

*Urgent Appeal to Commercial Airlines:*

**Avoid Assisting in the Forcible Deportation & Transfer of  
Human Rights Defender Salah Hamouri**

**December 14, 2022**

**Summary:**

Israel has recently announced it will imminently deport Palestinian human rights defender Salah Hamouri, an act which could be a serious violation of international law. We, the undersigned human rights organisations, call on commercial airlines to do everything in their capacity to refuse to assist in what could constitute a war crime by refusing to transport individuals undergoing unlawful forcible deportation and making a public statement to this effect.

The below document provides background to the case of Salah Hamouri, references the relevant legal obligations of commercial airlines, and sets out the practical steps commercial airlines need to take to ensure they are not contributing to serious violations of international law.

**Background:**

On 30 November 2022, the Israeli authorities informed imprisoned Palestinian-French human rights lawyer, Salah Hamouri, 37, that he will be forcibly deported to France from occupied East Jerusalem – his hometown – for “breach of allegiance” to Israel. Hamouri has been held in administrative detention since March 2022 without charge or trial on the basis of ‘secret evidence,’ and the decision to deport him follows Israel’s revocation of Hammouri’s permanent residency status in Jerusalem.<sup>1</sup> Hamouri has said that he refuses deportation and will not willingly board a flight.

Hammouri’s deportation, which can take place any time from December 4, 2022, onwards, will be a clear escalation in Israel’s prolonged harassment and targeting of him through arbitrary arrests, travel bans, surveillance, and family separation.

Unlawful deportations and residency revocations in occupied territory violate numerous provisions of international humanitarian law and international human rights law. Hammouri’s deportation out of the occupied territory could constitute a grave breach of the Fourth Geneva Convention and potentially a war crime as per the Rome Statute of the International Criminal Court.

In accordance with the Hague Regulations and the Fourth Geneva Convention, the protected population in an occupied territory, such as is the case in the internationally-recognised occupied East Jerusalem, does not have a duty of allegiance to the Occupying Power (Israel), the basis upon which Hamouri is to be deported.<sup>2</sup>

According to a UN Experts’ statement on 2 December 2022:

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<sup>1</sup> For more information concerning Hamouri’s case, see: <https://justiceforsalah.net/12/2022/press-release-en/intervention-needed-salah-identity-revoked-and-to-be-deported/> and <https://www.hrw.org/news/2022/08/16/israel-free-french-palestinian-rights-worker>

<sup>2</sup> For more analysis, see: <https://www.amnesty.org/en/latest/news/2022/12/israel-opt-deporting-salah-hammouri-would-constitute-a-war-crime/>

*“Such unilateral, arbitrary measures taken by Israeli authorities in retaliation against Mr. Hammouri as a human rights defender, violate every principle and the very spirit of international law*

[...]

*These measures set an extremely dangerous precedent for all Palestinians in Jerusalem. The international community must not remain silent and quietly watch this umpteenth violation”.*<sup>3</sup> Private commercial actors have a responsibility to respect human rights and international humanitarian law in their own activities. Where they fail to abide by those responsibilities in their activities and relationships, they risk contributing to grave violations and internationally recognised crimes.<sup>4</sup>

**In light of the above, we strongly urge commercial airlines to refuse and refrain from assisting the Israeli authorities in carrying out its inhumane, discriminatory, and likely unlawful forced deportation of Salah Hammouri.<sup>5</sup> Moreover, we ask that commercial airlines running direct flights to France make a statement on their website stating their refusal to participate in any unlawful forcible deportations by Israel of the population of the Occupied Palestinian Territory.**

At a time when Hammouri’s family and loved ones, Palestinian and international civil society, the United Nations, and states are calling on Israel to halt his forcible deportation and transfer and for Hammouri to be able to remain in his hometown, commercial airlines should review and act in accordance with the relevant set duties, namely those under international human rights and humanitarian law.

**Organisational signatories:**

1. Adalah Justice Project
2. Addameer Prisoner Support and Human Rights Association
3. Al-Haq, Law in Service of Man
4. Alice Rothchild, MD
5. Al-Mezan Center for Human Rights
6. Bisan Center for Research and Development
7. Cairo Institute for Human Rights Studies (CIHRS)
8. Canadians for Justice and Peace in the Middle East (CJPME)
9. Community Action Center, Al-Quds University
10. Democracy for the Arab World (DAWN)

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<sup>3</sup> UN Human Rights Office of the High Commissioner, Israeli deportation order against French-Palestinian activist Salah Hamouri could constitute war crime: UN experts, 2 December 2022, <https://www.ohchr.org/en/press-releases/2022/12/israeli-deportation-order-against-french-palestinian-activist-salah-hammouri>

<sup>4</sup> DCAF, ICRC and the Geneva Centre for Business and Human Rights, Fact Sheet: How does armed conflict impact responsible security management?, [https://securityhumanrightshub.org/sites/default/files/2022-05/Standalone%20-%20Factsheet%20-%20Armed%20Conflicts\\_FINAL.pdf](https://securityhumanrightshub.org/sites/default/files/2022-05/Standalone%20-%20Factsheet%20-%20Armed%20Conflicts_FINAL.pdf)

<sup>5</sup> Over the years, commercial airlines around the world have been increasingly demonstrating commitment by refusing to accept forced deportations of refugees, asylum seekers and immigrants. See <https://www.business-humanrights.org/en/latest-news/uk-virgin-atlantic-to-stop-accepting-forced-deportations-amid-concern-over-removal-of-windrush-generation-migrants-lgbt-asylum-seekers/>

11. Equipo Juridico Pueblos
12. European Legal Support Center (ELSC)
13. Freedom Archives
14. Human Rights Watch
15. International Association of Democratic Lawyers
16. International Bar Association's Human Rights Institute (IBAHRI)
17. Just Peace Advocates
18. Justice for Palestinians
19. Law for Palestine
20. Lawyers' Rights Watch Canada
21. National Lawyers Guild, International Committee
22. National Lawyers Guild, Palestine Committee
23. Oakville Palestinian Rights Association (Canada)
24. Observatorio de Derechos Humanos de los Pueblos
25. Paz con Dignidad
26. Samidoun Palestinian Prisoner Solidarity Network
27. The Canadian BDS Coalition
28. The Center for Constitutional Rights
29. The Palestine Institute for Public Diplomacy PIPD
30. The Palestinian Committee in Norway