinians, the parliamentarians appealed the Interior Ministry's decision before the Israeli Supreme Court.²⁵ Nevertheless, and despite the fact that the case remained pending, the Israeli occupying authorities forcibly transferred the former Minister of Jerusalem and the three parliamentarians to the West Bank in 2013.

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." Yet at the same time, it provided the Ministry six months to legislate for an *ex post facto* justification for the measures.²⁶ 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."

Embedded in Israel's regime of racial domination and oppression, residency policies are designed to maintain a perilous legal status for Palestinians in East Jerusalem and to uphold an Israeli-Jewish demographic majority in the city. In violation of international law, Israel's demographic goals remain an integral part of its master plans for Jerusalem, consistent with a decades-long effort to alter the character, legal status, and demographic composition of the city.²⁷

²² Entry into Israel Law (Amendment No. 30) of 2018, available in English (unofficial translation) at:

http://www.alhaq.org/cached_uploads/download/alhaq_files//images/thumbnails/images/stories/Images/1201.pdf.

²³ Al-Haq, "Palestinian and regional groups send joint urgent appeal to UN special procedures warning against the imminent deportation of Omar Barghouti," 8 November 2019, available at:

<http://www.alhaq.org/advocacy/16181.html>.

²⁴ *Ibid*, 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, available at:

<http://www.alhaq.org/advocacy/6990.html>, and 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, available at: <https://www.adalah.org/en/content/view/9227>.

²⁵ 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, available at:

<https://www.adalah.org/en/content/view/9227>.

²⁶ Wafa, "Israel's High Court suspends residency revocation of four East Jerusalem lawmakers," 14 September 2017, available at: <https://english.wafa.ps/page.aspx?id=M6Jenqa91890800397aM6Jeng>.

²⁷ 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>.

4. Legal analysis

The transfer of Palestinians from occupied East Jerusalem is considered a war crime under Article 8 of the Rome Statute of the International Criminal Court,²⁸ and a grave breach of Articles 49 and 147 of the Fourth Geneva Convention.²⁹ As the revocation of residency policy forms part of a widespread and systematic transfer policy directed against a civilian population, it may amount to a crime against humanity as per Article 7 of the Rome Statute.³⁰

Israel's policy of revoking Palestinian residency rights in East Jerusalem violates Article 43 of the Hague Regulations and Article 64 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.³¹ Moreover, the criterion of allegiance to Israel is illegal. In fact, 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.³²

If Salah's residency is revoked, Israel will violate Article 49 of the Fourth Geneva Convention, which prohibits "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 the motive.³³ International criminal law further prohibits the serious crime of population transfer, including through demographic manipulation, which may amount to a war crime and crime against humanity. The transfer of the Palestinian civilian population is not only illegal, but 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. 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."³⁴ Article 17 of the aforementioned Covenant further prohibits arbitrary attacks and unlawful interference with an individual's privacy, family, home or correspondence.³⁵

Similarly, Article 27 of the Fourth Geneva Convention provides for the respect of protected persons' family rights.³⁶ Accordingly, the persistent denial by Israel of Salah's family unification request and appeals violate his and his family's right to family life. Moreover, the child rights of Salah's son must be protected, including the right to not be subjected to arbitrary interference with

²⁸*Rome Statute of the International Criminal Court* (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3. (henceforth "Rome Statute")

²⁹*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")

³⁰ Article 7, Rome Statute.

³¹*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, and Article 64, Fourth Geneva Convention.

³²Article 45, Hague Regulations, and Article 68(3), Fourth Geneva Convention.

³³Article 49, Fourth Geneva Convention.

³⁴*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")

³⁵ Article 17, ICCPR.

³⁶ Article 27, Fourth Geneva Convention.

his privacy, family and home. The Convention on the Rights of the Child addresses family reunification and states that “applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner...The submission of...a request [of family reunification] shall entail no adverse consequences for the applicants and for the members of the family.”³⁷

As a Palestinian human rights defender who challenges Israel’s widespread and systematic human rights violations and voices legitimate calls for justice and accountability, Salah has endured constant Israeli attempts to intimidate him, including the latest threat of residency revocation. By doing so, Israel further violates Salah’s right to freedom of movement and residence, including the right to leave and to return to his country, which further amounts to a grave assault on his right to freedom of expression, as enshrined in Article 19 of the ICCPR and to freedom of peaceful assembly and of association, in line with Articles 21 and 22 of the ICCPR.³⁸

As enshrined in Article 13 of the UN Declaration on Human Rights Defenders, everyone has the right to solicit, receive and utilise resources to protect and promote human rights through peaceful means.³⁹ Yet, Israel’s institutionalised attacks have intensified, targeting human rights defenders, activists, and civil society organisations in an effort to silence, repress, and intimidate anyone who advocates for Palestinian human rights or challenges Israel’s entrenched regime of racial domination and oppression.

5. Conclusion and recommendations

By silencing Palestinian civil society, Israel’s brutal and repressive 53-year military occupation continues unabated, rapidly expanding the colonisation and *de-facto* annexation of Palestinian territory while denying the Palestinian people their inalienable right to self-determination and permanent sovereignty over natural resources.

The Israeli judicial system allows for unlawful policies and practices to be carried out with impunity and with complete disregard for international law. Accordingly, it is imperative that the international community immediately address Israeli violations. 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:

- I. Call on Israel, the Occupying Power, to halt its legal proceedings for the revocation of Salah Hammouri’s residency status, whether on the basis of “breach of allegiance” or on any other grounds, which, if carried out, will result in violations of his rights to freedom of movement and residence, freedom of expression, and freedom of association, adding Salah’s case to the commission by Israel of the serious crime of population transfer;
- II. 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, institutionalised hate

³⁷*Convention on the Rights of the Child* (adopted 20 November 1989, entry into force 2 September 1990)

³⁸ Articles 19, 21, and 22, ICCPR.

³⁹*UN Declaration on Human Rights Defenders* (8 March 1999)

speech and incitement, residency revocation, deportations, and other coercive or punitive measures;

- 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; and
- IV. 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.