

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	1575
Land:	Syrien
Kilde:	Human Rights Watch
Titel:	"Our Lives Are Like Death" – Syrian Refugee Returns from Jordan and Lebanon
Udgivet:	oktober 2021
Optaget på baggrundsmaterialet:	15. oktober 2021



HUMAN
RIGHTS
WATCH

“Our Lives Are Like Death”

Syrian Refugee Returns from Lebanon and Jordan



“Our Lives Are Like Death”

Syrian Refugee Returns from Lebanon and Jordan

Copyright © 2021 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-62313-943-8

Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice.

Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>



“Our Lives Are Like Death”

Syria Refugee Returns from Jordan and Lebanon

Summary.....	1
Methodology.....	7
Background.....	9
The Syrian Conflict	9
The Syrian Refugee Crisis.....	10
Lebanon	11
Jordan.....	15
The Decision to Return to Syria	18
Reasons for Refugee Returns	18
Misinformation on Conditions in Syria.....	22
The Process of Return	24
Lebanon	24
Jordan	25
Human Rights Abuses upon Return	27
Arbitrary Arrest and Detention.....	28
A Note on Detention Sites	32
Military service	33
Torture in detention	36
Enforced disappearances	41
Detention with Ransom Demands	42
Spotlight on Daraa	43
Reconciliation, Security Clearances, and “Wanted” Lists.....	47
Survival Inside Syria	52
Economic devastation	57
Bribery and Extortion	60
Payment for Information about Missing Loved Ones	62
“No Refugee Should Go Back”	65

Recommendations	67
To the Government of Syria	67
To the Jordanian Ministry of Interior	68
To the Lebanese Government and related Ministries	68
To the United Nations High Commissioner for Refugees (UNHCR)	69
To Donor Governments	70
To All Syrian Refugee Host Countries	71
Acknowledgments.....	72
Annex I: Response from the Lebanese General Security Directorate.....	73

Summary

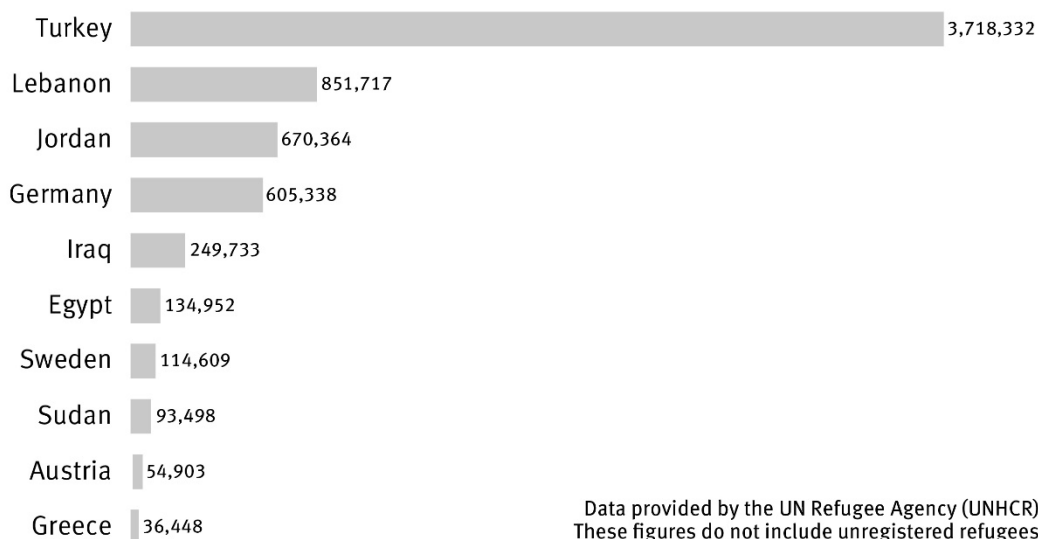
Syria is a death country, a kidnapping country. Anyone coming back will lose their money or their life.

— Salam, 26, from al-Jeza in Daraa

Syrian refugees who voluntarily returned to Syria between 2017 and 2021 from Lebanon and Jordan faced grave human rights abuses and persecution at the hands of Syrian government and affiliated militias, including torture, extra-judicial killings, and kidnappings. The majority of those interviewed by Human Rights Watch also struggled to survive and meet their basic needs in a country decimated by conflict and widespread destruction.

After a decade-long civil war, Syrian refugees are the world's largest refugee population. Spread over 127 countries – with the highest absolute numbers in Turkey – Lebanon and Jordan host the highest ratio of refugees relative to their populations. Lebanon and Jordan at first welcomed refugees with borders kept open to facilitate large refugee flows. As the numbers of refugees in Lebanon increased, however, Lebanon adopted a range of coercive and abusive measures including discriminatory curfews, evictions, arrests, and other restrictions on legal residency and access to employment and education. Amidst Lebanon's catastrophic economic collapse, exacerbated by the Covid-19 pandemic, over 90 percent of Syrian refugees live in extreme poverty, relying on credit and mounting debt to survive. In Jordan, only two percent of refugee households can meet their essential food needs. Despite these stark figures, humanitarian aid appeals remain dramatically underfunded across the region. In 2020, only 52 percent of the amount UN agencies requested across the five main refugee-hosting countries – Turkey, Lebanon, Jordan, Iraq, and Egypt – was funded. Lebanon was 57 percent and Jordan 47 percent funded respectively in 2020.

Syrian Refugees per Country of Asylum as of October 2021



Despite increasing levels of vulnerability in Lebanon and Jordan, the number of spontaneous refugee returns to Syria has not significantly increased. Refugees continue to cite safety and security in Syria as their primary considerations when deciding whether to return home. Those who do make the decision to return often do so under extreme pressure. In Lebanon, the government continues to pursue policies designed to coerce Syrian refugees to leave, and the acute economic crisis and staggering inflation have made it exceedingly difficult for refugees to afford the most basic necessities. In Jordan, the economic downturn and drastic lockdown measures have undermined the livelihoods of thousands of Syrian refugees. Returnees often decide to go back to Syria with limited information on conditions inside the country.

Refoulement, the return of refugees to places where their lives, physical integrity, or freedom would be threatened, occurs not only when a refugee is directly rejected or expelled, but also when indirect pressure is so intense that it leads people to believe they have no option but to return to a country where they face a serious risk of harm.

While parts of Syria have not seen active conflict hostilities since 2018, Syria is not safe. The UN agency mandated to provide international protection and humanitarian assistance to refugees, UNHCR, maintains that Syria is unsafe and that it will not facilitate mass returns in the absence of key protection conditions. It states that it will however assist individual refugees who decide to voluntarily return by themselves. An EU Parliamentary Resolution in March 2021 also reminded member states that Syria is not safe for refugee return.

This report, based on 65 interviews with Syrian refugees who returned to Syria from Jordan and Lebanon or their family members, shows why Syria is not safe for return. It documents the grave abuses and the harsh economic realities they face upon return and describes why some refugees are deciding to return despite these difficulties. It finds that returnees face many of the same violations that caused their flight from Syria. These include persecution and abuses, such as arbitrary arrests, unlawful detention, torture, extra-judicial killings, kidnappings, and widespread bribery and extortion, at the hands of the Syrian security agencies and government-affiliated militias. It examines the practice of so-called “security clearances” and “reconciliation agreements” – frequently used by the Syrian government to vet returnees and people crossing checkpoints in Syria – and demonstrates how neither process protects people from being targeted by the Syrian government’s security apparatus. It also looks at property rights violations and other economic hardships that have made a sustainable return impossible for many.

Refugee returnees who did not face threats to their life or physical integrity lived in fear of the government’s targeting of civilians perceived to be affiliated or sympathetic to the opposition or who have expressed dissent. Human Rights Watch’s interviews with returning refugees affirmed the view of a leading expert on Syria that “nearly everyone who returns will face some form of interrogation, whether it’s a cup of tea with the security agencies or a full-blown torture session, they want to know why people left.” The Syrian Human Rights Network estimates that nearly 150,000 have been arbitrarily arrested and detained and nearly 15,000 have died due to torture between March 2011 and March 2021, the majority at the hands of Syrian government forces.

Syria’s economy and infrastructure have also been devastated by ten years of conflict and sanctions. The World Bank estimates that the Syrian economy has shrunk by more than 60 percent since 2010. The Syrian pound has crashed, trading at approximately 3,460 Syrian

pounds to the dollar as of October 2021,¹ compared to 50 Syrian pounds to the dollar, pre-war, resulting in a 6,820 percent inflation rate increase on consumer goods. As of February 2021, at least 12.4 million Syrians were food insecure, according to the World Food Programme (WFP), an alarming increase of 3.1 million in one year. The World Health Organization estimates that more than half the population is in dire need of health assistance and half a million children are malnourished. People with disabilities – usually 25 percent of a country’s population – are more likely to experience poverty. Most returnees interviewed by Human Rights Watch experienced extreme economic hardship, unable to afford basic food items because of the inflation of the Syrian pound and a widespread lack of livelihood opportunities. Most also found their homes either totally or partially destroyed and were unable to afford the costs of renovation. The Syrian government provided no assistance in repairing homes.

Despite these ongoing violations and the devastating economic and humanitarian conditions inside Syria, countries in the region and beyond continue to promote a narrative of post-conflict returns. Denmark has set a dangerous precedent from within the European Union, by removing the “temporary protection” status of individuals from Damascus or Damascus Countryside. Denmark has stripped these individuals of temporary protection and therefore the legal right to reside in Denmark and forced them to live in return centers or return to Syria “voluntarily.”

In Lebanon, the authorities have pursued an aggressive returns agenda, regularly introducing new decrees and regulations designed to make Syrian refugees’ lives difficult, and ultimately to pressure them to leave. They have forced Syrian refugees to dismantle their concrete shelters, imposed curfews and evicted refugees from some municipalities, obstructed the renewal of residency permits, and summarily deported Syrian refugees they deemed to have irregularly entered Lebanon after April 2019.

¹ For the unofficial exchange rate at parallel markets, see “Authorities in Syria Make Billions Arresting Foreign Currency Merchants,” *The Syrian Observer*, August 25, 2021, <https://syrianobserver.com/features/69112/authorities-in-syria-make-billions-arresting-foreign-currency-merchants.html> (accessed October 1, 2021); and “Hourly Black Market Exchange Rates and Gold Prices in Syria by City,” Karam Shaar, undated, <https://www.karamshaar.com/exchange-rates> (accessed October 1, 2021).

While Jordan has not publicly pushed for large-scale organized repatriations, it has over the years of increasingly protracted displacement implemented policies such as summary deportations and denial of access to important categories of employment. While Jordan does not impose a formal re-entry ban on Syrian refugees, refugees nearly uniformly told Human Rights Watch that Jordanian border guards said they could not re-enter Jordan for three to five years. This denies returnees the right to claim asylum if, having returned to Syria, they again face persecution.

Human Rights Watch recommends an immediate moratorium on all forced returns of Syrians and habitual Palestinian residents of Syria to all parts of Syria from all countries. While evidence of widespread and ongoing violence active hostilities might have decreased in recent years, the situation is fluid and relative periods of stability fail to meet basic conditions for safe, dignified, and durable return. Moreover, the same government is in power that committed crimes against humanity, persecuted those that expressed dissent, and caused millions to flee. Widespread human rights abuses continue and refugees who return often face the same persecution from which they fled.

With no reliable information networks on which Syrian refugees can make fully informed decisions about return and with international humanitarian agencies lacking adequate access and therefore unable to monitor voluntary repatriation and reintegration in Syria, Human Rights Watch calls on all countries hosting Syrian refugees to adhere to the position that Syria is unsafe for returns. International donor governments should use their leverage against such practices as summary deportations and forced returns of Syrian refugees to Syria, which amount to a breach of nonrefoulement obligations.

International donor governments should help sustain this position and fully fund humanitarian assistance programs particularly inside Lebanon and Jordan and other neighboring countries.

For their part, Lebanon and Jordan should lift all restrictions on Syrian refugees re-entering their countries if they were not able to re-establish themselves inside Syria, or to avail themselves of the protection of the Syrian government. Lebanon should abolish the May 2019 Higher Defense Council decision which provides for the summary deportation of all Syrian refugees who re-enter irregularly after April 2019, and Jordan should stop imposing arbitrary or de facto re-entry bans on Syrian refugees and clarify that Syrians can return to

Jordan, and the process for doing so. Denmark should repeal its decision to remove temporary protection for Syrian refugees from Damascus and Damascus Countryside, and European Member States should not introduce any similar legislation.

Methodology

This report is based on interviews with 30 Syrian refugees who returned from Jordan to Syria and 24 Syrian refugees who returned from Lebanon to Syria between 2017 and 2021. Interviews were also conducted with nine relatives of Syrian refugees who returned to Syria during the same time period, two of whom were living in Lebanon and seven in Jordan. Moreover, two interviews were also conducted with Syrian refugees planning to return to Syria from Jordan. Twenty-seven out of these 65 interviews were women. These 65 interviews were conducted between January and July 2021.

Human Rights Watch interviewed the refugees who returned from Jordan to Syria by telephone. Human Rights Watch interviewed the refugees who returned from Lebanon to Syria and subsequently returned to Lebanon by telephone or in person after they returned to Lebanon. The areas inside Syria that the refugees returned to include Damascus, Damascus countryside, including eastern Ghouta, Hama, Daraa governorate, and Homs city.

Human Rights Watch also interviewed three lawyers from Syria, Jordan, and Lebanon and four researchers and experts on Syria, as well as nongovernmental organizations, and UN and humanitarian agencies in Jordan and Lebanon.

Interviews were conducted in private settings – either completely alone or with the interviewee’s family members present – with assurances of confidentiality. The researcher informed all interviewees about the purpose and voluntary nature of the interviews, and the ways in which Human Rights Watch would use the information. All were told they could decline to answer questions or could end the interview at any time. The researcher told interview subjects they would receive no payment, service, or other personal benefit for the interviews. Interviews with refugees inside Syria all took place in Daraa. Transport costs for those inside Daraa who traveled to a safe location to conduct the interview were covered to a maximum limit of US\$10. The researcher for this project used an Arabic interpreter.

Human Rights Watch also reviewed reports related to Syrian refugee returns, and analyzed relevant national and international laws, decrees, regulations and memorandums of understanding.

To protect confidentiality, pseudonyms are used for all Syrian interviewees.

Human Rights Watch wrote to the Lebanese General Directorate of General Security, the Jordanian Ministry of Interior, the Jordanian Ministry of Planning, the Jordanian Ministry of Foreign Affairs, the Syrian Ministry of Foreign Affairs, and the Syrian Ministry of Interior.

The Lebanese General Security Directorate responded to Human Rights Watch's letter in October 2021, and their response letter is included at the end of this report as Annex I.

Background

The Syrian Conflict

What started in 2011 as a peaceful uprising in Syria against a government with an abysmal human rights record turned into an armed conflict. In the decade since, the conflict has killed hundreds of thousands and displaced millions more. Parties to the Syrian conflict, especially the Syrian government, have committed egregious violations of human rights and international humanitarian law – from arbitrary detentions and torture to property confiscation, indiscriminate strikes, and the use of prohibited weapons. Some of these abuses were committed as part of a widespread and systematic attack against the civilian population and thus constitute crimes against humanity.²

In 2018, the landscape of the conflict changed drastically as the Syrian government, with the support of its Russian ally, retook most of the territory that had been held by anti-government armed groups. Using unlawful tactics that in some cases amounted to war crimes and may amount to crimes against humanity, the Syrian-Russian military alliance solidified government control in most areas through local so-called “reconciliation” agreements, which resulted in the mass evacuation of civilians, as well as members of non-state armed groups opposed to the government.³

At this writing, only parts of northeast and northwest Syria remain under the control of non-government parties.

Despite the significant decrease in active hostilities, Syrian civilians continue to face a myriad of challenges. The Syrian government continues to abuse its citizens’ rights while the conduct of hostilities has destroyed most of the country’s infrastructure, including partially or completely destroying two-thirds of Syria’s medical and educational facilities

² Human Rights Watch, “*Targeting Life in Idlib: Syrian and Russian Strikes on Civilian Infrastructure*,” October 15, 2020, <https://www.hrw.org/report/2020/10/15/targeting-life-idlib/syrian-and-russian-strikes-civilian-infrastructure>; Human Rights Watch, “*By All Means Necessary! Individual and Command Responsibility for Crimes against Humanity in Syria*,” December 15, 2011, <https://www.hrw.org/report/2011/12/15/all-means-necessary/individual-and-command-responsibility-crimes-against-humanity>.

³ Mona Alami, “Russia’s Local and Regional Approach to Syria,” Carnegie Endowment for International Peace, July 31, 2018, <https://carnegieendowment.org/sada/76952> (accessed September 16, 2021).

and 27 percent of the country's housing, according to a 2017 World Bank study of eight governorates.⁴

The Syrian economy went into freefall for much of 2020, with the unprecedented depreciation of the national currency, the imposition of further international sanctions, and crises in neighboring countries, primarily Lebanon, where Syrian business people relied on access to Lebanese banks and could no longer do so after October 2019 when these banks imposed capital controls during Lebanon's economic crisis.⁵ For ordinary Syrians, this translated into an inability to procure food, essential medicines, and other basic necessities. At the time of writing, according to the World Food Programme, more than 12.4 million Syrians have become food insecure and over 80 percent of Syrians live below the poverty line.⁶

The Syrian Refugee Crisis

After a decade-long civil war, Syrian refugees continue to be the world's largest refugee population according to UNHCR,⁷ comprising approximately 25 percent of refugees globally. Syrian refugees have sought asylum in 127 countries, but Syria's neighboring nations continue to host the majority spread out over Turkey, Lebanon, Jordan, Iraq, and Egypt.⁸ Turkey hosts the highest number of Syrian refugees, but Lebanon and Jordan host the highest ratio of refugees per capita of any countries in the world. According to recent UNHCR figures, Lebanon hosts nearly 900,000 registered Syrian refugees, and the government estimates another 500,000 live in the country informally.⁹ Jordan is home to

⁴ World Bank, "The Toll of War: The Economic and Social Consequences of the Conflict in Syria," July 10, 2017, <https://www.worldbank.org/en/country/syria/publication/the-toll-of-war-the-economic-and-social-consequences-of-the-conflict-in-syria> (accessed August 11, 2021).

⁵ Experts say that while sanctions have been imposed on the Syrian government since the start of the conflict, the capital controls imposed by banks in Lebanon in October 2019 have meant that Syrian businesspeople were no longer able to access their accounts in Lebanese banks. This in turn affected their ability to bring foreign currency into the country, depleting foreign currency reserves and restricting the government's ability to import food items, such as wheat.

⁶ World Food Programme, "Twelve Million Syrians Now in the Grip of Hunger, Worn Down by Conflict and Soaring Food Prices," February 17, 2021, <https://www.wfp.org/news/twelve-million-syrians-now-grip-hunger-worn-down-conflict-and-soaring-food-prices> (accessed September 16, 2021).

⁷ The UN Refugee Agency (UNHCR), "Figures at a Glance," June 18, 2021, <https://www.unhcr.org/figures-at-a-glance.html> (accessed October 1, 2021).

⁸ UNHCR, "Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2020 – 2021," December 22, 2019, <https://data2.unhcr.org/en/documents/details/73116>, (accessed August 10, 2021), p. 2.

⁹ UNHCR, "Lebanon Fact Sheet," September 2020, <https://www.unhcr.org/lb/wp-content/uploads/sites/16/2020/09/UNHCR-Lebanon-Operational-Fact-Sheet-Sep-2020.pdf> (accessed September 16, 2021).

more than 650,000 registered Syrian refugees.¹⁰ Both countries initially welcomed Syrian refugees and essentially maintained an open border policy (except for Palestinian refugees fleeing Syria) from 2011 to 2014. Since then, both have progressively adopted more restrictive policies.¹¹

Lebanon

Lebanon's sectarian state structure and related sensitivity to sectarian demographic balances, some Lebanese political parties' alliances with Syrian authorities, and Lebanese authorities' ongoing discriminatory treatment of Palestinian refugees all taint Lebanese authorities' perception and treatment of Syrian refugees. Lebanon already hosts a large community of Palestinian refugees, who numbering between 174,000 (according to the Lebanese Palestinian Dialogue Committee) and 480,000 (according to UNHCR/UNRWA), who have been in Lebanon for more than 70 years and who face restrictions that affect their basic rights.¹² Lebanon treats Syrian refugees as "guests," largely denying them the right to legal residency and severely limiting their access to employment.¹³ Syrian refugees struggle to access quality education and health care and often live in unsafe and informal housing cut off from the main electricity and water and sanitation networks. Lebanon has not allowed the opening of formal refugee camps in the country.¹⁴ According to the latest findings of the 2020 *Vulnerability Assessment of Syrian Refugees in Lebanon*, only 20

¹⁰ UNHCR, "Operational Data Portal: Refugee Situations," <https://data2.unhcr.org/en/situations/syria/location/36> (accessed September 16, 2021); ASILE, "Country Fiche: Jordan," October 2020, https://www.asileproject.eu/wp-content/uploads/2021/03/Country-Fiches_Jordan_Pub.pdf (accessed October 1, 2021), p. 2.

¹¹ Human Rights Watch, *Not Welcome: Jordan's Treatment of Palestinians Escaping Syria*, August 7, 2014, <https://www.hrw.org/report/2014/08/07/not-welcome/jordans-treatment-palestinians-escaping-syria>.

¹² The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), "Protection in Lebanon," undated, <https://www.unrwa.org/activity/protection-lebanon> (accessed September 13, 2021); Lebanese Palestinian Dialogue Committee, "Population and Housing Census in Palestinian Camps and Gatherings in Lebanon 2017, Key Findings Report," February 2018, <http://www.lpdg.gov.lb/DocumentFiles/Key%20Findings%20report%20En-636566196639789418.pdf> (accessed August 10, 2021); and UNRWA "Where We Work," undated, <https://www.unrwa.org/where-we-work/lebanon> (accessed August 10, 2021).

¹³ Syrian refugees in Lebanon are technically only allowed to work in the agriculture, construction, and cleaning sectors. See "Syrians Who Obtain Work Permits in Lebanon Risk Losing Refugee Aid," *The Daily Star*, March 6, 2017, <https://www.dailystar.com.lb/News/Lebanon-News/2017/Mar-06/396311-syrians-who-obtain-work-permits-in-lebanon-risk-losing-refugee-status.ashx> (accessed August 10, 2021); Carnegie Middle East Center, "Unheard Voices: What Syrian Refugees Need to Return Home," April 16, 2018, <https://carnegie-mec.org/2018/04/16/policy-framework-for-refugees-in-lebanon-and-jordan-pub-76058> (accessed August 10, 2021), chap. 2.

¹⁴ UNHCR and UN Human Settlements Programme (UN-Habitat), "Housing, Land & Property Issues in Lebanon: Implications of the Syrian Refugee Crisis," August 8, 2014, <https://reliefweb.int/sites/reliefweb.int/files/resources/HousingLandandPropertyIssuesinLebanonFINAL.pdf> (accessed August 10, 2021), p. 9.

percent of Syrian refugees have legal residency, making the majority of refugees vulnerable to harassment, arrest, and detention, particularly at checkpoints.¹⁵

Lebanon refuses to recognize Syrians as refugees and uses the generic words for “displaced” people in Arabic, *naziheen*, rather than the word for refugee, *laja’een*. Lebanon is not a party to the 1951 Refugee Convention and does not adhere to a unified or centralized policy toward Syrian refugees, so municipalities and local authorities are free to adopt differing policies and strategies. The result has led to a host of coercive regulations and ad-hoc practices designed to ensure Syrian refugees do not integrate and eventually feel like they have no choice but to return to Syria. This coercive approach has intensified in recent years, as has the rhetoric of government leaders and political figures on returns.¹⁶

Syrian refugees are subjected to arbitrary raids, ad-hoc curfews, checkpoints which apply only to them, and arrest and detention for not having legal residency.¹⁷ In April 2018, Human Rights Watch documented how some municipalities forcibly evicted thousands of Syrian refugees from their homes and expelled them from their localities.¹⁸

In May 2019, the Higher Defense Council, Lebanon’s highest security coordination body, adopted a series of measures intended to increase pressure on Syrian refugees to return, including forced demolition of refugee shelters and a crackdown on Syrians working without authorization.¹⁹ In the summer of 2019, the Lebanese Armed Forces forced Syrian refugees living in semi-permanent shelters on agricultural land to dismantle their own

¹⁵ UN Inter-Agency Coordination Lebanon, “Key Findings of the 2020 Vulnerability Assessment of Syrian Refugees in Lebanon,” undated, <https://lebanon.un.org/sites/default/files/2021-01/VASyR%202020%20Dashboard.pdf> (accessed August 10, 2021).

¹⁶ “Syrian Displacement Poses ‘Serious Threat’ to Lebanon’s Development Goals, President Tells UN Assembly,” UN News, September 25, 2019, <https://news.un.org/en/story/2019/09/1047452> (accessed August 13, 2021); Nikolaj Skydsgaard, “Denmark Firm on Returning Refugees to War-Torn Syria,” Reuters, April 27, 2021, <https://www.reuters.com/world/europe/denmark-firm-returning-refugees-war-torn-syria-2021-04-27/> (accessed August 13, 2021).

¹⁷ UN Inter-Agency Coordination Lebanon, “Key Findings of the 2020 Vulnerability Assessment of Syrian Refugees in Lebanon,” undated, <https://lebanon.un.org/sites/default/files/2021-01/VASyR%202020%20Dashboard.pdf> (accessed August 10, 2021).

¹⁸ Human Rights Watch, “*Our Homes Are Not for Strangers*: Mass Evictions of Syrian Refugees by Lebanese Municipalities,” April 20, 2018, <https://www.hrw.org/report/2018/04/20/our-homes-are-not-strangers/mass-evictions-syrian-refugees-lebanese>.

¹⁹ “Labor Ministry Starts Crackdown on Foreign Labor,” The Daily Star, July 10, 2019, <http://www.dailystar.com.lb/News/Lebanon-News/2019/Jul-10/487248-labor-ministry-starts-crackdown-on-foreign-labor.ashx> (accessed September 16, 2021); Human Rights Watch, *Syrians Deported by Lebanon Arrested at Home: New Policy Forcibly Returns Thousands, No Due Process*, September 2, 2019, <https://www.hrw.org/news/2019/09/02/syrians-deported-lebanon-arrested-home>.

shelters' concrete walls and hard roofs and replace them with flimsy materials, or face army demolition of their homes.²⁰ The forced shelter dismantlement significantly reduced the adequacy of refugee housing to withstand harsh weather conditions, particularly in the Aarsal region, where winters and summers are harsh.

Lebanon's response to the Covid-19 pandemic also put refugees at risk. In April 2020, Human Rights Watch found that at least 21 Lebanese municipalities had introduced discriminatory restrictions on Syrian refugees that do not apply to Lebanese residents as part of their efforts to control the spread of Covid-19, violating Syrians' rights and undermining the country's public health response.²¹

Although the Lebanese government continues to publicly state its commitment to the principle of nonrefoulement, it has deported thousands of Syrians in recent years. In May 2019, the Higher Defense Council announced that all Syrians who entered Lebanon irregularly after April 24, 2019 would be deported and directly handed over to the Syrian authorities.²² In a letter to Human Rights Watch, the General Security Directorate said it had "returned" 6,345 Syrians between April 25, 2019 and September 19, 2021 in implementation of the Higher Defense Council's decision. Human Rights Watch documented that at least three Syrians deported by Lebanon were arrested in Syria.²³

Recently, Lebanese leaders have ramped up their anti-refugee rhetoric and promotion of refugee returns.²⁴ In July 2020, the government issued a new "return plan" declaring that

²⁰ "Lebanon: Syrian Refugee Shelters Demolished," Human Rights Watch news release, July 5, 2019, <https://www.hrw.org/news/2019/07/05/lebanon-syrian-refugee-shelters-demolished>.

²¹ "Lebanon: Refugees at Risk in Covid-19 Response," Human Rights Watch news release, April 2, 2020, <https://www.hrw.org/news/2020/04/02/lebanon-refugees-risk-covid-19-response>.

²² "Statement Regarding the Deportation of Refugees to Syria from Lebanon," Save the Children Lebanon news release, September 17, 2019, <https://lebanon.savethechildren.net/news/statement-regarding-deportation-refugees-syria-lebanon> (accessed August 11, 2021). For information about raids conducted by authorities on refugee places of work or residence, see UNHCR, "Measures Impacting Refugees in Lebanon – Raids (June – December 2019)," April 2, 2020, <https://reliefweb.int/report/lebanon/measures-impacting-refugees-lebanon-raids-june-december-2019> (accessed August 10, 2021).

²³ "Syrians Deported by Lebanon Arrested at Home," Human Rights Watch news release, September 2, 2019, <https://www.hrw.org/news/2019/09/02/syrians-deported-lebanon-arrested-home>.

²⁴ Government of Lebanon and the United Nations joint report, "Lebanon Crisis Response Plan 2017-2021," January 2021, https://reliefweb.int/sites/reliefweb.int/files/resources/LCRP_2021FINAL_v1.pdf (accessed August 11, 2021), p. 11; "Syrian Displacement Poses 'Serious Threat' to Lebanon's Development Goals, President Tells UN Assembly," United Nations press release, September 25, 2019, <https://news.un.org/en/story/2019/09/1047452> (accessed August 11, 2021).

parts of Syria are safe and that refugees should go back.²⁵ Lebanon attended a controversial Russian-backed conference on refugee returns in Damascus in November 2020, which UNHCR and EU countries declined to attend, citing it as “premature.”²⁶

In the last two years, Lebanon endured multiple crises, including a massive explosion in Beirut’s port, an economic collapse with debilitating inflation, rising political instability, and the Covid-19 pandemic.²⁷ The Lebanese authorities’ corruption and failure to address these crises have resulted in a drastic deterioration of rights.²⁸ The economic crisis and Covid-19 pandemic have significantly compromised the ability of hospitals to provide lifesaving care. Electricity blackouts are becoming common, sometimes lasting up to 22 hours per day. In this increasingly insecure reality, Syrian refugees have been severely impacted, with 89 percent living in extreme poverty and relying on credit lines and borrowing money and food to survive.²⁹

Although Lebanon is not a party to the 1951 Refugee Convention, the prohibition of refoulement, which is the return of refugees in any manner whatsoever to places where their lives or freedom would be threatened, has become a norm of customary international law which Lebanon is bound to respect. UNHCR says that refoulement occurs not only when a government directly rejects or expels a refugee, but also when indirect pressure is so intense that it leads people to believe they have no option, but to return to a country where they face a serious risk of harm.³⁰

²⁵ Nohad Topalian, “Lebanon Releases Plan for Syrian Refugees’ Return,” al-Mashareq, July 30, 2020, https://almashareq.com/en_GB/articles/cnmi_am/features/2020/07/30/feature-01 (accessed August 10, 2021).

²⁶ Ben Hubbard, “Syria Seeks Return of Refugees, but They Fear Leader’s Wrath,” New York Times, November 12, 2020, <https://www.nytimes.com/2020/11/12/world/middleeast/12syria-refugees-assad.html> (accessed August 10, 2021). See also “Damascus Holds Russia-Backed Conference on Refugee Returns,” France24, November 11, 2020, <https://www.france24.com/en/live-news/20201111-damascus-holds-russia-backed-conference-on-refugee-returns> (accessed August 10, 2021).

²⁷ Human Rights Watch, Lebanon country page, 2020, <https://www.hrw.org/middle-east/n-africa/lebanon>.

²⁸ Human Rights Watch, “*They Killed Us from the Inside*: An Investigation into the August 4 Beirut Blast,” August 3, 2021, <https://www.hrw.org/report/2021/08/03/they-killed-us-inside/investigation-august-4-beirut-blast>.

²⁹ UN Inter-Agency Coordination Lebanon, “Vulnerability Assessment of Syrian Refugees in Lebanon (VASyR) 2020,” February 19, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/VASyR%202020.pdf> (accessed August 10, 2021), pp. 82-84.

³⁰ See *R v. Secretary of State for Social Security, Ex parte B and Joint Council for the Welfare of Immigrants*, QBCOF 96/0462/D, QBCOF 96/0461 and 0462/D, United Kingdom: Court of Appeal (England and Wales), June 21, 1996, https://www.refworld.org/cases,GBR_CA_CIV,3ae6b72ao.html (accessed July 20, 2021).

Jordan

Jordan, like Lebanon has not ratified the 1951 Refugee Convention, but in 1998 entered into a Memorandum of Understanding with UNHCR that removed its geographic and time limitations on refugee protection in the country and protects refugees against refoulement.³¹ Also like Lebanon, it opened its borders to Syrian refugees in 2011 with some exceptions, but after mid-2013 Jordanian authorities began to restrict the flow of Syrian refugees into the country by closing informal border crossings near population centers and forcing them to cross further and further into the eastern desert.³² A suicide attack against a Jordanian army post at Rukban reportedly carried out by the self-proclaimed Islamic State led to the closure of Rukban, the final open border crossing located near the Iraqi border.³³

While Jordan should be lauded for a more formalized approach to Syrian refugees than most of its neighbors, which included transferring all Syrian refugees arriving through border crossings to refugee camps where they could register with UNHCR and receive asylum seeker certificates, its policy of excluding certain categories of refugees breached nonrefoulement obligations: it denied entry to four highly vulnerable groups: Palestinians living in Syria; all single men of military age; Iraqi refugees living in Syria; and any undocumented persons, despite the widespread bombing in Syria that not only destroyed homes and properties, but documents as well.³⁴

In order to leave the refugee camps, Jordan put in place a sponsorship program whereby a Jordanian relative could “bail out” a Syrian refugee.³⁵ In the beginning this policy was followed in a relatively relaxed manner and those who did not have a sponsor were still

³¹ Memorandum of Understanding between the Government of Jordan and UNHCR, April 1998, on file with Human Rights Watch, art. 2.

³² The open border policy did not extend to Palestinian or Iraqi refugees from Syria or single men aged 18–45 without identification. See “Jordan: Obama Should Press King on Asylum Seeker Pushbacks: Palestinian Refugees, Single Men, and Undocumented Unlawfully Forced Back to Syria,” Human Rights Watch news release, February 18, 2013, <https://www.hrw.org/news/2013/03/21/jordan-obama-should-press-king-asylum-seeker-pushbacks>.

³³ European Institute of Peace, “Refugee Return in Syria: Dangers, Security Risks and Information Scarcity,” June 2019, <https://fln.dk/-/media/FLN/Materiale/Baggrundsmateriale/2019/06/19/07/03/Syri1040.pdf> (accessed August 11, 2021), p. 17; Ian Black, “Jordan Seals Borders after Suicide Attack,” *The Guardian*, June 21, 2016, <https://www.theguardian.com/world/2016/jun/21/jordanian-soldiers-killed-by-car-bomb-outside-syrian-refugee-camp> (accessed August 11, 2021).

³⁴ Bill Frelick (Human Rights Watch), “Blocking Syrian Refugees Isn’t the Way,” commentary, *The New York Times*, April 23, 2013, <https://www.hrw.org/news/2013/04/23/blocking-syrian-refugees-isnt-way>.

³⁵ Middle East Research and Information Project, “Trapped in Refuge: The Syrian Crisis in Jordan Worsens,” March 2, 2015, <http://www.merip.org/mero/mero030215> (accessed August 11, 2021).

able to live outside the camps and access services. In 2015, the government canceled the sponsorship program and introduced an “urban verification exercise” which required all Syrian refugees to register their biometric information in order to obtain a new biometric service card. The cards were made available to all Syrians who left the camps without being legally “bailed out” prior to July 14, 2014, but the cards were virtually unobtainable for tens of thousands of Syrians who left refugee camps after that date.³⁶ As a result, Syrians who left the camps informally after that date could not obtain the documents required to access humanitarian assistance, subsidized health care, and enroll their children in schools.³⁷ In 2017, Jordanian authorities extended the cutoff date to March 8, 2015, allowing thousands of additional Syrians to obtain service cards. In 2016, Human Rights Watch documented how “since July 2014, Jordanian security forces have arrested and involuntarily relocated refugees without UNHCR asylum seeker certificates or MOI service cards to refugee camps.”³⁸

While Jordanian authorities continued to implement the Jordan Compact 2016 agreement between the Jordanian government and donor countries, which aimed to improve the livelihoods of Syrian refugees by granting new legal work opportunities and improving the education sector, most professions (including medicine, education, and engineering) remained closed to non-Jordanians, and many Syrians continued to work in the informal sector without labor protections.³⁹

Recent evidence suggests the employment situation for Syrian refugees was better at the beginning of 2020 compared with 2016.⁴⁰ However, many Syrians lost their jobs and others have been subjected to reductions in their salaries during the Covid-19 pandemic. The effects of the pandemic in Jordan have undone the progress of previous years, with

³⁶ Human Rights Watch, “*We’re Afraid for Their Future*”: *Barriers to Education for Syrian Refugee Children in Jordan*, August 16, 2016, <https://www.hrw.org/report/2016/08/16/were-afraid-their-future/barriers-education-syrian-refugee-children-jordan>, p. 2.

³⁷ Ibid., pp. 13-14.

³⁸ Ibid., p. 14.

³⁹ ODI, “The Jordan Compact: Lessons Learnt and Implications for Future Refugee Compacts,” February 8, 2018, <https://cdn.odi.org/media/documents/12058.pdf> (accessed August 11, 2021); MENA SP Network, “The Employment of Syrians in Jordan: Main Trends and Challenges,” November 2020, <https://www.menasp.com/en/opinion/the-employment-of-syrians-in-jordan-main-trends-and-challenges/> (accessed August 12, 2021).

⁴⁰ Ahmad AlShwawra, “Syrian Refugees’ Integration Policies in Jordanian Labor Market,” *Sustainability* vol. 13 (2021): 12, accessed August 11, 2021, <https://www.mdpi.com/2071-1050/13/13/7234>.

indicators in some sectors, like food security, now equating to those of 2014.⁴¹ According to UNHCR's Regional Refugee & Resilience Plan (3RP) for 2021 and 2022, "only 2% of refugee households can meet their essential food needs without any negative coping strategies, which include cutting down on meals, pulling children out of school, early marriage and sending family members to beg."⁴²

⁴¹ UNHCR, "Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2021-2022," December 31, 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/RSO2021.pdf> (accessed August 11, 2021), pp. 7-8.

⁴² UNHCR, "Regional Refugee & Resilience Plan (3RP) Regional Strategic Overview 2021-2022," December 31, 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/RSO2021.pdf> (accessed August 11, 2021), p. 28.

The Decision to Return to Syria

Reasons for Refugee Returns

Despite the coercive conditions for refugees in Lebanon, and the increased cost of living for refugees in Jordan, protection monitoring and return-intentions data collected by humanitarian NGOs and UNHCR consistently demonstrate that refugees across Egypt, Iraq, Jordan, and Lebanon cite safety and security in their home country as the top consideration preventing them from return.

At least 282,283 Syrian refugees returned from Egypt, Iraq, Jordan, Lebanon, and Turkey in a self-organized way (so-called “spontaneous returns”) between 2016 and May 2021.⁴³ Interviewees from Lebanon and Jordan gave various reasons for making the decision to return to Syria, including a lack of livelihood opportunities, especially during the Covid-19 pandemic, difficulties accessing health care in Lebanon and Jordan, a desire to reclaim their land and homes in Syria, and a belief that the security situation had improved in their area of return.

In March 2021, UNHCR’s *Sixth Regional Survey on Syrian Refugees’ Perceptions and Intentions on Return to Syria* found that nearly 90 percent of Syrian refugees surveyed could not meet their basic needs in host countries. Refugees who had returned told Human Rights Watch that the economic declines in both Lebanon and Jordan contributed to their decision to leave. A lack of work opportunities in both countries, exacerbated by the Covid-19 pandemic, increased their economic vulnerability and pushed many back to Syria. Refugees in Lebanon, already economically marginalized, were severely impacted by the Covid-19 pandemic’s disastrous impact on the economy.⁴⁴ Similarly in Jordan, interviewees described how lockdowns undermined their ability to make a living.

⁴³ UNHCR, Operational Data Portal, “Syria Refugee Response: Durable Solutions,” https://data2.unhcr.org/en/situations/syria_durable_solutions (accessed August 11, 2021).

⁴⁴ UNHCR, “Assessing the Socioeconomic Impact of COVID-19 on Forcibly Displaced Populations: Thematic Brief No. 3: The Case of Lebanon, April 2021,” April 30, 2021, <https://reliefweb.int/sites/reliefweb.int/files/resources/60d1daf64.pdf> (accessed August 12, 2021). For information on Lebanon’s economic crisis, see Middle East Institute, “Lebanon’s economic crisis: A tragedy in the making,” March 29, 2021, <https://www.mei.edu/publications/lebanons-economic-crisis-tragedy-making> (accessed August 11, 2021); Nabila Rahhal, “Impact of COVID-19 and Economic Crises on Lebanon’s Retailers,” Executive Magazine, August 2020, <https://www.executive-magazine.com/hospitality-tourism/impact-of-covid-19-and-economic-crises-on-lebanons-retailers> (accessed August 11, 2021).

Adnan, a 36-year-old man from Nafaa in Daraa, described how the Covid-19 pandemic impacted his decision to return:

Life in Jordan was good. I could work easily... I was working and I was able to send money to my family... And then Covid-19 started. There were so many lockdowns. I didn't have enough food and support for my family. I talked to my parents, and I said I wanted to go back. My family encouraged me to go back. My work permit [in Jordan] only allowed me to work as a barber and I couldn't do that work at that time.⁴⁵

Yasser, a 32-year-old man from Homs, described how his inability to continue paying rent in Lebanon influenced his decision to return to Syria:

We decided to leave because we were living in the [informal] camps in Lebanon in Bar Elias...and [the landlord] wanted rent in dollars. We couldn't afford this, so we decided to leave. I wanted my kids in school and I wanted to register them [in Syria] and to live in my house again.⁴⁶

Many refugees told Human Rights Watch they wanted to return to reclaim their homes and live on their land again, a desire underpinned by the right to return.⁴⁷ “We wanted to get our house back,” said Ghada, a 43-year-old woman from Eastern Ghouta. “Because people told us it was safe there, we wanted to try and secure our lands.”⁴⁸

Others said they could not afford the health care they needed in Lebanon or Jordan and returned in the hope of accessing cheaper health care in Syria. UNHCR subsidizes the costs of basic medical care for Syrian refugees in Lebanon and Jordan, but they rarely cover

⁴⁵ Human Rights Watch telephone interview with Adnan, April 28, 2021.

⁴⁶ Human Rights Watch telephone interview with Yasser, May 6, 2021. Before Lebanon's economic crisis, the Lebanese pound (also known as Lira) was pegged to the US dollar at a rate of 1,500 pounds per dollar. Since the crisis, however, the pound has lost 90 percent of its value, and the unofficial exchange rate in October 2021 was 17,350 pounds per dollar having undergone a 1,056 percent increase from its previous level. See “Dollar to Lebanese Lira Today,” Lira Rate, undated, <https://lirate.org/> (accessed October 1, 2021).

⁴⁷ UN Sub-Commission on the Promotion and Protection of Human Rights, *Principles on Housing and Property Restitution for Refugees and Displaced Persons*, June 28, 2005, E/CN.4/Sub.2/2005/17, <https://www.refworld.org/docid/41640c874.html> (accessed July 17, 2021).

⁴⁸ Human Rights Watch telephone interview with Ghada, January 27, 2021.

treatment for palliative care or chronic conditions.⁴⁹ Layla, a 65-year-old woman from Hama who returned to Lebanon in 2019 after going back to Syria, said:

We went back then to Syria because...it was very hard to obtain all the things we needed here in Lebanon: we needed medical treatment, and the medicine [in Lebanon] is expensive... I couldn't afford to have a separate house here in Lebanon and my son couldn't find a job, and the house is so small, I didn't want to be a burden on my son and his wife.⁵⁰

Research has repeatedly found that Syrian refugees live in precarious conditions, and face barriers in access to adequate health care, sometimes including their inability to afford care they need.⁵¹ This amounts to a failure by host countries protect the right to the highest attainable standard of health for refugees. Host countries' failure to ensure that refugees have access to the health care services to which they are entitled compounds their medical conditions. When discrimination or other factors such as fear of excessive costs impede care, including Covid-19 testing, treatment, or prevention services, refugees and migrants tend to be diagnosed later and only treated well into the development of illness; when they are sicker, care is more expensive, and treatment tends to be less effective. It can, as the cases documented in this report will illustrate, create incentives for them to return to Syria, where they may not be safe.

Citizens and permanent residents reliant on the public health systems in Lebanon and Jordan may experience similar health access problems. Many face resource and capacity constraints in public sector care, long wait times, and lack of essential medicines. However, refugees experience specific abuses in addition to the systemic failures that affect all patients, compounding the marginalization they already face.

⁴⁹ UNHCR Lebanon, "Q&A Health," undated, <https://www.unhcr-lb.org/refleborg/en/health> (accessed August 11, 2021); UNHCR Jordan, "Health," undated, <https://help.unhcr.org/jordan/en/helpful-services-unhcr/health-services-unhcr/> (accessed August 11, 2021).

⁵⁰ Human Rights Watch telephone interview with Layla, January 28, 2021.

⁵¹ UNHCR, "Health Access and Utilization Survey: Access to Healthcare Services Among Syrian Refugees in Jordan - December 2018," December 31, 2018; UNHCR, "Syrian Refugee Access to Healthcare in Lebanon," March 12, 2020, <https://reliefweb.int/report/lebanon/syrian-refugee-access-healthcare-lebanon> (accessed September 14, 2021); Nour El Arnaout, Spencer Rutherford, Thurayya Zreik, et al, "Assessment of the health needs of Syrian refugees in Lebanon and Syria's neighboring countries," *Conflict and Health* vol. 13 (2019), <https://conflictandhealth.biomedcentral.com/articles/10.1186/s13031-019-0211-3#citeas> (accessed October 1, 2021).

Maysa, a 76-year-old woman from Damascus Countryside, also explained how living conditions in Lebanon convinced her to go back to Syria:

The situation was very bad in Lebanon, my husband couldn't find work. The house rent was around US\$200 per month. At the time, that was 300,000 Lebanese pounds. The room rent was high, we don't have furniture or equipment. We couldn't afford medicine. So, my husband convinced me to go back to Syria.⁵²

Hassan, a 61-year-old man from Homs on kidney dialysis, made the decision to leave Lebanon after his wife could no longer earn money to support him after she was denied legal residency by the General Security Organization (GSO) in Lebanon, even though both he and his wife had been sponsored by a Lebanese national for many years:

In 2018, I was accepted by the GSO for my legal residency, but my wife was not. We went to GSO to ask why, and they said our sponsor is in debt and has legal issues. They asked my wife to change the sponsor, but the process would take two months. They said she needed to leave the country and re-enter... When I got sick and couldn't work and my wife needed to stop working to support me...we decided to go to Syria.⁵³

UNHCR continues to maintain the position that it is not safe to return to Syria and it is neither facilitating nor promoting returns.⁵⁴ In February 2018, UNHCR laid out the necessary conditions for the return of refugees to Syria:

The government/actors in control of the return area provide genuine guarantees that returnees will not face harassment, discrimination, arbitrary detention, physical threat or prosecution on account of originating from an area previously or currently under de facto control of another party

⁵² Human Rights Watch telephone interview with Maysa, February 1, 2021.

⁵³ Human Rights Watch telephone interview with Hassan, January 22, 2021.

⁵⁴ For the original statement regarding returns to Syria, see UNHCR, "Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria," February 2018, <https://data2.unhcr.org/en/documents/download/63223> (accessed August 11, 2021), p. 2. See also UNHCR, "International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update VI," March 2021, HCR/PC/SYR/2021/06, <https://www.refworld.org/docid/606427d97.html> (accessed July 17, 2021), pp. 8-10.

to the conflict; for having left Syria illegally; for having lodged an asylum claim abroad, or; on account of any (individual or family) diversity characteristic.⁵⁵

In March 2021, UNHCR urged host countries to maintain asylum for Syrian refugees:

UNHCR considers that changes in the objective circumstances in Syria, including relative security improvements in parts of the territory, are not of a fundamental, stable and durable character so as to warrant cessation of refugee status on the basis of Article 1C(5) of the 1951 Convention.⁵⁶

UNHCR surveys indicate that most Syrian refugees continue to hope to return to Syria one day, even if not in the near term.⁵⁷ While data on refugees' intentions currently demonstrate that most refugees intend to stay in Lebanon or Jordan for the foreseeable future, this decision is primarily due to the barriers to return currently in place in Syria, and not because they do not want to return to their country.⁵⁸

Misinformation on Conditions in Syria

Misinformation on the reality of life inside Syria influenced the decisions of many of the refugees that Human Rights Watch interviewed to return. In 2018, the General Security Organization (GSO), the Lebanese security agency responsible for the entry and exit of foreigners, began facilitating returns for refugees to Syria. As part of the process, the GSO obtained a "security clearance" from the Syrian authorities for any refugee who wished to sign up for a return movement. Yasser, 32, from Homs believed this would guarantee his safety on return to Syria. "I had been promised by the Lebanese GSO that no one would be harmed when returning," he said. "They said the security clearance had been done, so it would be safe for me on return." Instead, Yasser was detained by the Syrian Political

⁵⁵ UNHCR, "Comprehensive Protection and Solutions Strategy: Protection Thresholds and Parameters for Refugee Return to Syria," February 2018, <https://data2.unhcr.org/en/documents/download/63223> (accessed August 12, 2021), p. 7.

⁵⁶ UNHCR, "International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update VI," March 2021, HCR/PC/SYR/2021/06, <https://www.refworld.org/docid/606427d97.html> (accessed July 17, 2021), p. 10.

⁵⁷ UNHCR, "Sixth Regional Survey on Syrian Refugees' Perceptions & Intentions on Return to Syria," March 2021, <https://reporting.unhcr.org/sites/default/files/MENA%20regional%20survey.pdf> (accessed August 11, 2021), p. 3.

⁵⁸ Ibid.

Security Agency just a day after his return and endured four months of arbitrary detention and brutal torture.⁵⁹

“We can’t trust the Lebanese or Syrian security agencies,” a Syrian lawyer told Human Rights Watch. He said both countries’ security agencies “behave the same way.” The lawyer said that Lebanon’s GSO should coordinate security clearances with Syria’s office of Immigration and Passport Control, but instead “they [GSO] do it [the security clearance] with a few of the intelligence agencies, not always all of them, and they also clear people when they are actually wanted. On purpose.”⁶⁰

Interviewees also told Human Rights Watch they relied on information from the media and from family and friends who had already returned, but refugees regularly told Human Rights Watch that the descriptions often did not match the reality. Obtaining accurate information on conditions inside Syria is exceedingly difficult. Returnees told Human Rights Watch that information on safety and security risks is very hard to obtain, as family members and friends inside Syria do not want to disclose sensitive information over the telephone. To this end, people rely on word of mouth, social media, and television news items to reach an assessment which often turns out to be incorrect. Many people told Human Rights Watch they were not prepared for the level of economic difficulties they faced in Syria, nor the physical destruction of their home and area.

Humanitarian-led protection monitoring inside Syria is also extremely limited. Syrian government-imposed access constraints have prevented UNHCR from implementing the kind of returns monitoring mechanism that operate in other humanitarian situations.⁶¹ The government has also imposed limitations on the types of protection work that could be undertaken, including the types of questions that humanitarian agencies can ask returnees. A fear of government surveillance and a lack of stable internet connection due to electricity cuts, means that many returnees do not or cannot report the truth of their situation when they are back in Syria.

⁵⁹ Human Rights Watch telephone interview with Yasser, January 25, 2021.

⁶⁰ Human Rights Watch telephone interview with a Syrian lawyer, July 1, 2021.

⁶¹ For example, in Afghanistan or South Sudan. See World Bank, “The Mobility of Displaced Syrians: An Economic and Social Analysis,” February 6, 2019, <https://www.worldbank.org/en/country/syria/publication/the-mobility-of-displaced-syrians-an-economic-and-social-analysis> (accessed August 12, 2021), p. 32.

Iyad, a 30-year-old returnee from Damascus Countryside, commented on how after he returned from Syria to Lebanon, other Syrian refugees rushed to ask him questions about life inside Syria:

I would advise no one to go back, they don't understand what they would face. More and more people understand that the situation is so bad in Syria – especially the economic situation. They get information from others who return. When I came back – many people visited me to ask whether to go back and I advised everyone not to go back. I explained how hard it was.⁶²

The Process of Return

Refugees told Human Rights Watch they returned to Syria using both formal and informal routes. Both Lebanon and Jordan impose re-entry restrictions on Syrian refugees. The blanket imposition of re-entry restrictions and de-facto bans on Syrian returnees who cannot re-establish themselves inside Syria is tantamount to a breach of nonrefoulement obligations. Given the more porous nature of the border, the majority of refugees from Lebanon returned to Syria using smuggling routes, while those interviewed by Human Rights Watch who returned from Jordan uniformly used the formal borders.

In order to return officially to Syria either by air or land, refugees are required to produce a valid passport, travel document (“laissez passer”), or accepted form of identification to Syrian border authorities.⁶³

Lebanon

There are generally three formal routes that Syrian refugees can use to return to Syria: individual returns through legal land border crossings or via the airport; GSO-organized returns; and Hezbollah-facilitated returns which are coordinated with the GSO.⁶⁴ Most refugees do not have legal residency and therefore resort to informal pathways.

⁶² Human Rights Watch in-person interview with Iyad, May 24, 2021.

⁶³ Martin Clutterbuck, Laura Cunial, Paola Barsanti, and Tina Gewis, “Legal Preparedness for Return to Syria,” *Forced Migration Review* 62, October 2019: 49, <https://www.fmreview.org/return/clutterbuck-cunial-barsanti-gewis> (accessed August 11, 2021).

⁶⁴ SAWA for Development and Aid, “Unpacking Return: Syrian Refugees’ Conditions and Concerns,” February 2019, https://reliefweb.int/sites/reliefweb.int/files/resources/SAWA_Unpacking%20Return%20Report.pdf (accessed September 13, 2021), p. 23.

As mentioned above, legal exit from Lebanon requires a regularized status, which 80 percent of refugees over the age of 15 lack.⁶⁵ In July 2018, the GSO issued an internal memo which sets out the exit formalities of Syrians who overstayed their residency permits, including those who first entered the country irregularly. In most cases, Syrians are required to visit a GSO center to pay a fine and/or regularize their status, but may still be issued a re-entry ban.⁶⁶ Despite the existence of mechanisms to regularize their status, most of the refugees Human Rights Watch spoke to preferred to use smuggling routes to exit Lebanon and avoid the official border crossings because they could not afford the fees to regularize their status, their fear of GSO officers given the mistreatment that many Syrians are subjected to at the hands of GSO, or not wanting to have a “do not enter stamp” which may be issued on their passport for between one and five years, preventing their re-entry.

In May 2019, Lebanon decided to deport anyone who enters or re-enters Lebanon after April 2019 via informal routes, even if they previously resided in Lebanon.

Jordan

All interviewees who left Jordan for Syria did so formally and through the formal border crossing at Jaber/Naseeb, which reopened in October 2018 after the Syrian government captured Daraa and the southern border.⁶⁷ The majority visited the Syrian embassy in Amman before returning to Syria in order to update their documentation, including renewing their passports, obtaining a travel document, or updating their civil documentation, such as birth, death, and marriage certificates. When leaving Jordan, nearly all refugees said that Jordanian border guards told them they would not be allowed to re-enter Jordan for a five-year period and the border guards took their iris scan to register their exit from the country. Several interviewees were not told about a re-entry ban and did not have their iris scan registered and told Human Rights Watch this is because they had entered Jordan legally and therefore could re-enter legally.

⁶⁵ UN Inter-Agency Coordination Lebanon, “Key Findings of the 2020 Vulnerability Assessment of Syrian Refugees in Lebanon,” undated, <https://lebanon.un.org/sites/default/files/2021-01/VASyR%202020%20Dashboard.pdf> (accessed August 10, 2021); Martin Clutterbuck, Laura Cunial, Paola Barsanti, and Tina Gewis, “Legal Preparedness for Return to Syria,” *Forced Migration Review* 62, October 2019: 49, <https://www.fmreview.org/return/clutterbuck-cunial-barsanti-gewis> (accessed August 11, 2021).

⁶⁶ GSO, Untitled Internal Memo, July 2018, on file with Human Rights Watch.

⁶⁷ “Jordan, Syria to Reopen Border Today,” *The Jordan Times*, October 15, 2018, <https://www.jordantimes.com/news/local/jordan-syria-reopen-border-today> (accessed October 1, 2021).

Despite the almost uniform re-entry ban verbally issued to interviewees at the Syria-Jordan land border, a Jordanian lawyer with expertise in the matter told Human Rights Watch there is no formal Jordanian re-entry ban that restricts Syrian refugees' re-entry to Syria.⁶⁸ However, individuals may face restrictions at the border if there is a "security-related reason" or a problem with their documentation such as falsified civil documentation certificates or forgeries, and this may result in a temporary ban on re-entry into the country.⁶⁹ The lawyer explained that there is no written law, regulation, or instruction imposing a general ban on the entry of Syrians into Jordan, instead, and depending on the circumstances, the authorities may issue a statement announcing that the border has been closed for a certain time period.⁷⁰

⁶⁸ Human Rights Watch telephone interview with a Jordanian lawyer, August 2021.

⁶⁹ Ibid.

⁷⁰ Ibid.

Human Rights Abuses upon Return

Refugees returning from Lebanon and Jordan told Human Rights Watch that the Syrian government or its affiliated militias subjected them or their family members to arbitrary arrest, detention, torture and inhuman and degrading treatment, kidnappings, and extrajudicial killings after their return to Syria. Human Rights Watch documented 21 cases of arrest and arbitrary detention, 13 cases of torture, 3 kidnappings, 5 extrajudicial killings, 17 enforced disappearances and 1 case of alleged sexual violence. A further 28 interviewees who returned to Daraa described living in an insecure environment characterized by arrests at checkpoints, kidnappings, racketeering, bribery and extortion, assassinations, and pervasive lawlessness and lack of accountability.

These findings are consistent with those of other human rights organizations, journalists, and the Syria UN Commission of Inquiry, which have all documented arbitrary arrests, detention, torture and ill-treatment, involuntary or enforced disappearances, and summary executions inside Syria. The Commission has documented abuses committed inside Syria which amount to the crimes against humanity of extermination, murder, rape, or other forms of sexual violence, torture, and imprisonment in the context of its widespread and systematic detentions.⁷¹ The Commission has also documented violations that appear to amount to the war crimes of murder, cruel treatment, torture, rape, sexual violence, and outrages upon personal dignity.⁷²

Ten years into the conflict, Syrian security forces continue to arbitrarily detain, disappear, and mistreat people across the country, including returnees and individuals in retaken areas.⁷³ In its March 2021 report, the Independent International Commission of Inquiry on the Syrian Arab Republic, the Commission stated:

Violations and abuses have been perpetrated with such consistency, particularly by the Government of the Syrian Arab Republic, and have been

⁷¹ UN Human Rights Council, “Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic,” A/HRC/31/CRP.1, February 3, 2016, <https://www.refworld.org/docid/56b9f4c24.html> (accessed August 11, 2021), p. 17.

⁷² Ibid., para. 99.

⁷³ Human Rights Watch, *Syria: Detention, Harassment in Retaken Areas Media, Aid Workers, Activists, and Families Targeted*, May 21, 2019, <https://www.hrw.org/news/2019/05/21/syria-detention-harassment-retaken-areas>.

reported so widely by the Commission of Inquiry and others that it is impossible to claim that they were committed without the knowledge of the relevant chains of command.⁷⁴

Over time, armed groups also adopted detention-related practices in the areas under their control that were strikingly similar to those of government and pro-government forces.⁷⁵ Enforced disappearance and incommunicado detention, torture, inhuman or degrading treatment, sexual violence, and death in detention have been documented in detention facilities operated by all parties across the country.⁷⁶

Refugees interviewed by Human Rights Watch were viewed with suspicion by the Syrian authorities for leaving Syria, and faced similar threats and abuses on their return, including to their life and liberty. The abuses, laid out in more detail below, show that there remains a clear and credible threat of persecution to individuals who return to Syria.

Arbitrary Arrest and Detention

Arbitrary arrest and detention have been a cornerstone of the Syrian government's system of repressive control since before the 2011 conflict, and as Human Rights Watch has previously documented, has often led to torture and death.⁷⁷ The Syrian Network for Human Rights estimates that nearly 150,000 people were arbitrarily arrested and detained in Syria and nearly 15,000 died from torture from March 2011 to June 2021, the majority at the hands of Syrian government forces.⁷⁸ According to the Independent International Commission of Inquiry on the Syrian Arab Republic, "Arbitrary arrests and detention in Syria take many forms, often targeting civilians perceived to be either supporting a party to

⁷⁴ UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/46/55, March 2, 2021, <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-13> (accessed July 20, 2021), para 2.

⁷⁵ Ibid., para. 7.

⁷⁶ Ibid., para. 7.

⁷⁷ Human Rights Watch, *Torture Archipelago: Arbitrary Arrests, Torture, and Enforced Disappearances in Syria's Underground Prisons since March 2011*, July 3, 2012, <https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias>; *If the Dead Could Speak: Mass Deaths and Torture in Syria's Detention Facilities*, December 16, 2015, <https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities>.

⁷⁸ Syrian Network for Human Rights, "Death Toll Due to Torture," June 14, 2021, <https://sn4hr.org/blog/2021/03/04/death-toll-due-to-torture/> (accessed August 12, 2021).

the conflict, or insufficiently loyal to another.”⁷⁹ In March 2021, UNHCR identified a list of risk profiles for Syrians including “persons opposing, or perceived to be opposing, the government” and “draft evaders and deserters from the Syrian Armed Forces,”⁸⁰ and went on to state:

Across government-held areas, returnees are reported to be among those subjected to harassment, arbitrary arrest, enforced disappearance, torture and other forms of ill-treatment, as well as property confiscation, including on account of individuals’ perceived anti-government opinion. Men of military age are also at risk of being arrested for the purpose of forced conscription upon return.⁸¹

In a February 2020 report, the International Crisis Group (ICG) commented on the unpredictability of current threats:

...The regime’s concept of who is an opponent is not always clear or – more dangerously – can change over time, there is no certainty about who is safe from arrest. While before the 2011 uprising the “red lines” of the politically permissible were knowable for most Syrians, eight years into the conflict very little can be taken for granted.⁸²

“Nearly everyone who returns will face some form of interrogation,” said Suhail al-Ghazi Syrian researcher and expert on return dynamics. “Whether it’s a cup of tea with the security agencies or a full-blown torture session, they want to know why people left.”⁸³

Twenty-one interviewees or their family members told Human Rights Watch they were arbitrarily arrested and detained when they returned from Lebanon or Jordan to Syria. The

⁷⁹ Independent International Commission of Inquiry on the Syrian Arab Republic, “Detention in the Syrian Arab Republic: A Way Forward,” March 8, 2018, https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/AWayForward_DetentionInSyria.pdf (accessed August 12, 2021), para. 10.

⁸⁰ UNHCR, “International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update VI,” HCR/PC/SYR/2021/06, March 2021, <https://www.refworld.org/docid/606427d97.html> (accessed July 20, 2021), p. 9.

⁸¹ *Ibid.*, p. 113.

⁸² International Crisis Group, “Easing Syrian Refugees’ Plight in Lebanon,” February 13, 2020, <https://www.justice.gov/eoir/page/file/1248836/download> (accessed August 12, 2021), p. 16.

⁸³ Human Rights Watch telephone interview with Suhail al-Ghazi, researcher, Center for Middle Eastern Studies, Istanbul, July 16, 2021.

majority were arrested at checkpoints controlled by a range of military factions and security agencies, including: the Fourth Armored Division (the “Fourth Division”), an elite division of the Syrian Armed Forces under the command of President Assad’s brother, Maher al-Assad; Military Intelligence; the Army; and Air Force Intelligence. All returnees from Jordan used formal border crossings and were either arrested immediately on their return from Jordan, at the initial checkpoints between the two countries at Jaber in Jordan and Naseeb in Syria, en route from the border checkpoint to their hometowns, or sometimes – from a few days to a few months – after settling back into their lives in Syria. Those returning from Lebanon interviewed by Human Rights Watch all used smuggling routes, apart from three who used the GSO-facilitated returns process, or the July 2017 organized return facilitated by an agreement brokered by the Lebanese Shia group Hezbollah.⁸⁴

Interviewees told Human Rights Watch that people are required to present their ID at the many government-controlled checkpoints that demarcate neighborhoods across government-controlled areas of the country. Checkpoints are located at most entrances to cities and towns and on major highways (highways to and from Lebanon, Damascus airport, and the M5 motorway, which runs from the border with Jordan through Daraa, Damascus, Homs, Hama, and Aleppo to the border with Turkey). Retaken areas have an especially high density of checkpoints.⁸⁵ Interviewees told Human Rights Watch that people passing through checkpoints may be asked to show their ID card, their reconciliation card (for those from retaken areas), and telephone to check the caller history. Nasser, a 29-year-old man who returned from Irbid in Jordan to Daraa al-Balad at the end of 2019, said that all the access routes to the city Daraa al-Balad have checkpoints and that “they are very hard to cross.”⁸⁶ In the summer of 2021, the Syrian government imposed a siege on Daraa al-Balad which was lifted two and a half months later, on September 9.⁸⁷

⁸⁴ For information about the Hezbollah-facilitated return agreement, see Hassan Abdullah, “Refugees return to Syria from Lebanon in Hezbollah-mediated deal,” Reuters, July 12, 2017, <https://www.reuters.com/article/us-mideast-crisis-syria-lebanon-idUSKBN19X1Y6> (accessed August 11, 2021).

⁸⁵ UNHCR, “International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update VI,” HCR/PC/SYR/2021/06, March 2021, <https://www.refworld.org/docid/606427d97.html> (accessed July 20, 2021), p. 20.

⁸⁶ Human Rights Watch telephone interview with Nasser, February 7, 2021.

⁸⁷ Sarah Dadouch, “In the Cradle of the Syrian Revolution, Renewed Violence Shows Reconciliation Is Still Elusive,” The Washington Post, September 19, 2021, https://www.washingtonpost.com/world/middle_east/syria-civil-war-daraa/2021/09/18/fa637108-1593-11ec-a5e5-ceecb895922f_story.html.

“There are checkpoints all around the entrance to the town but not inside the town,” said Jawad, a 49-year-old man from Tel Shihab in Daraa who left Irbid in Jordan in August 2020. “There are a lot of arrests in the checkpoints. The checkpoints always check the youth.”⁸⁸

Salam, a 26-year-old man from al-Jeza in Daraa, described how his brother, Karim, returned from Jordan in April 2020 because of the lack of work opportunities in Irbid, a city in the north of Jordan near the Syrian border. Salam obtained a security clearance for Karim from the “National Security Agency” office in Daraa that stated Karim was not wanted by any government security agency.⁸⁹ One month after returning to al-Jeza, Karim went to Damascus, carrying his reconciliation document, to purchase items he needed to open a restaurant in his hometown. He was arrested on the outskirts of Daraa at the Manket al-Hatab checkpoint, jointly controlled by Military Intelligence and the Fourth Division:

He was arrested at this checkpoint because when he was in Jordan he used to send money back to support his family via an exchange office in Daraa. The head of this exchange office became a member of the Fourth Division when the regime entered Daraa and gave all the names of people sending money to Daraa [from Jordan] to the Fourth Division. My brother was accused of sending money to support terrorism.⁹⁰

Desperate to find out the whereabouts of his brother, Salam paid US\$8,000 in March 2021 to a senior ranking official who informed Salam that Karim had died in detention in Military Intelligence Branch 235 in Damascus (known as the “Palestine Branch”).⁹¹

In September 2020, Abdul, a 39-year-old man from Khael in Daraa, returned from Ramtha in Jordan, as he had heard the war in his hometown was over and he wanted to see his family and secure his lands again.⁹² After a month, he went to Damascus with a friend, curious to see his country’s capital city again. At the same Manket al-Hatab checkpoint, soldiers from the Fourth Division arrested and detained him after they checked his ID. They

⁸⁸ Human Rights Watch telephone interview with Jawad, April 21, 2021.

⁸⁹ Human Rights Watch telephone interview with Salam, April 28, 2021.

⁹⁰ Ibid.

⁹¹ For more on the “Palestine Branch,” see Human Rights Watch, *Torture Archipelago: Arbitrary Arrests, Torture, and Enforced Disappearances in Syria’s Underground Prisons since March 2011*, July 3, 2012, <https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias>.

⁹² Human Rights Watch telephone interview with Abdul, July 1, 2021.

took him to a Military Intelligence detention center in Sweida where he was tortured. He was eventually taken to Branch 291 (Military Intelligence) detention center in Damascus where he was also subjected to torture, deprived of adequate food and water, kept in extremely crowded and unsanitary cell conditions, and accused of financing terrorism. He was released after four months.

Under international law, detention is arbitrary when the detaining authority violates basic rights of due process, including for a prompt hearing before a judge. Principle 11 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that a detainee must be “given an effective opportunity to be heard promptly by a judicial or other authority,” and that a judicial or other authority should be empowered to review the decision to continue detention. Detention is also arbitrary if it lacks a clear basis in domestic law or if the person is detained for exercising a basic right such as free assembly.

A Note on Detention Sites

According to the former detainees interviewed by Human Rights Watch, the security forces conducting the arrests did not provide any legal justification for their arrest and did not tell the detainees where they were being taken. Interviewees told Human Rights Watch they would find out the location of their detention by asking fellow detainees.

Since the beginning of the Syrian conflict, the Syrian government’s intelligence agencies have subjected tens of thousands of individuals to arbitrary arrest and unlawful detention using an extensive network of the detention facilities. The whereabouts of most of them remains unknown and unacknowledged by the state. Syria’s intelligence agencies have historically operated independently from each other with no clear boundaries to their areas of jurisdiction.⁹³ The intelligence apparatus has a long history of detaining people without arrest warrants and denying detainees other due process safeguards such as the opportunity to judicially review the detention.

⁹³ Human Rights Watch, *Torture Archipelago: Arbitrary Arrests, Torture, and Enforced Disappearances in Syria’s Underground Prisons since March 2011*, July 3, 2012, <https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias>.

In charge of Syria's network of detention facilities are the country's four main intelligence agencies, commonly referred to collectively as the *mukhabarat*:

- The Department of Military Intelligence (Shu'bat al-Mukhabarat al-'Askariyya);
- The Political Security Directorate (Idarat al-Amn al-Siyasi);
- The General Intelligence Directorate (Idarat al-Mukhabarat al-'Amma); and
- The Air Force Intelligence Directorate (Idarat al-Mukhabarat al-Jawiyya).⁹⁴

Each of these four agencies maintains central branches in Damascus as well as regional, city, and local branches across the country. In virtually all these branches there are detention facilities of varying size. The intelligence agencies' prisons are located in the basements of their buildings. In addition to these unofficial basement prisons, they also have other secret detention sites. There are no names on these buildings and they do not have an accessible database of prisoners.⁹⁵

Military service

The evasion of conscription is one of the primary reasons men of draft age have fled Syria. It is also one of the primary reasons they cannot return.⁹⁶

While evasion of military service is not a ground for refugee status per se, it can be the basis for an asylum claim if the government imputes to the draft evader a political opinion for which it would persecute that person, if the military in which a draftee would be compelled to serve has systematically committed war crimes, crimes against humanity, or other serious violations of international humanitarian or international human rights law, or if the asylum seeker is a conscientious objector and there is no meaningful alternative to compulsory military service for conscientious objectors.⁹⁷ While Syria has intermittently

⁹⁴ Human Rights Watch, *Torture Archipelago: Arbitrary Arrests, Torture, and Enforced Disappearances in Syria's Underground Prisons since March 2011*, July 3, 2012, <https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias>.

⁹⁵ Human Rights Watch telephone interview with a Syrian lawyer, July 2021.

⁹⁶ Ahmad Araman and Shaza Loutfi, "Return to Syria after evading conscription," *Forced Migration Review* 62, October 2019, <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/return/araman-loutfi.pdf> (accessed August 11, 2021).

⁹⁷ The right to conscientious objection is not legally recognized in Syria and there are no provisions for substitute or alternative service. See UNHCR, "Guidelines on International Protection No. 10: Claims to Refugee Status related to Military Service within the context of Article 1A (2) of the 1951 Convention and/or the 1967 Protocol relating to the Status of Refugee," November 12, 2014, <https://cms.emergency.unhcr.org/documents/11982/44586/Guidelines+on+International+Protection+No.+10/40911bf7-ed91-46fd-8b7c-b0c3bc43132d> (accessed August 12, 2021), paras. 4, and 21-23. The Military Penal Code stipulates that draft evasion is punished by imprisonment. See UNHCR, "Syria: Law No. 61 of 1950, as amended (Military

declared amnesties for military service evaders to encourage returns, returnees have “found themselves back on conscription lists in as little as seven days, after the government exploited a loophole in the decree,” according to an article by Ahmad Araman and Shaza Loutfi in the *Forced Migration Review*, rendering the amnesty provisions meaningless.⁹⁸

Twenty-one interviewees told Human Rights Watch they are wanted by Military Intelligence for desertion and military service and could face arrest and detention at any time. Article 40 of the 1973 Constitution of Syria states, “Military service is compulsory and regulated by law.”⁹⁹ Men between the ages of 18 to 42 are required to serve, and women may enlist voluntarily.¹⁰⁰

Mona, a 25-year-old woman from Sayida Zeinab in Damascus, explained how her husband deserted the Army in 2015 and the family sought refuge in Lebanon.¹⁰¹ When her daughter developed cancer and she could not afford the costs of surgery in Lebanon, Mona and her husband decided to travel back to Syria in 2018 to try to find cheaper hospital care:

Somebody must have told the Army that we were back. At the beginning of 2018 the Military Intelligence came and arrested my husband. They told us...they were taking him because he had deserted the Army in 2015. He was imprisoned for nine months in al-Balona in Homs. He did the reconciliation and agreed to re-enter the Army and then he was released.

Penal Code),” February 16, 2017, www.refworld.org/docid/58a5e1b34.html (accessed August 12, 2021), arts. 98-99. For the full text of Law No. 61 of 1950, see People’s Assembly of Syria (مجلس الشعب), Syrian Arab Republic (الجمهورية العربية السورية), “Legislative Decree 61 of 1950: Penal Code and Military Procedures” (المرسوم التشريعي ٦١ لعام ١٩٥٠: قانون العقوبات وأصول المحاكمات العسكرية), March 13, 1950, <http://www.parliament.gov.sy/arabic/index.php?node=5585&cat=11811> (accessed August 12, 2021).

⁹⁸ Ahmad Araman and Shaza Loutfi, “Return to Syria After Evading Conscription,” *Forced Migration Review* 62, October 2019, <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/return/araman-loutfi.pdf> (accessed August 11, 2021).

⁹⁹ Syria’s Legislative Decree No. 30 of 2007, formally called the “Flag Service Law,” governs compulsory and reserve military service, and was issued by President Bashar al-Assad on May 16, 2007. See The Tahrir Institute for Middle East Policy, “TIMEP Brief: Conscription Law,” August 22, 2019, <https://timep.org/reports-briefings/timep-brief-conscription-law/> (accessed August 12, 2021). For the full 1973 Constitution of Syria, see Carnegie Middle East Center, “The Syrian Constitution - 1973-2012,” December 5, 2012, <https://carnegie-mec.org/diwan/50255?lang=en> (accessed August 12, 2021).

¹⁰⁰ Conscripts are required to serve for 18 to 21 months, depending on their level of education. The Conscription Law permits deferrals for compulsory service for different categories of people, including certain types of students, individuals with specialized degrees, and those suffering from temporary health conditions. See The Tahrir Institute for Middle East Policy, “TIMEP Brief: Conscription Law,” August 22, 2019, <https://timep.org/reports-briefings/timep-brief-conscription-law/> (accessed August 12, 2021).

¹⁰¹ Human Rights Watch in-person interview with Mona, May 6, 2021.

When he was released, I knew he had been beaten in prison, but my husband didn't want to give details as he was scared. After he left the prison, he was serving in the Army and would come back to us for some short leave days. This went on for maybe one or two years.

He was tortured during these years ... and we saw this on his body. We asked him about the torture, but he denied it because he had been threatened not to talk about his experience. He refused to answer when I asked him about the marks on his body. There were a lot of marks [bruises] on his body, red and blue... He also had burns on his body. The Army gave him little food and he lost weight. He was not allowed to take a bath during the time he was in the Army and in the military prison. He had lice and scabies. He was only allowed to go to the toilet once a day. It is all because he deserted the Army previously.¹⁰²

Exemptions from military service are permitted for certain individuals, including those who are the only male child in their families, those deemed unfit for health reasons, and those who are residing abroad and who have paid an exemption fee.¹⁰³ Students can defer recruitment temporarily. Shadi, a 31-year-old man with a physical disability from Busra al-Harir in Daraa, was arbitrarily arrested and detained at a checkpoint on his way from Daraa to Damascus to obtain the formalized exemption from military service as a result of a leg amputation following an airstrike in his hometown of Busra al-Harir in Daraa in April 2013 after which he sought refuge in Jordan. After seven “relatively good” years in Jordan, Shadi traveled back to Syria in November 2020 with his family during the Covid-19 pandemic:

I had to go to the military hospital number 601 in Damascus. I directly took a taxi to Damascus. I went through a lot of checkpoints. One was the Fourth Division; they investigated me and humiliated me but eventually they released me after I gave them 5,000 Syrian pounds [equivalent of US\$2].

¹⁰² Human Rights Watch in-person interview with Mona, May 6, 2021.

¹⁰³ Syria's Legislative Decree No. 30 of 2007, formally called the “Flag Service Law,” governs compulsory and reserve military service, and was issued on May 16, 2007 by President Bashar al-Assad. See The Tahrir Institute for Middle East Policy, “TIMEP Brief: Conscription Law,” August 22, 2019, <https://timep.org/reports-briefings/timep-brief-conscription-law/> (accessed August 12, 2021).

The next checkpoint was Manket al-Hatab [jointly controlled by Military Intelligence and the Fourth Division]. They searched me and did a security clearance and took my ID and the officer told me I had to do military service. I said I knew this and that I was on the way to the military hospital to sort this situation out. He started to mock me by saying, “Who ate your leg?” and “You are a terrorist.” I tried to explain, instead they beat me. I showed them the exemption [a pass he had received from the military branch office in Daraa] but they ignored it. Two officers kicked me and used my crutch to beat me. They forced me to crawl on the floor to their car and arrested me.

When I got in the car, they beat me and took me through Sweida Road to the Military Intelligence center in Kafr Souseh in Damascus...I was interrogated every day. They asked me silly questions like what I was eating in Jordan. I kept saying if they didn’t want anything from me, they should give me back my document and I could go to the military hospital. After one week they started to electric shock the stump of my amputated leg.¹⁰⁴

After two and a half of months of torture in detention, Shadi said he was released onto a street in Kafr Souseh and made his way back to Daraa with help from strangers.

Torture in detention

Most former detainees interviewed told Human Rights Watch they had been subjected to physical and mental abuse, that appeared to amount to torture and inhuman and degrading treatment during their detention and had witnessed the torture of others.¹⁰⁵ Most interviewees said they had been subjected to several forms of torture, from beatings with metal rods or wooden sticks to electric shocks, often inflicted with escalating levels of pain. At times detainees were forced to remain naked or in their underwear while they were tortured. Several former detainees told Human Rights Watch they had witnessed people dying from torture in detention.

¹⁰⁴ Human Rights Watch telephone interview with Shadi, June 15, 2021.

¹⁰⁵ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, acceded to by Syria on August 19, 2004, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (accessed August 12, 2021), art. 1.

After Abdul from Khaal in Daraa was arrested at Manket al-Hatab checkpoint (described above on page 30), he was taken to a military security detention center in Sweida, where he said he was beaten every day for the next three weeks:

The first day I was put in a wheel – *dulab* – I stayed like this for two continuous days, day and night. After that I met with the investigator. He was torturing me and interrogating me for eight days. He accused me of funding the Free Syrian Army and the opposition... I don't have enough money for bread, how I can fund the opposition?

After 10 days they stopped interrogating but they kept beating me. I was beaten every day three or four times... I was beaten with sticks, the back of their weapons, water pipes... I was forced to sign documents and I don't know what was written on them [as I was blindfolded].¹⁰⁶

After 21 days in Sweida, Abdul was taken blindfolded to Branch 291 in Damascus, where his torture became more extreme:

I was terrified. The detainees were like skeletons. ... I was put in the *shabeh*.¹⁰⁷ They started to beat me on my chest and broke three bones on my chest. I fainted. On the second day I wasn't taken to be beaten but on the third day I was taken to be tortured using electricity. They didn't stop again until I fainted. They hung me on the wall and threw water on me. They put a clip on me and one on a lamp. They started the electricity and said it wouldn't stop until the lamp exploded.

This went on for 10 days. I did not rest at any time. I would wake up and hear the screams of other people being tortured. I wasn't asked any questions, they harassed me, teased me. It was like we were toys for the Military Intelligence guys. They just made fun of us. After 10 days they

¹⁰⁶ Human Rights Watch telephone interview with Abdul, July 1, 2021. The *dulab* is a wheel or a tire where the victim is folded at the waist and their head, neck, and legs are put into a car tire so that they are immobilized and cannot protect themselves from beatings on the back, legs, and head including by batons and whips.

¹⁰⁷ The *Shabeh* is used to hang the victim from the ceiling by the wrists so that the toes barely touch the ground or to completely suspend the victim in the air with the entire weight on a person's wrists, causing extreme swelling and discomfort.

stopped torturing me. I was forced to clean the bathrooms. This went on for four months. I was beaten from time to time with the back of the weapons. The situation was awful. We didn't eat every day. We had half a loaf of bread every two days. Even the water from the bathrooms we were not allowed to drink when we wanted to.¹⁰⁸

One day in April 2021, the Branch 291 guards told Abdul he was to be hanged, but instead they took him in a car to the Hamidye market in Damascus and threw him onto the street:

People were looking at me as if they recognized I was a detainee that was just released. People felt sorry for me and offered me help. I couldn't even remember my name and I was in shock. People took a picture of me and put it on social media — I don't know where — so my family could find me. My family found me and the people who helped me drove me to Daraa. I don't remember much about that day, just that when the sun rose, it was a miracle.¹⁰⁹

Detainees are routinely tortured to extract confessions or forced to sign or fingerprint declarations that they are not allowed to read.¹¹⁰ Several interviewees told Human Rights Watch they were given documents to sign during their abusive interrogations. Yasser, the 32-year-old man who returned to Syria through the Lebanese GSO returns process, described how the Political Security section in Homs tortured him to extract a confession:

The officers forced me to take off all my clothes and forced me into a cell, one meter by one meter. I was inside this cell for three days. I know because they brought me food three times, once per day. After three days, I was blindfolded and taken for investigation. They didn't start with questions. They cuffed my hands behind me and started beating me and using electric cables on me. They broke the bone in my shoulder. My hand

¹⁰⁸ Human Rights Watch telephone interview with Abdul, July 1, 2021.

¹⁰⁹ Ibid.

¹¹⁰ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, March 2, 2021, <https://reliefweb.int/report/syrian-arab-republic/report-independent-international-commission-inquiry-syrian-arab-13> (accessed July 20, 2021), para 16.

was swollen; I couldn't move it, they kept cuffing me anyway. I was shocked with electricity until I fainted. I was totally naked still. They put water on me to wake me up.¹¹¹

Yasser said the interrogations started several days later. The interrogators started by trying to force him to admit to being a terrorist. "I first tried to be honest and said I would never harm anyone, that I was innocent," he said. "I was so scared, but after all this torture," he said, "I agreed to everything they accused me of. They gave me the words, and then I repeated it. They brought me five papers to sign. I couldn't even glance at them, and I couldn't concentrate on them. I just signed the papers."¹¹²

Amina, a 31-year-old woman from Qalamoun in Syria, returned to Syria from Lebanon at the beginning of 2018 because her mother was sick in Syria and her husband abused her.¹¹³ Prior to fleeing Syria, Amina had supported the Free Syrian Army by cooking for them. Upon her return to Syria, she said, a neighbor denounced her. One morning at 5 a.m., men in military uniform broke into her home and took her to a detention center in Mezzeh in Damascus. She was put into a one-meter-by-two-meter room with 13 other women, so overcrowded they had to take turns to lie down to sleep. She was beaten in detention and witnessed the rape of another woman:

We got so sick and we had lice. There was one toilet in the room. Every time they brought food, they would insult us calling us a "whore" or a "bitch."... The way they treated me was a bit different. I was pregnant the whole time I was in prison, maybe that is why I wasn't too badly treated. My charges were only cooking for the Free [Syrian] Army. Some women were charged with kidnapping [military] officers and they went through a lot. For example, they would throw water on them and shock them with electricity. One young woman ... was tied up and raped every day. For me they would use their hands to take off my hijab and pull my hair. They would slap me and punch me in the stomach.¹¹⁴

¹¹¹ Human Rights Watch in-person interview with Yasser, May 6, 2021.

¹¹² Ibid.

¹¹³ Human Rights Watch in-person interview with Amina, April 30, 2021.

¹¹⁴ Human Rights Watch in-person interview with Amina, April 30, 2021.

Amina was imprisoned for six months. She said she was consumed with self-hatred after her release and could not bear to think about remaining in Syria. Amina returned to Lebanon with her children in April 2020.

Shadi from Busra al-Harir in Daraa governorate told Human Rights Watch that he was forced to watch the torture of other detainees. He also witnessed one death in detention in January 2021:

They took me to a watch an investigation of a 60-year-old man. They ran electricity through his body. He tried to push himself off the floor to stop the electricity flow, but he burned his hands. They beat him until he forgot what his name was... They interrogated another man in front of me. He was 80 years old and he had diabetes and they electrocuted him. He was blinded. He died in our cell a few days later. We begged [the prison guards] to take the dead man but they waited three days before they took his body out.¹¹⁵

The ban against torture is one of the most absolute prohibitions in international human rights law. No exceptional circumstances can justify torture. Syria is a party to key international treaties that ban torture under all circumstances, even during recognized states of emergency, and that require investigation and prosecution of those responsible for torture.¹¹⁶ When committed as part of a widespread or systematic attack against the civilian population, torture constitutes a crime against humanity under customary international law and the Rome Statute of the International Criminal Court.¹¹⁷

¹¹⁵ Human Rights Watch telephone interview with Shadi, June 15, 2021.

¹¹⁶ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, acceded to by Syria on April 21, 1969, <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (accessed August 12, 2021), arts. 4, 7. Convention against Torture, adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, acceded to by Syria on August 19, 2004, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (accessed August 12, 2021).

¹¹⁷ Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (accessed August 12, 2021), art. 7. Syria signed, although not ratified, the Rome Statute on November 29, 2000, and so is obliged to refrain from acts that would “defeat the object and purpose of [the] treaty.” See Vienna Convention on the Law of Treaties, adopted May 23, 1969, entered into force January 27, 1980, acceded to by Syria in 1970, <https://www.oas.org/legal/english/docs/Vienna%20Convention%20Treaties.htm> (accessed August 12, 2021), art. 18.

Enforced disappearances

Most of the detention cases documented by Human Rights Watch in this report can be characterized as enforced disappearances. In international law this is when state agents or other persons acting with the support of the state detain someone and then refuse to acknowledge the detention or conceal the fate or whereabouts of the detained person.¹¹⁸

In most of the cases documented by Human Rights Watch, the detainees' families had no information about their fate or whereabouts for weeks or, in some cases, months following the arrest, despite their inquiries with various intelligence agencies. The authorities did not allow detainees to have any contact with the outside world and left their families wondering whether their detained relatives were alive or dead. Information was only forthcoming when surreptitious payments were made to senior ranking officials; a family member received an updated family booklet with the death of the detainee recorded; or the individual was released from detention.

Zubeida, a 20-year-old woman from Qalamoun, returned to Syria from Arsal in Lebanon with her husband in July 2017 as part of an agreement brokered by the Lebanese Shi'ite group Hezbollah.¹¹⁹ After two months in Syria, she traveled with her husband and child to visit her in-laws in an area called al-Jarjir in Damascus governorate:

On our way to the town there was a checkpoint controlled by the Fourth Division. They took my husband... He said to me, "Don't worry, I'll be back in a few days." ...The second day the army came to our house and asked, "Where is your husband?" I said, "You took him." They said, "No, we didn't." I explained about the checkpoint, but they kept asking about my husband. For months, we tried to find out about my husband. After nine months or maybe one year, we heard he was in Saydnaya prison, but we aren't sure.¹²⁰

¹¹⁸ International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED), adopted December 20, 2006, G.A. Res. 61/177, U.N. Doc. A/RES/61/177 (2006), entered into force December 23, 2010, <https://www.ohchr.org/en/hrbodies/ced/pages/conventionced.aspx> (accessed August 12, 2021), art. 2. Syria has not ratified the ICCPED.

¹¹⁹ Human Rights Watch telephone interview with Zubeida, April 30, 2021; Hassan Abdullah, "Refugees Return to Syria from Lebanon in Hezbollah-Mediated Deal," Reuters, July 12, 2017, <https://www.reuters.com/article/us-mideast-crisis-syria-lebanon-idUSKBN19X1Y6> (accessed August 11, 2021).

¹²⁰ Human Rights Watch in-person interview with Zubeida, April 30, 2021.

Halima from Homs told Human Rights Watch that her husband returned to Syria in February 2019 after he could not find sufficient work opportunities in Lebanon.¹²¹ After returning to their mostly destroyed and looted home in Eastern Ghouta, Halima's husband disappeared after being stopped at a checkpoint he needed to pass into order to reach his house. In January 2020, Halima received an updated copy of her family booklet from the government which stated that her husband had died in Homs in June 2019.¹²²

Widespread or systematic enforced disappearances, carried out as part of a state policy, constitute a crime against humanity.¹²³ Human Rights Watch has previously documented Syrian authorities' systematic use of enforced disappearances, which frequently result in torture, death, and the absence of any information about the victim.¹²⁴

Detention with Ransom Demands

Human Rights Watch documented three detentions, accompanied by ransom demands of returnees perpetrated by Syrian security forces or affiliated militias.

Tariq, a 36-year-old returnee from Nafaa town in Daraa, traveled back from Jordan in August 2020 and was arrested immediately after the initial border checkpoint at the Naseeb border crossing between Jordan and Syria at a joint Army and Air Force Intelligence checkpoint.¹²⁵ He was taken to an undisclosed location where members of what he believed was the Syrian Army or an affiliated militia demanded a ransom from his father:

I was stopped at an Army and Air Force [Intelligence] checkpoint and they asked me for 5,000 Syrian pounds. I gave them my money. They made the taxi I was in go ahead for two kilometers where we met a big car with a lot of military-looking people with guns. I didn't know if they were from the Army or militia, but they had a picture of Assad on the car and the [Syrian] flag.

¹²¹ Human Rights Watch telephone interview with Halima, January 22, 2021.

¹²² The family booklet is the primary civil record in Syria, and the basis for obtaining all other civil documents.

¹²³ Rome Statute, A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (accessed August 12, 2021), art. 7.

¹²⁴ "Syria: Talks Should Address 'Disappeared'," Human Rights Watch news release, August 30, 2017, <https://www.hrw.org/news/2017/08/30/syria-talks-should-address-disappeared>.

¹²⁵ Human Rights Watch telephone interview with Tariq, April 28, 2021.

They stopped the car, and took my passport, money, and phone and told the taxi driver to go. They put me in their car...

I didn't realize it was a kidnapping until they started talking to my family... They asked my father for US\$30,000 and they gave him 10 days to get the money.... My father could only gather \$15,000... He said [to the kidnappers], "If you ask for more, I will tell the government." They laughed at this, and told my father, "We are the government, we are everything here." My father explained he had no more money and eventually they accepted [the \$15,000]. I didn't know where I was. It was 10 days, from August 13 to 23, 2020. The money was transferred to a bank account.¹²⁶

Spotlight on Daraa

Daraa occupies a special place in Syria's recent turbulent history as the site of the first – brutally suppressed – protests in March 2011 that ignited the uprising in the country. Daraa remained under opposition control until 2018, when the Syrian-Russian military alliance launched a devastating air bombardment campaign that displaced more than 270,000 civilians.¹²⁷ Unlike other areas retaken by the Syrian government, in these areas, there was a proliferation of Russian-mediated reconciliation agreements, and guaranteed deals between anti-government commanders and the Syrian government. These deals allowed most anti-government fighters to remain with their light arms, provided a vetting process to clear people of charges by the intelligence branches, and deferred conscription for six months for those still required to serve in the military. In return, people who chose to remain had to sign a document indicating they would not be involved in anti-government activities.

Former residents and experts said the result of these deals was that Daraa governorate was divided up by various security forces, including the Army and the

¹²⁶ Human Rights Watch telephone interview with Tariq, April 28, 2021.

¹²⁷ Tabitha Sanders, "The Cradle of Syria's Revolution: Daraa Ten Years On," *The New Arab*, March 23, 2021, <https://english.alaraby.co.uk/analysis/cradle-syrias-revolution-daraa-ten-years?amp=1> (accessed August 12, 2021).

National Defense Forces, various intelligence branches, and a newly created Fifth Division which consists of former members of the Free Syrian Army.

Interviewees told Human Rights Watch that following the Russian-backed ceasefire agreement in 2018, and despite fighters with the opposition “settling their status” with the government or being allowed safe passage to Idlib as part of that agreement, targeting of opposition groups and individuals continued and a general destabilization remained. Interviewees from Daraa told Human Rights Watch that members of the Syrian security forces, pro-government militia, and opposition groups were involved in targeted killings and kidnappings, and that life in Daraa is characterized by an extreme sense of insecurity and fear, with restrictions on movements after sunset. Rashad, a 32-year-old man from Um al-Mayaden in Daraa, returned in February 2020 from Jordan as he wanted to see his family again:

The security situation is so bad. Every morning there is news of assassinations and kidnappings. We see corpses on the street, and no one knows who the family is to let them know their relative is dead. We stay in our houses in the evenings, we are all scared. There is no curfew, but we are scared to go outside. The checkpoint on the border of the town is for the Military Intelligence. [The officers] do security clearances if people want to leave and enter the area and they harass us. When people started to come back to the town—IDPs and refugees—the Military Intelligence officers at the checkpoint would take bribes to allow people to come into the town. The town is controlled by the regime. I can move relatively freely in and out of the town because I have this document that says I do not need to serve [in the military] whereas other people who need to serve must avoid the checkpoints.¹²⁸

“We don’t know who carries out the assassinations, but we know they are with the regime,” said Adnan, a 59-year-old man from al-Mzaireb in Daraa who left Jordan in

¹²⁸ Human Rights Watch telephone interview with Rashad, June 30, 2021.

January 2019. “They are targeting members of the Free [Syrian] Army. They come on motorbikes and do the assassinations with their face covered and then flee.”¹²⁹

Hoda, a 50-year-old widow from Um al-Mayadin in Daraa, returned from Jordan to Syria with her son’s family in July 2020, as her son could no longer afford to support his family living in Jordan.¹³⁰ Her son had worked with the Free Syrian Army for two months in 2013 before he sought refuge with his mother in Jordan:

When we [Hoda and her son and his family] arrived in Daraa, our house was ruined. We stayed in my uncle’s house for around two-to-three months... In December 2020 it was very cold. My son was sitting in the front door with his cousins. I invited them inside to warm up. They joked and teased me. While I was making the tea, I heard the sound of a bullet. I went to see what happened. I found my son lying on the ground dead. His cousins said it was [members of the] Military Intelligence agency who had come and shot him. He was 30 when he was killed.

I didn’t see anything, but after the funeral, our neighbor came to our house and told me it was Military Intelligence and it wasn’t just my son, but a lot of men with the Free [Syrian] Army were killed by the Military Intelligence. It was two men on a motorcycle that assassinated him. My neighbor and my son’s cousins told me this. They were wearing black masks. He was shot twice in the head, four times in his chest, and twice in his right knee. The men didn’t say anything while he was shot. They came quickly and escaped quickly.¹³¹

On June 24, 2020, the Syrian government and its Russian ally imposed a siege on the city of Daraa al-Balad, blocking the entry of food and other basic necessities and intermittently shutting off electricity and water. The government also cut off main

¹²⁹ Human Rights Watch telephone interview with Adnan, March 26, 2021.

¹³⁰ Human Rights Watch telephone interview with Hoda, April 23, 2021.

¹³¹ Ibid.

roads connecting areas controlled by anti-government groups with the rest of Daraa governorate. The siege was lifted on September 9, 2021. The security situation in the governorate remains unstable.

Reconciliation, Security Clearances, and “Wanted” Lists

Returnees described a range of vetting processes they were required to undertake before and after their return to Syria, including “reconciling” with the government, checking their names against “wanted” lists, and being subjected to a security clearance. While seemingly separate processes, returnees told Human Rights Watch that it was not always clear that a distinction existed among them.

Despite most interviewees undertaking one or all of these processes, they still faced persecution and other human rights violations on their return to Syria.

Reconciliation: Those who wish to return to Syria, particularly those returning from opposition or former opposition areas, or who left the country without official documents or permission, must “settle their status” and sign a so-called “reconciliation” document, which, according to a report by the Syrian Association for Citizen’s Dignity, speaks of “addressing the situation of Syrians who left the country illegally, due to the current circumstances and...settling their military conscription and other security issues, regardless of the circumstances that compelled them to leave.”¹³²

UNHCR has further explained that “settling one’s status” (*taswiyat al-wada*) involves a vetting process by the security agencies that reviews “the individuals’ previous opposition activities such as participation in anti-government protests, humanitarian activities, fighting with anti-government armed groups, or other activities considered by the government as ‘terrorism.’”¹³³ UNHCR adds that returnees seeking to settle their status are required to pledge to abstain from any opposition activities in the future.¹³⁴

Suhail al-Ghazi, a Syrian researcher, told Human Rights Watch that while the reconciliation process was originally meant for those returning to retaken areas, the reality is that most

¹³² Syrian Association for Citizens’ Dignity, “We are Syria: Survey of 1,100 Displaced Syrians on the Reasons for Displacement and Minimum Conditions for Return,” July 2020, https://syacd.org/wp-content/uploads/2020/07/SACD_WE_ARE_SYRIA_EN.pdf (accessed August 12, 2021), p. 25.

¹³³ UNHCR, “International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic, Update VI,” March 2021, HCR/PC/SYR/2021/06, <https://www.refworld.org/docid/606427d97.html> (accessed July 17, 2021), p. 105.

¹³⁴ Ibid., p. 105.

returnees are forced to settle their status and provide personal information to the government:

If the person says, “I left illegally,” [the Syrian authorities] immediately say, “You need to settle your status and do the reconciliation.” If the person says, “I left legally with my passport,” they will mostly say, “You still have to settle your status and do a reconciliation.” It doesn’t matter anymore if you are going back to a retaken area or a reconciled area.¹³⁵

All interviewees who returned from Jordan to Syria using the formal border crossings at Jaber/Naseeb had to settle their status through a reconciliation document – terms they used interchangeably – at the Syrian Embassy in Amman. Most male interviewees who returned through Jaber/Naseeb had to “reconcile” (settle their status) with the government both at the Syrian border checkpoint and at the embassy. Only one woman who crossed through these checkpoints was also asked to reconcile.

Security clearances and “wanted” lists: A security clearance is essentially a background check through which the Syrian authorities check a person’s name to see if they are considered a security threat or on any security agency’s “wanted” list. Individuals can also organize their own security check, by paying a middleman — essentially a broker — to check a name against a list. Suhail al-Ghazi, told Human Rights Watch:

The [person] will send a photo of their ID and the broker will check the name. It is a kind of security clearance process; this broker takes money for the service. The broker is doing work for the regime. And the broker then says, “You need to pay money to clear your name. I will be able to protect you. If [the authorities] do anything to you, I will get you out. But this does not guarantee an individual will not face a security interrogation.”¹³⁶

“The security clearance is extra-legal, and most people just pay someone to check for their names on a list,” said Walid al-Nofal, an independent reporter. “There is no centralized

¹³⁵ Human Rights Watch telephone interview with Suhail al-Ghazi, researcher, Center for Middle Eastern Studies, Istanbul, July 16, 2021.

¹³⁶ Ibid.

database for ‘wanted’ lists; if you do one security clearance, it will not necessarily include all agencies. Some people did a clearance and then people make reports about them, and they get arrested.”¹³⁷

A Syrian lawyer based in Daraa confirmed the extra-legal nature of both the security clearance and the reconciliation process, saying that they violate the Syrian Constitution. He attributed this to its political roots:

The reconciliation started as a treaty between the regime and the opposition inside Syria. It was backed by the Russians, but the Russians escaped from what they promised. The reconciliation is to stop the security agencies chasing people for what they did before 2018, but what happened is that the regime kept searching for people and investigating them. The Russians did not hold the regime accountable for the way in which it continued to pursue people who had “reconciled.”¹³⁸

In July 2018, the head of Air Force Intelligence, Jamil Hassan, stated in a private meeting reported on by an opposition-affiliated news outlet that there were 3 million names on Syria’s wanted lists, representing 12.5 percent of the pre-war population.¹³⁹ In addition to those wanted for military conscription, wanted lists are said to include people believed to have been involved in opposition-related activities, which range from protesting to working in media or nongovernmental organizations (NGOs), and human rights activists and local administrative officials under opposition control.

Yasmina, a 40-year-old woman from Busra al-Harir in Daraa, told Human Rights Watch that she could only return to Syria with her children and without her husband because despite having completed his military service he had his name checked on the “wanted lists” and found out he is wanted by the Syrian military.¹⁴⁰

¹³⁷ Human Rights Watch telephone interview with Walid al-Nofal, reporter, June 14, 2021.

¹³⁸ Human Rights Watch telephone interview with a Syrian lawyer, July 1, 2021.

¹³⁹ “Jamil al-Hassan: Any and All Opposition Will Be Eliminated,” The Syrian Observer, August 2, 2018, https://syrianobserver.com/features/19769/jamil_hassan_any_all_opposition_will_be_eliminated.html (accessed August 12, 2021).

¹⁴⁰ Human Rights Watch telephone interview with Yasmina, February 2, 2021.

Suhail al-Ghazi told Human Rights Watch that while there may be a centralized database of wanted lists, different intelligence branches maintain their own lists. “Since 2011 there are computers at checkpoints where [the checkpoint security officers] type in the name of the person and they arrest them if the name appears.”¹⁴¹

“Contrary to official statements welcoming refugees’ return,” UNHCR said in its March 2021 update, “government officials are reported to have made public threats against refugees, indicating that those perceived to have been disloyal to the government are not welcome.”¹⁴²

All refugees returning from Jordan to Syria that Human Rights Watch interviewed said they had to undertake a security clearance at the Syrian embassy in Amman. One interviewee from Lebanon completed a “security clearance” organized through the General Security Organization (GSO)-facilitated returns process before returning. The rest of those interviewed from Lebanon used smuggling routes to return to Syria.

Interviewees told Human Rights Watch that before returning to Syria, they checked their names against wanted lists in their area of origin. Despite undertaking these myriad vetting processes, returnees faced violations and persecution on return to Syria.

Hassan, a 61-year-old man from Homs who is on dialysis for his kidneys, decided to return from Lebanon after his wife was refused residency through a sponsor. She left before him in May 2019 and checked his name against the wanted lists:

My wife went to Syria in May 2019 and she asked about me with the Syrian security agencies. And all of them said there is no record and that I could come back safely. In December 2019, I left [at the official Lebanese border crossing point, Masnaa] and arrived at the Syrian border entry point. Immediately, the Syrian border guards took me to a small room, and said I am wanted by the Palestine security branch.¹⁴³

¹⁴¹ Human Rights Watch telephone interview with Suhail al-Ghazi, researcher, Center for Middle Eastern Studies, Istanbul, July 16, 2021.

¹⁴² UNHCR, “International Protection Considerations with Regard to People Fleeing the Syrian Arab Republic – Update VI,” March 2021, <https://www.refworld.org/pdfid/606427d97.pdf> (accessed August 12, 2021), p. 112.

¹⁴³ Human Rights Watch telephone interview with Hassan, January 22, 2021.

Hassan said the Syrian border guards took his ID, shoes, and money, left him in a one-by-one meter room without a chair for six hours, and told him he would be taken away to be tortured. “I told them I was sick... I requested a chair, but they refused. I fainted after six hours.” Hassan was eventually allowed to leave the Syrian border checkpoint after paying a bribe to the Syrian border guards and return to Lebanon. He now lives alone in Tripoli, without legal residency, while his wife and daughter live in Syria.¹⁴⁴

There is no clear, legal procedure for Syrian refugees to check their “wanted” status inside Syria or to obtain a reliable security clearance through the authorities. The reconciliation process has snowballed from its original purpose of permitting opposition fighters to settle their status with the government to another bureaucratic and insidious process for the Syrian government to collect information on its citizens as a means of intimidation, repression of dissent, and control. Despite assurances to the contrary, none of these extra-legal processes protect a returnee from persecution.

¹⁴⁴ Human Rights Watch telephone interview with Hassan, January 22, 2021.

Survival Inside Syria

The foundation of international refugee law is the principle of nonrefoulement: that no person can be returned to a place where their life or freedom would be threatened on account of their beliefs or identity. International human rights law provides broader protections against forced return to places where returnees would face threats to life, freedom, or physical integrity. Human Rights Watch documented economic and humanitarian conditions, including widespread property destruction inside Syria, that in aggregate can threaten returnees' rights to life, physical integrity, and dignity. In addition to protecting Syrians from being returned to face violence, torture, and persecution, Human Rights Watch calls on all countries hosting Syrians to halt all forced returns to Syria because of the inhuman and degrading conditions returnees also will likely face that can threaten their rights to life, freedom, and physical integrity.

Property destruction

In January 2021, the country director of the Danish Refugee Council, Victor Velasco, reflected on the scale of physical destruction in Syria, saying, "I have worked in the humanitarian sector in more than 20 countries, and I have never seen anything like this."¹⁴⁵ The large-scale destruction is in large part the result of thousands of unlawful and indiscriminate strikes, including on civilian infrastructure protected under law, by Syrian government forces, with the support of their allies, Russia and Iran. Similarly, the US-led anti-ISIS global coalition has also conducted many strikes in northeast Syria, including indiscriminate and apparently unlawful attacks that killed civilians.

UNHCR stated in its March 2021 update that "the large-scale damage and destruction of cities, towns and neighborhoods in retaken areas, and lack of reconstruction, have been identified as a further obstacle to returns, with some areas remaining largely depopulated."¹⁴⁶ Areas that were under opposition control have been specifically targeted for violations of land and property rights, according to a policy briefing by Pax for Peace in

¹⁴⁵ Danish Refugee Council, "The Level of Destruction in Syria is Overwhelming," January 5, 2021, <https://drc.ngo/it-matters/current-affairs/2021/1/the-level-of-destruction-in-syria-is-overwhelming/> (accessed August 12, 2021).

¹⁴⁶ UNHCR, "International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update VI," March 2021, HCR/PC/SYR/2021/06, <https://www.refworld.org/docid/606427d97.html> (accessed July 20, 2021), pp. 48-49.

March 2020. That briefing cited expropriation of property through legal measures as being among the means the authorities use to violate housing, land, and property rights.¹⁴⁷

In addition to the widespread destruction of homes and infrastructure, Human Rights Watch has previously documented that the Syrian government passed laws and policies to confiscate property without due process or compensation, further preventing refugees from returning. These include Law 10 of 2018, which ostensibly allows the government to seize property and develop it, and the Counterterrorism Law of 2012, which the government has used to punish entire families by arbitrarily placing them on a list of alleged terrorists and freezing their assets.¹⁴⁸ In January 2021, the Commission of Inquiry on the Syrian Arab Republic reported:

At least 40 laws relating to housing, land and property have been passed since 2011, indicating a systematic push to reorganize the management of property rights in the Syrian Arab Republic, while raising concerns regarding the ability of all Syrians with property interests, in particular the displaced and refugee populations, to secure their rights.¹⁴⁹

In the same report, the Commission noted that 11.5 million people had been displaced by the conflict and cited several sources on the extent of property damage:

In its most recent public update, in 2016, the United Nations Human Settlements Programme (UN-Habitat) placed the number of damaged housing units in Syrian cities at 760,000. In 2017, the World Bank estimated that 7 percent of the housing stock had been destroyed and 20 percent damaged, and, in a survey conducted in 2019 of conflict-induced

¹⁴⁷ Pax for Peace, “Violations of Housing, Land and Property Rights: An Obstacle to Peace in Syria,” March 2020, <https://paxforpeace.nl/media/download/policybrief-syria-hlp-2020-english-10-03-2020.pdf> (accessed August 12, 2021), p. 3.

¹⁴⁸ “Q&A: Syria’s New Property Law,” Human Rights Watch, May 29, 2018, <https://www.hrw.org/news/2018/05/29/qa-syrias-new-property-law>; “Syria: Suspects’ Families Assets Seized: Collective Punishment of Relatives Under Overbroad Terrorism Law,” July 16, 2019, <https://www.hrw.org/news/2019/07/16/syria-suspects-families-assets-seized>.

¹⁴⁹ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/46/54, February 2021, <https://undocs.org/en/A/HRC/46/54> (accessed August 12, 2021), para. 44.

damage covering 16 cities and towns, more than 125,000 damaged or destroyed buildings were identified.¹⁵⁰

Out of the 65 returnees from Lebanon and Jordan interviewed by Human Rights Watch, 39 found their homes back in Syria partially or completely destroyed or looted, with household items from furniture to kitchen appliances, electric wires to plumbing pipes, stolen. Many could not afford the costs of renovation and were forced to live in relatives' homes while they tried to rebuild their properties. Most people interviewed by Human Rights Watch could not afford to renovate all their property and confined the works to one or two rooms and lived in these limited rebuilt spaces. All said that the Syrian government did not provide any support.

When Yasser traveled back to Homs in December 2019, he found his house completely destroyed:

I was terrified that first night. The house was ruined. We had no electricity and at night we heard people driving by and shooting in the air to terrify the people. There was hardly anyone in our town. Our house was totally destroyed. No rooms had survived. We stayed outside, there was nowhere for us to stay inside.¹⁵¹

When Yunis, a 30-year-old doctor, could not find a medical job in either Jordan or Lebanon, he returned to his hometown in Syria, Daraa al-Balad, to offer his services there. He was not prepared for the devastation upon his return:

I couldn't believe the area when I arrived. It was totally ruined. You couldn't live there. I entered an area called al-Wadi. The people were depressed and exhausted. I started crying. The media didn't portray it like this. When the taxi stopped in the road, I didn't know how to go to my house. I had to call

¹⁵⁰ UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/46/54, February 2021, <https://undocs.org/en/A/HRC/46/54> (accessed August 12, 2021), para. 43.

¹⁵¹ Human Rights Watch telephone interview with Yasser, January 25, 2021.

my father to come and pick me up as I couldn't recognize the way even though I had lived there for 20 years.¹⁵²

Qadir, a 57-year-old man from Busra al-Harir in Daraa, decided to return from Ramtha in Jordan to Syria because he could no longer afford the cost of living in Jordan. Before the war he had enjoyed a decent standard of living in Syria as a car salesman. When he returned, he could not live in either of the two houses he owned before the war:

Our two houses were destroyed and looted. The Air Force intelligence and the al-Nimr militia [Tiger Forces] stole everything from our houses. These were the forces that entered the area [in Daraa]. Even the doors and windows were taken. Now we live in a rented house. We do not feel secure.¹⁵³

Halima's husband returned to Ghouta alone in February 2019. The authorities prevented him from reclaiming his house and forced him to make an application through an intelligence agency and back-pay all the utility bills. "He needed to back-pay all the bills of the house," she said, "even though we weren't there for years and it had been used by other people."¹⁵⁴

Halima's husband was later arrested at a checkpoint and died in detention.

The "Pinheiro Principles," a widely agreed-upon set of United Nations' principles on housing and property restitution for refugees and displaced people, are premised on the idea that "people displaced by forces beyond their control should never face the prospect of losing their housing, land or property rights simply because they were violently forced to leave or otherwise fled an insecure situation in search of protection."¹⁵⁵ While non-binding, the Pinheiro Principles underpin the right to housing and property restitution as "a core remedy to displacement." They encompass additional protections that apply in this

¹⁵² Human Rights Watch telephone interview with Yunis, February 24, 2021.

¹⁵³ Human Rights Watch telephone interview with Qadir, March 4, 2021.

¹⁵⁴ Human Rights Watch telephone interview with Halima, January 22, 2021.

¹⁵⁵ Centre on Housing Rights and Evictions, "The Pinheiro Principles: United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons," undated, <https://2001-2009.state.gov/documents/organization/99774.pdf> (accessed August 12, 2021), p. 3.

situation, including protection from discrimination toward returnees and a requirement that legislation covering housing, land, and restitution is not discriminatory and is transparent and consistent. The Pinheiro Principles also ensure the equal right of men and women, and the equal right of boys and girls, to housing. If a refugee or displaced person is unlawfully or arbitrarily denied their property, the Pinheiro Principles hold they are entitled to submit a claim for restitution from an independent and impartial body.

Principle 12 of the Pinheiro Principles states that “states should establish and support equitable, timely, independent, transparent and non-discriminatory procedures, institutions and mechanisms to assess and enforce housing, land and property restitution claims,” and:

Where there has been a general breakdown in the rule of law, or where States are unable to implement the procedures, institutions and mechanisms necessary to facilitate the housing, land and property restitution process in a just and timely manner, States should request the technical assistance and cooperation of relevant international agencies in order to establish provisional regimes for providing refugees and displaced persons with the procedures, institutions and mechanisms necessary to ensure effective restitution remedies.¹⁵⁶

In line with the Pinheiro Principles and international human rights law, the Syrian government should set up a land and property restitution mechanism that provides for full and fair restitution of property or compensation for all residents impacted by land and property issues. The land and property restitution mechanism should be objective, clear, accessible, and transparent and not discriminate on the basis a person’s displacement either as a refugee or internally, or according to their age, socio-economic status, gender, disability, political views, nationality, or religion. The right to housing and property restitution should not be made conditional on the physical return of someone who has been displaced from their home or place of habitual residence.

¹⁵⁶ Inter-Agency, “Handbook on Housing and Property Restitution for Refugees and Displaced Persons. Implementing the ‘Pinheiro Principles,’” March 2007, <https://www.refworld.org/docid/4693432c2.html> (accessed July 26, 2021), p. 57.

Economic devastation

According to a March 2021 Norwegian Refugee Council (NRC) report, nearly 20 percent of recently displaced Syrian IDPs cited economic deterioration as a significant push factor in their displacement. NRC noted that 32 percent of those who were displaced in January 2021 said it was due to lack of access to basic services and 28 percent said it was due to economic deterioration.¹⁵⁷

As of February 2021, at least 12.4 million Syrians, out of an estimated population of around 16 million, were food insecure, according to the World Food Programme (WFP), an alarming increase of 3.1 million in one year.¹⁵⁸ The UN Food and Agriculture Organization (FAO) and WFP estimate that 46 percent of Syrian households have cut down on their daily food rations, and 38 percent of adults have reduced their consumption to ensure that children have enough to eat.¹⁵⁹ WFP reported in October 2020 that “internally displaced people and returnees...reported worse food security levels than less vulnerable groups in Syria.”¹⁶⁰

In March 2021, Human Rights Watch reported that a deepening economic crisis, coupled with the significant destruction of infrastructure over a decade of conflict had led to severe wheat shortages.¹⁶¹ The Syrian government’s failure to fairly and adequately address a bread crisis brought on by a decade of armed conflict is forcing millions of Syrians to go hungry.

Many of those interviewed for this report faced devastating economic circumstances on their return to Syria and struggled to meet their most basic needs and access services. Karida, a 32-year-old woman from western Ghouta who returned from Lebanon to Syria at the end of 2019 with her family, told Human Rights Watch that her family could not pay for

¹⁵⁷ NRC, “The Darkest Decade: What Displaced Syrians Face If the World Continues to Fail Them,” March 2021, <https://www.nrc.no/globalassets/pdf/reports/2021-darkest-decade/darkest-decade/the-darkest-decade.pdf> (accessed September 16, 2021).

¹⁵⁸ “12.4 m people food insecure in war-torn Syria: WFP,” Arab News, February 13, 2021, <https://www.arabnews.com/node/1808661/middle-east> (accessed August 12, 2021).

¹⁵⁹ United Nations Economic and Social Commission for Western Asia (ESCWA), “Syria at War: Eight Years On,” January 2021, <https://www.unescwa.org/sites/default/files/pubs/pdf/syria-at-war-report-en.pdf> (accessed August 12, 2021), p. 33.

¹⁶⁰ World Food Programme, “The Socio-Economic Impacts of the Covid-19 Pandemic in the Syrian Arab Republic, April – June 2020,” October 2020, <https://reliefweb.int/sites/reliefweb.int/files/resources/WFP-0000120093-compressed.pdf> (accessed August 12, 2021), p. 6.

¹⁶¹ “Syria: Bread Crisis Exposes Government Failure Bakeries Destroyed; Discriminatory Policies Exacerbate Wheat Shortage,” Human Rights Watch news release, March 21, 2021, <https://www.hrw.org/news/2021/03/21/syria-bread-crisis-exposes-government-failure>.

rent or for utilities to heat her house, and reached the point where they could no longer afford bread:

We were eventually evicted because we couldn't pay the rent. We moved into my grandmother's house, but still we couldn't survive. We had no food and could not afford transport. Everything closed at 4 p.m. I was scared to go out after that. There was no electricity. We couldn't find bread to eat. There were queues for bread... It was 1,000 Syrian pounds (US\$1.58¹⁶²), which is more than my husband gets in a day for work. I asked my husband to look to rent a house outside Daraya, but the rent was too high (about 150,000 Syrian pounds or US\$237)... I was saying to my husband, "Why did you bring us here, there is nothing here."... There was nothing for the children, no support, and no education.¹⁶³

Karida eventually returned to Lebanon with her children in 2020 as she could not afford to re-establish a life of dignity in Syria and wanted to ensure an education for her children.

Sahar, a 47-year-old woman from Tariq al-Sad in Daraa, said she returned from Jordan to her home in Syria with her husband to be next to her son's grave. But she said that upon her return to her home in Tariq al-sad, an opposition area, "I couldn't recognize the area, I couldn't renovate my house because it was totally destroyed." She moved into her brother's house but has not been able to make ends meet:

Our lives are like death, although death might be better. There is no fuel, no electricity, no essential things for livelihood, we don't get anything without suffering. The most heartbreaking thing I witness are mothers who can't find milk for their children, and they can't breastfeed because they are not well-nourished.¹⁶⁴

¹⁶² In October 2019 the unofficial exchange rate was at 634 Syrian Pounds to US\$1, and at 515 Syrian Pounds to US \$1 at the official exchange rate. See "Hourly black market exchange rates and gold prices in Syria by city," Karam Shaar, undated, <https://www.karamshaar.com/exchange-rates> (accessed October 1, 2021).

¹⁶³ Human Rights Watch telephone interview with Karida, January 28, 2021.

¹⁶⁴ Human Rights Watch telephone interview with Sahar, March 4, 2021.

Sahar said that people are living in makeshift tents stretched across their ruined houses and use scraps of plastic and wood to heat their tents. She said that breathing toxic smoke makes the children sick. “When the kids suffocate from the smell of the fire,” she said, “there are no hospitals in the area.” She said the only hospitals are in government-controlled areas.¹⁶⁵

Human Rights Watch interviewed Maysa, a 76-year-old woman from Damascus Countryside, together with her daughter Safa. Maysa returned to Syria from Lebanon in 2018, and explained how terrible the situation was on their return:

[Maysa]: We went back to our home village [in Damascus Countryside]. The situation was terrifying. It was completely ruined. There was no electricity. The transport was like 70 years ago... The houses were ruined. People were trying to renovate their homes... We didn’t have real windows and doors. It was so cold. People were freezing in their homes. There was no electricity; it came for one hour and then cut off for six.

[Safa]: My mother is very old. My brother has a psychosocial disability, he couldn’t work. I couldn’t make bread at home. The bread was so expensive. The [cooking] gas came every four months... We were getting food baskets of oil, rice, spaghetti, butter, bulgar, seeds, salt, and sugar once every three months. It was not sufficient. It was enough for one month. We don’t know the name of the organization that was giving the basket.¹⁶⁶

Maysa and Safa returned to Lebanon at the end of 2020 because they could not afford the cost of living inside Syria.

Rasha, a 57-year-old woman also from Damascus Countryside, returned to her hometown in 2018, as she had heard that the situation had improved inside Syria, and she was struggling to survive in Lebanon. She found a far worse situation upon her return:

¹⁶⁵ Human Rights Watch telephone interview with Sahar, March 4, 2021.

¹⁶⁶ Human Rights Watch telephone interview with Maysa and Safa, February 1, 2021.

We had heard the situation [in Damascus Countryside] was better, but the situation was terrible. It was hard because we stayed at my son-in-law's house in Deir ez-Zour and felt we were a heavy burden. We couldn't stay at our house because it was ruined. There were a lot of walls broken. We tried to renovate the house, but we couldn't. There was no electricity. We were boiling water to drink. There were no shops. No pharmacies. No bakeries. The bread was bad. Even if we found dough, it was bad and at a very high price. My husband and daughter had to go to Damascus to get medicine for my sons. They had to wait for hours in the day for the buses. It was impossible to find work in Damascus because there was no transport to go there, just one bus.¹⁶⁷

Bribery and Extortion

Members of the Syrian security agencies in government-controlled areas demand bribes in exchange for safe passage through government-controlled checkpoints. A February 2020 International Crisis Group (ICG) report noted that “militia fighters manning checkpoints positioned on strategic roads levy illegal fees on travelers and transporters of goods, and exact bribes from young men on the threat of conscription or arrest.”¹⁶⁸ Interviewees told Human Rights Watch they paid bribes ranging from 500 to 10,000 Syrian pounds (at US \$0.40 to US \$7.96 at the official exchange rate and US \$0.14 to \$2.90 at the unofficial exchange rate) with the average being approximately 5,000 Syrian pounds (at US \$3.98 at the official exchange rate and US \$1.44 at the unofficial exchange rate).¹⁶⁹ Interviewees told Human Rights Watch that they were often asked to pay a “sweetener” to pass through the checkpoint with relative ease.

Dawud, a 49-year-old man from Damascus, returned to Syria to try to rebuild a life for himself and to prepare for the return of his family, who waited in Lebanon while he returned in September 2019.

¹⁶⁷ Human Rights Watch telephone interview with Rasha, February 1, 2021.

¹⁶⁸ International Crisis Group (ICG), “Easing Syrian Refugees’ Plight in Lebanon,” February 13, 2020, <https://www.ecoi.net/en/file/local/2024712/211-easing-syrian-refugees-plight-in-lebanon.pdf> (accessed August 12, 2021), p. 23.

¹⁶⁹ In October 2021 the unofficial exchange rate was at 3,462 Syrian Pounds to US\$1, and 1,257 Syrian pounds to US \$1 at the official exchange rate. See “Hourly black market exchange rates and gold prices in Syria by city,” Karam Shaar, undated, <https://www.karamshaar.com/exchange-rates> (accessed October 1, 2021).

When I had to pass through checkpoints, they [the security officers at the checkpoint] would ask for bribes to pass, for example, between 1,000 and 2,000 Syrian pounds, which doesn't seem much, but I had to pass through so many. There are a lot of checkpoints... The difficulty was that I didn't work in the same place and I had to go many different places. I had to pay the checkpoints all the time... Sometimes they let people go at the checkpoint but sometimes they arrest people and take them away and no one knows where they are.¹⁷⁰

Human Rights Watch found that bribes were commonly levied at checkpoints on the road from the Jordan-Syria border crossing to Daraa. There are approximately five checkpoints controlled by various security agencies on this road. Refugees returning from Lebanon avoided these checkpoints by paying smugglers to circumvent them.

Jawad, a 49-year-old man from Tel Shihab in Daraa, returned with his family to Daraa from Irbid in Jordan in August 2020. His children worked to help support the family in Jordan and he wanted to send them back to school in Syria. He had heard the situation had calmed and that there were no more live clashes:

Our way back to Daraa was not straightforward. Every checkpoint [from Nasib checkpoint to Daraa] wanted money from us, between 500 and 10,000 Syrian pounds. The checkpoints belonged to the Military Security, Air Force Security, Political Security, and the Fourth Division. We were insulted with [security agency officers] saying that the country is only for people who love Assad. We were cursed. They said, "If you don't pay, we will harm you and your family." One military man put his hand in my pocket and took all my money. The most savage checkpoint was the Fourth Division. They forced us to give the most money. The military man who took money from my pocket was from the Fourth Division.¹⁷¹

In addition to the unofficial and illegal bribes extorted at checkpoints, the Syrian government insists that each Syrian national entering Syria must exchange US\$100 for

¹⁷⁰ Human Rights Watch in-person interview with Dawud, March 30, 2021.

¹⁷¹ Human Rights Watch telephone interview with Jawad, April 21, 2021.

Syrian pounds at the official rate.¹⁷² The policy was put in place in July 2020, ostensibly to help the government replenish its foreign currency reserves amid an unprecedented economic crisis.¹⁷³ But in reality, it has only added another obstacle to prevent Syrians from returning.¹⁷⁴

The policy was partially overturned in early April 2021 to exempt displaced people.¹⁷⁵ Human Rights Watch also documented instances where returnees were forced to hand over US\$100 per individual when they crossed the Nasib border crossing and did not receive the equivalent in Syrian pounds back. Rashad, a 41-year-old man from Tafas in Daraa who returned to Syria from Amman in Jordan with his wife and three children in September 2020, said that Syrian border guards demanded US\$500 from him at the Nasib crossing. “This was not to exchange [for Syrian pounds] but just for them, but I didn’t mind as long as they let me enter Syria.”¹⁷⁶

Payment for Information about Missing Loved Ones

Interviewees consistently told Human Rights Watch that they had to pay vast sums of money to government officials, including judges and high-ranking security officers, to obtain information about family members in detention. In April 2021, Syria Untold, an independent digital media outlet, investigated the practice of extorting the families of detainees arrested and detained by members of the security services and its forces:

After the arrest and the family’s realization their relative is not coming home, they have two options. The first is to pay members of the security services, whether directly or indirectly, in order to get information about their relative or relatives. The second is to wait for another detainee to get

¹⁷² “Statement from the Ministry of Finance on the Council of Minister’s Decision That Returning Syrians Exchange \$100 or its Equivalent in Foreign Currencies” (بيان لوزارة المالية حول قرار مجلس الوزراء القاضي بتصريف السوريين القادمين 100 دولار أو ما يعادلها من العملات الأجنبية), SANA, July 11, 2020, <http://sana.sy/?p=1182666> (accessed August 12, 2021).

¹⁷³ Sara Kayyali, “Syria’s 100 Dollar Barrier to Return,” commentary, Human Rights Watch dispatch, September 23, 2020, <https://www.hrw.org/news/2020/09/23/syrias-100-dollar-barrier-return>.

¹⁷⁴ Ibid.

¹⁷⁵ “Certain Citizens Are Exempted from Exchanging 100 Dollars as a Condition to Enter Their Own Country,” The Syrian Observer, April 7, 2021, <https://syrianobserver.com/news/65235/certain-citizens-are-exempted-from-exchanging-100-dollars-as-a-condition-to-enter-their-own-country.html> (accessed August 12, 2021).

¹⁷⁶ Human Rights Watch telephone interview with Rashad, June 30, 2021.

out of prison, so that they might tell the family the whereabouts and condition of their loved ones.¹⁷⁷

A Syrian lawyer confirmed this practice: “Most of the people are paying all they have to get information. The information people get from the [Syrian] sergeants are for sure not accurate. For example, people are told their family member is dead and then they find out this is not the case; and the reverse also happens.”¹⁷⁸

Salam told Human Rights Watch that he paid senior members of various security agencies to find out information about his brother Karim. His father sold his farmlands so the family could afford the demands for payment in exchange for information:

We would meet [the senior Syrian security officers] in public places and we would pay money. Always in dollars. We sold two of our farmlands to pay. One time they asked us for US\$2,000, but then [the senior security officer] stopped giving us information and said, “Stop talking to me or we will put you in jail with your son.” Finally, an official told us our brother was in the Palestine Branch [Branch 235]. He wanted \$8,000 and he would tell us if [my brother] was alive or not. My father sold another farm, for \$8,000 and paid this man and after one week the man came and handed over my brother’s ID, watch, and ring to the family and told us Karim was dead.¹⁷⁹

Yasser’s mother paid tens of thousands of dollars to senior security officials and members of the legal profession to try to secure her son’s release from detention. “The total amount [my mother paid] is US\$70,000,” Yasser said. “She paid so many people, security agencies, the lawyers. My mother felt like she ‘re-bought’ her son.” Yasser said he appeared before the Counter-Terrorism Court in Damascus and his mother handed her lawyer \$45,000 after he told her the judges had demanded this sum. A Syrian lawyer told

¹⁷⁷ “Syria’s Lucrative Detainment Market: How Damascus Exploits Detainees’ Families for Money,” Syria Untold, April 13, 2021, <https://syriauntold.com/2021/04/13/syrias-lucrative-detainment-market-how-damascus-exploits-detainees-families-for-money/> (accessed August 12, 2021).

¹⁷⁸ Human Rights Watch telephone interview with a Syrian lawyer, July 1, 2021.

¹⁷⁹ Human Rights Watch telephone interview with Salam, June 30, 2021.

Human Rights Watch that the Counter-Terrorism Court created in 2012 is notorious for accepting and demanding payments of money to secure the release of a detainee.¹⁸⁰

¹⁸⁰ For information on the establishment of this court in 2012 in Damascus, see “Special Report on Counter-Terrorism Law No. 19 and the Counter-Terrorism Court in Syria,” Violations Documentation Center in Syria – VDC, April 2015, <https://syriaaccountability.org/wp-content/uploads/Counter-Terrorism-Court-in-Syria-a-Tool-for-War-Crimes.pdf> (accessed August 12, 2021), p. 10.

“No Refugee Should Go Back”

Human Rights Watch asked all interviewees how they felt about their decision to leave Lebanon and Jordan and what they would say to refugees contemplating a return to Syria. Several of their responses are recorded below.

Halim, 38-year-old man from Qunaitra who went back to Syria in the autumn of 2018:

No refugee should go back to Syria. The situation is so bad. You do a reconciliation but [the Syrian government] aren't committed to it. If [the Syrian security forces] want somebody, they will arrest them. Or kill them. No one will be safe in Syria until they stop the security agencies from terrorizing people.¹⁸¹

Halima, 45-year-old woman from Homs whose husband went back to Syria in February 2019:

I never ever want to go back to Syria. Even if I had to live in a tent on the road here [in Lebanon]. It is so dangerous inside Syria. I have neighbors and friends who talk about the situation there. There is no means for people to live, no security, no safety. The safety situation is the most important. I have kids. I wouldn't ever put them in danger and send them back.¹⁸²

Amina, a 31-year-old woman from Qalamoun who went back to Syria at the beginning of 2018:

I get this question about going back [to Syria] from people who are thinking to go back. I tell them of my experience and what I saw. I would tell them it is impossible. If you ever say anything bad about Assad, the security

¹⁸¹ Human Rights Watch telephone interview with Halim, February 16, 2021.

¹⁸² Human Rights Watch telephone interview with Halima, January 22, 2021.

knows. Before I used to say things against Assad, but now I don't. Somehow, they find out, they know.¹⁸³

Abdul, 39, from Khaal in Daraa who returned to Syria in September 2020:

In the first month [after being tortured in detention] I couldn't walk properly. The bones are still broken but the doctor is helping me... I can't work and can't go out alone... I will never leave my town now. I am scared of anything with a green color because it looks like the military uniforms [Military Intelligence officers] wore when they arrested and tortured me. I was in detention for six months. The terrorism I experienced in the jail is still with me now. I agreed to do this [interview] because I want people to know what happened to me when I returned to Syria.¹⁸⁴

¹⁸³ Human Rights Watch telephone interview with Amina, April 30, 2021.

¹⁸⁴ Human Rights Watch telephone interview with Abdul, July 1, 2021.

Recommendations

To the Government of Syria

- Ensure that no refugees are targeted for their perceived or actual previous affiliation with opposition forces, or for having left the country during the conflict.
- Set up a fair mechanism that provides full restitution or compensation for losses or damage of housing, property, and land because of the conflict.
- Allow regular and unimpeded access for the UNHCR and other humanitarian agencies to all areas of Syria.
- Stop immediately all arbitrary and unlawful security vetting procedures on refugees returning to Syria.
- Appropriately discipline all members of the security forces who extort bribes at checkpoints; conduct random checks to ensure the practice of demanding bribes at checkpoints is abolished.
- Immediately halt the practice of enforced disappearance, arbitrary arrest and detention, particularly at checkpoints, and the use of torture.
- Release all arbitrarily detained persons, including persons detained solely for their political beliefs, and publish lists of all individuals currently in formal and informal Syrian detention centers.
- Provide immediate and unhindered access for recognized international monitors of detention conditions to all detention facilities, official and unofficial, without prior notification.
- Provide detainees with adequate and accessible food, water, sanitation, hygiene, and healthcare, in accordance with the United Nations Standard Minimum Rules on the Treatment of Prisoners.
- Suspend members of the security forces against whom there are credible allegations of human rights abuses, pending investigations.
- Publish lists of all detainees who died in Syrian government detention facilities and prisons, including in security branches operated by Syrian intelligence agencies and issue death certificates for all detainees known to have died in custody.

To the Jordanian Ministry of Interior

- Respect the principle of nonrefoulement and abolish the practice of arbitrary or de facto re-entry restrictions for Syrian refugees who first entered Jordan irregularly.
- Ensure that Jordanian officials and/or UNHCR fully and accurately inform any Syrian seeking voluntary repatriation about conditions in areas of return. Information provided should include levels of violence and respect for human rights, economic conditions, and access to humanitarian and reconstruction and reintegration goods and services. Jordanian officials should clarify where international humanitarian agencies are unable to facilitate reintegration or to provide a full understanding of conditions in the specific areas of return to which the refugee is intending to return.
- Expand the range of sectors in which non-Jordanians can work in Jordan.
- Do not participate in, contribute to, or initiate any activity designed to push for early returns to Syria in the absence of consultation with the Syrian refugee community and independent and concrete guarantees of safe, informed, and dignified returns inside Syria.
- Ratify the 1951 Refugee Convention and its 1967 Protocol.

To the Lebanese Government and related Ministries

- Rescind the May 2019 Higher Defense Council's decision regarding the deportation of Syrian refugees who enter the country unofficially, and respect the principle of nonrefoulement. This includes not deporting individual Syrian refugees without giving them a meaningful opportunity to challenge the evidence against them and argue their case for protection, including by giving them the opportunity to obtain legal representation.
- Place a moratorium on all GSO-facilitated returns in view of the problematic nature of the so-called "security clearance" procedure.
- Ensure that Lebanese officials accurately inform any Syrian seeking voluntary repatriation about conditions in areas of return and refer individuals to UNHCR. Information provided should include levels of violence and respect for human rights, economic conditions, and access to humanitarian and reconstruction and reintegration goods and services. Lebanese officials should clarify where international humanitarian agencies are unable to facilitate reintegration or to

provide a full understanding of conditions in the specific areas of return to which the refugee is intending to return.

- Allow UNHCR to resume registering Syrian refugees to better manage their needs in Lebanon, as well as to prepare for safe and dignified return to Syria when conditions are conducive for return.
- Extend a fee waiver for all Syrian refugees that have accrued overstay and residency renewal fees.
- Allow Syrians who do not currently have legal residency to regularize their status.
- End the practice of detaining refugees merely because their residency documents have expired or because they don't have legal status.
- Expand the range of sectors in which Syrian refugees are permitted to work.
- Do not participate in, contribute to, or initiate any activity designed to push for early returns to Syria in the absence of consultation with the Syrian refugee community and independent and concrete guarantees of safe, informed, and dignified returns inside Syria. Ratify the 1951 Refugee Convention and its 1967 Protocol.

To the United Nations High Commissioner for Refugees (UNHCR)

- Continue not to promote or facilitate voluntary repatriation of Syrian refugees from Jordan, Lebanon, and other host countries so long as conditions for safe and dignified return are not in place and sustainable.
- Provide Syrians inquiring about voluntary repatriation with up-to-date and accurate information related to the specific areas to which the person seeks to return. Clarify where UNHCR does not have sufficient information to make an adequate determination regarding conditions in a specific area of return.
- Monitor and report on conditions faced by Syrian voluntary returnees and deportees from Jordan and Lebanon. Indicate publicly where UNHCR is unable to monitor conditions faced by voluntary returnees, and the reasons behind these difficulties. Ensure that there is an independent protection and monitoring mechanism in Syria through which humanitarian organizations are able to monitor and report on human rights violations that returnees face.
- Continue to request full and unfettered access to monitor returnee conditions and be transparent about the challenges in achieving such access. Redouble efforts to impress upon donor and resettlement governments the protection imperative of

providing adequate humanitarian assistance and resettlement places for Syrian refugees in Lebanon and Jordan.

- Continue to use the UNHCR 2018 Protection Thresholds and Parameters for Refugee Return to Syria as a baseline to assess conditions for return to Syria.
- Ensure Syrian refugees in Lebanon and Jordan have access to adequate and affordable medical treatment for chronic health conditions so that older refugees are not forced to return to Syria because of unmet health needs.

To Donor Governments

- Ensure that any funds provided for programs aimed at rebuilding and rehabilitating areas retaken by the government meet certain standards, including that their funds do not contribute to the abuse of rights of Syrians, that funds do not go to entities or actors responsible for human rights violations and violations of international humanitarian law, and that their funding is based on independent and full needs assessments, that beneficiary lists remain confidential, and that donors and their implementing partners have full, unimpeded, and regular access to all areas.
- Ensure that humanitarian programming in both Syria and host countries does not pre-emptively focus on returns preparedness when conditions for voluntary, safe, and dignified returns are not met, apart from improving protection and legal programming designed to inform Syrian refugees of conditions inside Syria and respond to civil documentation needs.
- Provide generous financial and other support to Jordan and Lebanon to enable them to provide safe and decent asylum space for Syrian refugees and asylum seekers.
- Fully fund UN humanitarian appeals to help meet the needs of all Syrian refugees in Lebanon and Jordan regardless of their legal residency status in the country.
- Fully fund UN humanitarian responses to meet the health needs of all Syrian refugees in Lebanon and Jordan, including those with chronic health conditions and including psychosocial – mental health – services.
- Recognizing that crises and conflicts have gendered and disproportionate impacts on refugee women and girls, ensure that humanitarian responses for these groups are designed consultatively and through evidence-based assessments.
- Press the governments of Lebanon and Jordan to push both countries to adopt measures that respect refugee rights and abide by the principle of nonrefoulement

and abolish all practices designed to deregister refugees or coerce them to return to Syria.

To All Syrian Refugee Host Countries

- Institute an immediate moratorium on all forced returns to Syria and repeal any legislation that facilitates the summary deportation of Syrian refugees, including Palestinian refugees from Syria, consistent with UNHCR's position that Syria is not safe to return to and that cessation of active conflict in parts of Syria cannot be used as a reason to remove protection status from Syrian refugees.
- Do not engage or otherwise legitimize Syria's problematic and unlawful security vetting processes for returnees.
- Continue to generously provide protection space for Syrian refugees and, where possible, provide pathways to permanent residence for those with no prospects to repatriate.
- Ensure pathways to legal residency for Syrian refugees are available and accessible and fee waivers are implemented.
- Denmark should repeal its decision to remove temporary protection for Syrian refugees from Damascus and Damascus Countryside and European Member States or its immigration bodies should not introduce any similar legislation or decisions.

Acknowledgments

This report was researched and written by Nadia Hardman, Researcher in the Refugee and Migrant Rights Division at Human Rights Watch. This report was reviewed and edited by Bill Frelick, Refugee and Migrant Rights Director. Specialist reviews were provided by Sara Kayyali, Researcher, who also provided research assistance, Aya Majzoub, Researcher, Adam Coogle, Deputy Director, Michael Page, Deputy Director, all from the Middle East and North Africa Division; Agnes Odhiambo, Senior Researcher in the Women's Rights Division; Emina Cerimovic and Bridget Sleaf, Senior Researchers in the Disability Rights Division and Kyle Knight, Senior Health Editor, provided a health and human rights review. Michelle Randhawa, Officer in the Refugee and Migrant Rights Division provided research, editing, and production assistance.

Clive Baldwin, Senior Legal Advisor, and Tom Porteous, Deputy Program Director, provided legal and program review. Production assistance was provided by Travis Carr, Senior Publications Coordinator.

We are grateful to all the Syrian refugees and their families who were willing to share their experiences, including sometimes tragic personal accounts.

Annex I: Response from the Lebanese General Security Directorate

Translated from Arabic by Human Rights Watch

Republic of Lebanon
Ministry of Interior and Municipalities
General Security Directorate
No.: 1311/AE/S
Date: October 15, 2021
Human Rights Watch Organization

Re: Your letter on the return of Syrian refugees

References:

1. Law Regulating Entry, Stay, and Exit from Lebanon, dated July 10, 1962
2. Decree No. 10188, dated July 28, 1962 (implementing Law Regulating Entry, Stay, and Exit from Lebanon)
3. Resolution No. 320, dated August 2, 1962 (regulating entry and exit at Lebanese border stations)

With reference to the topic and in response to your letter containing a set of questions regarding the return of Syrian “refugees,” before giving specific answers to each question, we state the following:

First, it is important for the General Directorate of General Security (GSO) to clarify a range of issues related to the term “asylum,” with the intent of establishing Lebanon’s position on this topic within its applicable legal context.

Lebanese law regulates the issue of asylum in one place in its texts, namely in the text of Articles 26 through 31 of the Law Regulating Entry, Stay, and Exit from Lebanon, dated July 10, 1972. Based on these texts, there is no humanitarian asylum in Lebanon, only political asylum.

These legal articles determined the position on the issue of “humanitarian asylum” as a result of historical and social considerations that obligated Lebanon to adopt this position. These considerations also led Lebanon to not signing the 1951 UN Refugee Convention and its annexed and supplementing Protocols. This is how a “refugee” became, according to the position of the Lebanese state in the context of a Memorandum of Understanding it signed with the United Nations High Commissioner for Refugees (UNHCR), a person on the Lebanese territory who submits an application for asylum to a third country, and not to Lebanon.

Therefore, vis-à-vis the Lebanese state, those currently on the Lebanese territory, who are not “Palestinian refugees,” are either displaced Syrians or asylum-seekers to third countries registered with the UNHCR. Accordingly, the GSO does not agree with the designation of “Syrian refugees” mentioned in your letter.

In addition to the above, and despite the Lebanese state’s decision not to sign the 1951 UN Refugee Convention, Lebanon has abided by and applied many customary principles of the international humanitarian law, especially the principles of non-refoulement and non-forced deportation and the obligation of voluntary return of displaced persons, at a time when the Lebanese context is under considerable pressure that is not easy to bear and overcome.

In addition, it is important for the GSO to point out the fact that it is an executive administration, i.e., it is tasked within its jurisdiction with implementing the public policies established by the Lebanese government regarding domestic issues and questions. However, it is not responsible for formulating or approving these policies. This situation fully applies to the issue of the return of Syrian displaced persons and issues related to their situation in general.

Second, in response to the proposed questions:

1. Question 1

The process of voluntary return remains ongoing. However, travel to implement this process is suspended because of COVID-19 pandemic.

2. Question 2

Seventeen centers for voluntary return have been established, where displaced Syrians can present themselves to register their names. In light of this, tables are prepared by the GSO, which are later given to the Syrian side to inform them of the date of return. Meanwhile, the choice to return or remain in Lebanon is up to the Syrian in question.

3. Question 2(a)

Syrians present themselves voluntarily at these centers by personal choice and without any pressure or request from any other entity. Registering at one of these centers does not oblige them to return to Syria if they later wish not to do so.

4. Question 2(b)

The GSO does not interfere in the decision of the displaced Syrians or in their choice of place to go, but, for organizational requirements only, the GSO asks them about the area to which they want to return. As we indicated earlier, this is to provide the necessary logistical requirements, specifically in terms of providing means of transportation and identifying the land border crossing to be used by these means of transportation.

5. Question 2(c)

Lists for return are prepared by the competent authorities at the GSO after completion of the pre-registration procedures to determine a potential date for voluntary return.

6. Question 2(d)

The aforementioned lists are sent to the competent Syrian authorities for verification. They are then returned to the GSO after identification of the names of the people allowed to enter [Syria] and the names of those who have measures against them, in order to notify these registered people of the results.

7. Question 3

Between November 30, 2017 and September 21, 2021, approximately 575,767 (five hundred seventy-five thousand six hundred and seventy-six [*sîc*]) Syrians have left the Lebanese territory voluntarily. It is not possible to determine the regions to which they returned because, as previously indicated, this is the personal choice of each individual returnee.

8. Question 4

Returning the displaced Syrian to his country is a process of “return” in the legal sense and not deportation because the person concerned is returned directly from the border before entering Lebanese territory. This means there is no deportation process and the GSO fully adheres to the non-deportation of any “displaced Syrians.”

Between April 25, 2019 and September 19, 2021, approximately 6,345 Syrians have been “returned” in implementation of the Higher Defense Council’s decision.

In addition to the foregoing, reference should be made to deportations that take place in implementation of judicial rulings issued by the competent courts, especially penal ones, as an additional penalty to the criminal penalty imposed as a result of the foreigner committing a criminal act.

9. Question 4(a)

Displaced Syrians are entitled to challenge the administrative deportation ruling before the competent judge (i.e., the State Shura Council). Likewise, they can object and consult the International Red Cross and competent organizations and have their files reviewed by the Prosecutor-General at the Court of Cassation to make the appropriate decision.

10. Question 4(b)

The GSO is tasked with implementing the decision of the Higher Defense Council, which is still in force in this regard.

11. Question 5

There were no deportation operations of displaced Syrians prior to the decision of the Higher Defense Council.

12. Question 6

The jurisdiction and legal responsibility of the Lebanese state vis-à-vis displaced Syrians exist as long as they did not leave the Lebanese territory. When they leave the Lebanese territory, the matter falls outside this jurisdiction and has nothing to do with the Lebanese state.

These are the GSO’s responses to the questions in your letter. We hope that you will kindly review and accept them with respect.

Director-General of General Security

Major General Abbas Ibrahim

Seal: Republic of Lebanon – Ministry of Interior and Municipalities – General Directorate of
General Security – Director-General



“Our Lives Are Like Death”

Syrian Refugee Returns from Lebanon and Jordan

After a decade-long civil war, Syrian refugees are the world’s largest refugee population, and Lebanon and Jordan host the highest ratio of refugees relative to their populations.

Syrian refugees continue to cite safety and security concerns as primary reasons for not returning home, but some end up making the decision to return under extreme pressure. While economic downturns in both Jordan and Lebanon have resulted in increasingly inhospitable living conditions for refugees, government policies – particularly in Lebanon - are also increasing pressures on Syrian refugees to leave.

In “*Our Lives are Like Death*,” Human Rights Watch answers the question of what happens to Syrian refugees when they repatriate. Following interviews with Syrian refugees who returned from Lebanon and Jordan, the report details the grave human rights abuses and persecution faced by returnees at the hands of the Syrian government and affiliated militias, including torture, extra-judicial killings, and kidnappings. The majority of those interviewed also struggled to survive and meet their basic needs in a country decimated by conflict and widespread destruction.

While parts of Syria have not seen active conflict hostilities since 2018, Syria is not safe.

Human Rights Watch recommends an immediate moratorium on all forced returns of Syrians and habitual Palestinian residents of Syria to all parts of Syria from all countries. While active hostilities have decreased in recent years, the situation is fluid and relative periods of stability fail to meet basic conditions for safe, dignified, and durable return. It calls on donor countries to support Jordan and Lebanon to enable them to provide safe and decent asylum space for Syrian refugees.

*(above) A destroyed house in Daraa, Syria in November 2020.
© 2020 Private*

*(front cover) A man rides a motorcycle through a destroyed neighborhood in al-Khaldieh area in Homs, Syria, on September 18, 2018.
© 2018 Reuters/Marko Djurica*