



Lebanon Brief – Deportations

This brief has been produced by the Persons Affected by the Syrian Crisis Network (PASC) ahead of the Brussels IV Conference on Supporting the Future of Syria and the Region. PASC is a network of 27 local Non-Governmental Organizations supporting vulnerable Lebanese, Syrians, and Palestinians. It aims to amplify the capacity and influence of its members, increasing their ability to monitor, advocate, and discuss research findings on key national and international trends and issues pertaining to human rights and protection in Lebanon. As part of its mandate to advocate for a future anchored in human rights, this brief is part of a series of briefs designed to shed a light on the most important and pressing issues pertaining to child protection, forced evictions, the right to work, and deportations.

These briefs have been prepared using a questionnaire that PASC conducted from 12 February to 4 March 2020. The PASC questionnaire consisted of 82 questions that collected data at the individual level and the community level. Questions included those on demographics and the four themes studied: child protection, the right to work, forced evictions, and deportations. The questionnaires differed from one another dependent on the interviewee's nationality. In total, PASC was able to conduct 409 interviews (99 Lebanese, 205 Syrians, and 105 Palestinians (from Lebanon and Syria)) during this data collection exercise. The main challenge faced by PASC was the COVID-19 pandemic that abruptly ended field visits. This obviously means that the questionnaire did not take into account the impact of COVID-19 on vulnerable communities, however, it can be said with confidence that the concerning trends identified on these four topics in March 2020 have deteriorated sharply since the advent of COVID-19.

Introduction

As Lebanon emerges from the full lockdown that accompanied the early stages of the COVID-19 pandemic, which resulted in a de-facto halt to deportations due to the closure of the Lebanese-Syrian border, there will invariably be a return to discussions about continuing deportations. Therefore, the purpose of this brief is to bring to the attention of the organizers and relevant stakeholders attending the Brussels IV Conference the concerning trend of the deportation of Syrian refugees from Lebanon to Syria, which has increased since March 2019.

As risks upon return cannot be determined, the forcible return of Syrian refugees is a clear violation of Lebanon's non-refoulement obligations. Therefore, we strongly urge the EU commission, EU member states and other donor countries, and all other humanitarian and political stakeholders to hold the Government of Lebanon (GoL) accountable to its commitments of non-refoulement and immediately halt the summary deportation of Syrian refugees from Lebanon, including in the post-COVID period. Secondly, we urge all stakeholders to reiterate the need for Syrian refugees' increased access to legal protection in Lebanon, regardless of entry date, registration profile or border crossed.

Higher Defense Council Decision

A decision by the Higher Defense Council (HDC) on the 13th of May 2019 required the deportation of anyone arrested and found to have entered the country illegally after April 24, 2019, despite Lebanon's earlier commitment to refrain from conducting deportations. The Directorate General Security reported it had deported 2,731 Syrians under this order between 21 May and 28 August 2019. However, the actual number is expected to be much higher than the number reported. Deportees are handed over to

Government of Syria (GoS) authorities, after which their fate becomes unknown. The deportation policy seems one of several measures that increased pressure on Syrian refugees to return, including forced demolition of refugee shelters and more rigid applications of the labour code.

Process of Deportation

The decision by the HDC allows the deportation of Syrians that have irregularly entered Lebanese territory to be executed based on a verbal order from the Public Prosecution without referring the Syrian national to trial. The GoL's new deportation measures create a high risk of refoulement as it allows for deportation orders to be issued and executed summarily by incompetent authorities without due process (verification of the risks upon return to Syria and without granting Syrian nationals the right of defense and the right to resort to the judiciary). The GoL acknowledged that the law requires a court hearing on all deportation cases but states it does not have the bandwidth to process the existing caseload. However, the right to seek asylum in Lebanon is a constitutional right, and any deportation order to Syria must grant the foreigner the opportunity to challenge it before its execution. There is no justification for disregarding the law when it comes to protecting the lives of refugees from Syria from *refoulement*. Moreover, also Syrians that entered Lebanon before April 24, 2019 or that were even registered with UNHCR, are at risk of deportation,¹ as well as Syrians after having completed their sentence in Lebanese prisons.²

Unknown Fate of Deportees Once in Syria

Deportees from Lebanon are directly handed over to Syrian authorities. Human Rights Watch (HRW) reported that at least three Syrians deported by Lebanon's General Security have been detained by the authorities upon their return.³ Access Center for Human Rights (ACHR) was able to document 31 cases of unlawful deportation from Lebanon since the beginning of 2019, and collected testimonies from refugees who were forced to return and subjected to arrest violations of their human rights.⁴ There are several other anecdotal reports of Syrian refugees who were subsequently abused in detention after being turned over to Syrian authorities by Lebanese officials. However, deportees are often scared to speak out publicly for fear of repercussions for themselves and their families, and independent monitoring bodies such as the UN lack unimpeded access to all areas of Syria, rendering it impossible to monitor the conditions of deportees.

Setting a Precedent

In 2019, PASC and other organizations, such as Legal Agenda, followed up on the issue very closely with the authorities while trying to push for a complete halt to deportations on the basis of rule of law and the role of the judiciary. The decision taken by HDC has put on the bench the essential judiciary component of due process. A refoulement decision taken by a security institution without any legal oversight and space of appeal can only lead to abuse. This situation sets a precedent for security institutions to violate the law when they must deal with a sensitive security situation in the name of "national security."

¹ Such cases have been recorded by Human Rights Watch and Access Center for Human Rights.

² <https://www.achrightrights.org/2019/10/17/lebanons-continues-its-forced-deportation-policy-of-syrian-refugees/>.

³ <https://www.middleeastmonitor.com/20190902-hrw-syrian-refugees-deported-by-lebanon-already-being-arrested-by-assad-regime/>.

⁴ <https://www.achrightrights.org/2019/10/17/lebanons-continues-its-forced-deportation-policy-of-syrian-refugees/>.

Bypassing legal and judicial proceedings is concerning for refugees but also shatters the principle of the rule of law as a whole and creates a very dangerous precedent for human rights. The GoL should uphold the principle of due process, with deportation orders being issued only after a fair trial, in addition to a guarantee that authorities will not arrest or deport Syrians diagnosed with COVID-19 even after the reopening of the border.

Recommendations

Building on the relevant paragraphs from the co-chairs declaration of the Brussels III Conference on 'Supporting the future of Syria and the region', in which it was reiterated that “conditions inside Syria do not lend themselves to the promotion or facilitation of organized voluntary returns in conditions of safety and dignity in line with international law” – which is still the case, PASC would like to make the following recommendations to the organizers of and participants to the Brussels IV Conference:

To the Government of Lebanon

- The GoL should continue to commit to the principle of non-refoulement and halt deportations without due process indefinitely, ensuring they are not resumed after the COVID-19 pandemic. This should be backed by a guarantee that authorities will not arrest or deport Syrians for any medical treatment related to COVID-19, including vaccination (when it is available), and that testing and treatment are not contingent upon legal status.
- The GoL must give anyone at risk of deportation to Syria the opportunity to see a lawyer, to meet with the UN refugee agency, and to present their argument against deportation in a competent court. Courts should prohibit any deportation that amounts to refoulement.
- The GoL should be transparent and provide a regular, public accounting of deportations, including reasons for removal to international organizations and Civil Society to ensure accountability and the respect of rule of law.
- The GoL honors its commitments made by previous governments since Brussels II and expands the residency fee waiver to apply to all refugees regardless of entry date, registration profile or border crossed, to ensure protection on the principle of non-discrimination, and ensures consistent implementation of the waiver.
- The GoL permits UNHCR to resume the registration of refugees based on the 2015 guidelines and commits to removing obstacles for refugees in reaching UNHCR offices.

To Donors and UNHCR

- Donors and UNHCR should continue to monitor and advocate for the voluntariness of return including through tackling protection and rule of law challenges in Lebanon that limit people’s ability to make free and informed decisions, while encouraging improved information-sharing with operational actors on return movements.
- Donors must ensure that any support to the GoL of Lebanon is contingent upon its adherence to international law and commitment to the principle of non-refoulement.



Funded by:



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This document has been produced with the support of Oxfam and the financial assistance of the Ministry of Foreign Affairs of Denmark (DANIDA) and the European Regional Development and Protection Programme (RDPP II) for Lebanon, Jordan and Iraq, which is supported by the Czech Republic, Denmark, the European Union, Ireland and Switzerland. The contents of this document are the sole responsibility of the PASC members and Oxfam, and can under no circumstances be regarded as reflecting the position of the donors.