



The Legal Report on the Situation of the Syrian Refugees In Lebanon

• Introduction

The Lebanese Institute for Democracy and Human Rights (LIFE) only issued this press release after it had used up all means and needed measures with the Lebanese authorities to find a legal solution for the numerous problems the Syrian refugees in Lebanon face. These problems keep growing due to governmental apathy on one hand and international ignorance of the details of this aspect of the suffering on the other. In our view, this aspect is no less dangerous than the humanitarian relief aspect.

LIFE has explicitly expressed its concern regarding the legal humanitarian situation of Syrian refugees in Lebanon ever since this government was formed. This government contains some movements and political figures which support the Syrian government and its point of view concerning the Syrian conflict, and particularly its citizens who migrated. The Syrian government's position in this matter is clear, as it believes that it is necessary that these refugees return home. Thus the actions of these Lebanese ministers fall in this context as a systematic political governmental practice aiming at pushing a great number of Syrian refugees in Lebanon to forcefully return to their homeland and face the danger which awaits them. This comes after the adoption of humanitarian and security strangling policy towards Syrian refugees, and turning them from an asylum seeker to concerned, nervous and helpless refugees unable to find their way out of this misery.

Based on these facts, LIFE institute presents, in this report, a detailed review of the systematic acts of some Lebanese governmental bodies in this context.

LIFE institute believes that the violations Syrian refugees endure in Lebanon by some security forces stem from a political governmental cover and speech that failed to separate the political position of the Syrian crisis and its resulting humanitarian aspect.

Yet the institute has registered ministerial positions within the government calling for improving the conditions of Syrian refugees in Lebanon and a continuous effort by the Ministry of Social Affairs in this regard despite its lack of resources. Our institute also notes a significant progress in some measures by the General Security concerning the renewal of residency and passport stamping of Syrian refugees who entered Lebanon with an ID card. But LIFE considers these measures insufficient as they exclude the majority of Syrian refugees who did not enter through legitimate border crossings and are susceptible to arrests, trials and violations which will be presented throughout this report.

1- Inciting Political and Racial Speech

The Lebanese division between a pro Syrian revolution and against it, as well as the dominance of the pro Syrian regime movement on political and governmental life, has placed the Syrian refugees in Lebanon in the face of risks such as abductions by Lebanese armed groups supporting the Syrian regime and arbitrary detentions, which are illegal in many cases, by a number of Lebanese security branches. In light of these events, a racial speech has emerged lately against Syrian refugees in Lebanon. The most dangerous aspect of this issue is the use of incitement to racism and hatred as weapons to face Lebanese political opponents and a publicity material by the speakers. Despite the fact that this racial speech has been made by a minister of the Lebanese government, the government is yet to issue a statement or clarification regarding this issue.

2- The Grounds of the Legal Problem

The neighboring countries of Syria have not granted the status of refugees to displaced Syrians on their territories, but opted to grant them various nominations and classifications such as guests or displaced etc... These nominations

cannot take away the classification of a refugee off the Syrian individuals who fled their homeland to avoid the dangers of the ongoing armed conflict, a conflict that does not differ between civilians and legitimate military targets according to the International Humanitarian Law. Thus it does not relieve host countries of their commitments towards Syrian refugees by virtue of the International Law of Human Rights, even if the host country is not a participant of any refugee related convention.

From the moments Syrian citizens began fleeing towards Turkey, it has established hosting camps and then Jordan followed its footsteps. The displacement was dealt with as exceptional considering the exceptional circumstances surrounding the displacement and crossing. These two countries allowed Syrian refugees to reside on their territories regardless of their possession of papers conforming to legal conditions and entrance from legitimate border crossings. Lebanon has taken no such steps, and the government still refrains from establishing any camp that can support the estimated growing numbers of Syrian refugees in Lebanon. The Lebanese government still addresses the displacement issue from a security and judicial point of view, based on the lack of legal papers with many refugees or their entry to Lebanon through illegal border crossings, regardless of the exceptional circumstances which have forced the Syrian citizen to come through illegal border crossings.

What are the required papers form the Syrian refugee according to the Lebanese government?

The papers are:

- Valid Syrian passport.
- Syrian ID card.
- Departure Card issued by the Syrian Immigration and Passports Branch attached with the passport or ID card.
- Entry Card issued by the Lebanese General Security.

If the Syrian refugee did not carry the aforementioned papers in Lebanese territories, he is then subject to arrests and criminal prosecution.

3- Arbitrary Detentions

Our institute's statistics show that the vast majority of Syrian refugees in Lebanon are members of the Syrian opposition and their families, thus it is impossible for some to enter through legitimate border crossings because he may be wanted by Syrian authorities. For this reason, many of these opt unwillingly to cross the natural border between Lebanon and Syria, taking mountains and rugged roads, enduring risks and hardships to reach safer places. Most of these are families and their majority is consisted of women, children, elderly, injured and sick.

But the Lebanese authorities arrest those people simply for not entering Lebanon through legal border crossings and not possessing the aforementioned legitimate papers.

Many officers and soldiers of the Syrian army who have decided to defect are also susceptible to arrest based on four legal reasons (according to the referrals of the Military Prosecutor Office):

- **The first legal reason presented by the Lebanese army and the Lebanese General security:** Some of the defectors lack of papers identifying them;
- **The second legal reason presented by the Lebanese army:** The defectors are present in the Lebanese territories and they possess military weapons;
- **The third legal reason presented by the Lebanese army:** The defectors have with them here, on the Lebanese territory, military equipment. It should be noted the military uniform falls within the military equipment according to Lebanese military.
- **The fourth legal reason presented by the Lebanese army and the Lebanese General security:** The defectors are entering the Lebanese territories through illegal borders.

LIFE considers that these legal reasons are, in normal circumstances, sufficient to arrest and prosecute the pertaining persons; however, in light of the events and the ongoing hostilities in Syria these arrests would turn to arbitrary arrests and violations of the International Humanitarian Law, since the targeted persons are refugees in need of security and protection rather than arrest and trial. The General Staff Command of the Syrian army issued in the first of October 2011, a circular to all military sectors ordering them to withdraw all identities of conscripts in the Syrian army. Thus, many of the defectors who are in Lebanon do not have their identity papers.

LIFE considers that it is normal for those officers and defectors to enter the Lebanese borders with their weapons since it is the only way to guarantee their safe entry into Lebanon. In fact, the army could confiscate their weapons upon their arrival to Lebanon but it should not arrest them for carrying their personal weapon.

LIFE believes that arresting an officer or a defector because he is wearing his military uniform is a shocking thing since it is normal for defected officers or soldiers to be in their military uniform especially if they defected during a battle.

LIFE institute believes that issue of defectors not having legal entry cards is a logical and righteous matter, for these

defected military men can not cross the regular borders and have their papers, if any, certified by the Syrian Security and Passports Branch. These arbitrary measures adopted by the Lebanese government drove many Syrian opposition activists to use the services of brokers to get their passports stamped in order to leave Lebanon to much safer countries. Yet many of these activists are now a victim of these false stamps and Lebanese prisons now contain a great number of young Syrian activists including university students who could not attend their universities abroad, and spent months in jails.

Many Syrian refugees remain under arrest in severe circumstances in the prisons of the Lebanese General Security for delay of residency renewal, including women torn away from their children due to their arrest. The Lebanese authorities disregarded the financial status of most refugees as they imposed a three thousand LBP (200 USD) fee upon every Syrian refugee seeking the renewal of his residency.

Furthermore the Lebanese Customs at Rafic Hariri International Airport confiscated all Syrian Revolution Flags and bracelets marked by Syrian Revolution logos and satellite internet devices; they even arrested their owners and contacted security forces to apprehend them with no legal grounds.

Arrests and apprehensions by Lebanese security forces included acts of torture against Syrian opposition activists and defectors, but our institute was unable to prove that these acts of torture were a part of a systematic wide-range policy, because they were limited to few security stations, officers and individuals of the security forces. Yet Lebanese authorities did not play their role so far in stopping these outrageous acts within their security forces through the punishment of their perpetrators.

4- Trials

Some judges in Lebanese criminal courts still issue verdicts against Syrian refugees for violating Lebanese residency regulations or other aforementioned legal grounds. In addition some Attorney General Offices carry on with referring Syrian refugees to criminal courts for these reasons. LIFE institute calls upon the Minister of Justice and the Attorney General Judge to order all Attorney General Offices and single criminal judges across the country to refrain from prosecuting Syrian refugees in this context and to order all security forces not to arrest a Syrian refugee without prior writ from the Lebanese justice system.

LIFE institute finds it odd that the Lebanese military judicial authorities have reclassified the charge of arms trafficking to Syria from a crime of arms trafficking to a terrorist crime, thus reclassifying its legal from a misdemeanor to a felony upon which the accused is arrested for an indefinite period in preventive detention without undergoing trial according to the Criminal Procedure Law. Among those accused, there are Syrian officers who have defected and volunteers of the armed Syrian opposition. The prosecution of these individuals should be immediately banned by virtue of the Geneva Conventions, their Additional Protocols and the International Humanitarian Law. These individuals should receive special treatment.

• Demands and Recommendations

- **Lebanese Authorities**
- **To The Judicial Authorities**

LIFE institute calls upon Attorney General Judge Hatem Madi to order all Attorney General Offices across provinces to refrain from prosecuting any Syrian refugee for the aforementioned reasons. LIFE also calls upon the Lebanese judicial authorities to investigate the news regarding a concentration camp holding a number of members of the Syrian opposition and defectors in Al-Qasr town in the Hermel area, in Bekaa, set up by an armed Lebanese party supporting the Syrian regime.

LIFE institute also calls upon the Lebanese judicial authorities to launch an investigation concerning the question of abduction of Syrian opposition activists in Lebanon and delivering them to the authorities of their country. LIFE reminds that the negligence of this matter by the judicial authority or incapability to address it, for any reason whatsoever, may refer this jurisdiction to International Law authorities, given the fact that these issues are an integral part of the outrageous violations of Human Rights and International Criminal Law in Syria.

LIFE institute calls upon the Lebanese Military judicial system to ban the prosecution of defected Syrian officers and soldiers and insurgents of the Syrian opposition in conformity with the International Humanitarian Law.

Our institution also denounces the facilitations offered by Lebanese authorities to the Syrian Minister of Interior Mohamed Al-Shaar in order for him to leave Lebanese soil without taking any legal measures or carrying out an investigation with him for charges filed against him regarding crimes he has committed in Lebanon and abroad. These crimes are subject to criminal punishment by virtue of the Lebanese Penal Code and the International Criminal Law.

LIFE institute calls upon the Military prosecutor to retract the reclassification of arms trafficking as a terrorist act, because regardless of the outcome of the trial, the charge of terrorism may hold the accused in preventive detention and under investigation for an indefinite period by virtue of the Lebanese Criminal Procedure Law.

LIFE also calls upon the Lebanese judicial authorities to dismiss any request presented by the Syrian embassy to take legal action against activists or defectors residing in Lebanon. In this context, our institute expresses its disappointment with the Lebanese judicial authorities for accepting a criminal lawsuit filed by the Syrian embassy against some of its former employees.

- **To The Parliament**

LIFE calls upon the Lebanese parliament to issue a law incriminating racial speech, incitement to racism and all racist acts, as well as enlisting them under the Lebanese Penal Code.

Our institution also calls upon the parliament to form parliamentary investigation committees addressing any action taken by the Lebanese Government and considered a violation of human rights, considering that any violation of human rights is a violation of the constitution itself.

- **To The Lebanese Government**

LIFE institute calls upon the Lebanese Government to denounce the racial speech made by one of its ministers.

It also demands that the Minister of Labor to refrain from taking any measure not imposed by the law particularly if it unnecessarily endangers Syrian citizens or refugees. The institute considers the content of MP Akram Shehaieb's speech dangerous and the minister should be questioned in this regard.

Our institute calls upon the Lebanese Government to stop any form of security cooperation and coordination with the Syrian authorities. The continuity of this coordination with a regime denounced by the United Nations Human Rights Council for committing crimes which could be classified as crimes against humanity will hold Lebanon legally and ethically reliable.

Our institute calls upon the Lebanese Government to reveal the fate of Syrian activist Ihsan Al-Khaws arrested by the Lebanese army four months ago.

LIFE also demands the immediate release of all Syrian refugees detained for not renewing their residency, and calls upon it to issue a decision in this regard, exempting Syrian refugees from the renewal fees.

In addition, our institute demands that the Lebanese Government coordinate with the International Community to address the issues in this report, in order to avoid the serious violations which affect a great number of Syrian refugees on its soil. LIFE emphasizes that dealing with these legal issues may facilitate travelling abroad for a number of Syrian refugees which also may reduce their number to its half.

- **The International Community**

LIFE institute calls upon the International Community to follow-up on the content of this report with the Lebanese Government in order to improve the conditions of Syrian refugees in this regard.

Our institute also calls upon the United Nations and donor countries to fund urgent aid programs for Syrian refugees in neighboring countries. This stands particularly after the horrifying scenes which have been shown during the snow storm which struck the region, as these scenes demonstrate the true human tragedy of these refugees.

The International Community ought to consider the legal problems of Syrian refugees in Lebanon its utmost priority.

LIFE believes that the governments of the neighboring countries of Syria and civil society organizations combined cannot carry on the humanitarian and ethical duties without international and global efforts to support an emergency plan aiming at saving hundreds of thousands of Syrian and Palestinian refugees fleeing Syria towards neighboring countries.

LIFE calls upon the Security Council to refer the file of severe violations of the International Criminal Law in Syria to the International Criminal Court.