



Amnesty International - Analysis and recommendations to States gathering at the 24-25 April Brussels Conference on Supporting the Future of Syria and the Region

Why returns to Syria cannot take place in safety and dignity

As the conflict persists with no end in sight, all parties continue to flout fundamental rules of international law with impunity, placing civilians at serious risk of disproportionate and otherwise indiscriminate attacks. Amnesty International has documented **serious violations of international humanitarian law, including war crimes**, committed by government forces, including unlawful sieges of civilian areas, deliberate attacks against schools, hospitals and medical centers as well as the use of internationally banned weapons such as cluster munitions and chemical weapons. So far, more than 400,000 people have been killed, over six million people are displaced inside Syria and over five million people have fled the violence and sought refuge outside of Syria.¹ Although there was a marginal increase in the number of people who returned to Syria in 2017, this was by far exceeded by the number of people who were displaced within Syria or who fled the country throughout the year.²

No part of Syria is safe and **hostilities are ongoing** in several parts of Syria, notably in Idleb, Aleppo, and Damascus Countryside, between the Syrian government and non-state armed groups, with the support of foreign governments. The areas under the control of the US-backed Syrian Democratic Forces, are also at risk of suicide bombing and fighting with the Syrian government, Russia, and Turkey and Turkish-backed non-state armed groups. The “de-escalation agreement” in Astana May 2017 that led to the creation of four “de-escalation zones” to allow for a decrease in violence, increased humanitarian access and the safe and voluntary return of refugees and internally displaced people has faltered.³ Fighting has actually increased in Idleb and Damascus Countryside, two of the “de-escalation zones.”⁴

In addition to the ongoing hostilities, many in Syria are also at **serious risk of persecution and reprisals** for their perceived allegiances. Indeed, Amnesty International’s research has revealed widespread and systematic human rights violations and abuses constituting crimes against humanity including the use of torture, extrajudicial executions and enforced disappearances of individuals perceived to oppose the Syrian government or other groups.⁵ The Syrian government has been responsible for the vast majority of the human rights violations in detention and many of those subjected to these human rights violations are civilians including humanitarian workers, journalists, political activists, human rights defenders or people perceived to oppose the government.

¹ Amnesty International, *Amnesty International Report 2017/2018: The state of the world’s human rights*, <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>

² IOM, *Appeal 2018: Syria crisis - Humanitarian Response Plan Regional Refugee and Resilience Plan*, 23 February 2018, <https://reliefweb.int/report/syrian-arab-republic/iom-appeal-2018-syria-crisis-humanitarian-response-plan-regional-refugee>; UNOCHA, 2018 Humanitarian Needs Overview: Syrian Arab Republic, 21 November 2017, <https://reliefweb.int/report/syrian-arab-republic/2018-humanitarian-needs-overview-syrian-arab-republic-enar>

³ The Ministry of Foreign Affairs of the Russian Federation, “Memorandum on the creation of de-escalation areas in the Syrian Arabic Republic”, 6 May 2017, http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/2746041

⁴ UN Secretary General, Briefing to the Security Council by Staffan De Mistura, Special Envoy to the Secretary General, 26 October 2017, <https://www.un.org/sg/en/content/sg/note-correspondents/2017-10-26/briefing-security-council-staffan-de-mistura-special-envoy>

⁵ Amnesty International, *Syria: ‘It breaks the human’: Torture, disease and death in Syria’s prisons* (Index: MDE 24/4508/2016); Amnesty International, *Syria: Human slaughterhouse: Mass hangings and extermination at Saydnaya prison, Syria* (Index: MDE 24/4515/2017); Amnesty International, *Syria: ‘Between prison and the grave’: Enforced disappearances in Syria* (Index: MDE 24/2579/2015).

Meanwhile, large numbers of Syrians continue to be **at risk of forced displacement** as a result of the deliberate targeting of civilians and civilian infrastructure by government and armed opposition groups. The Syrian government's and some armed groups' "surrender or starve" strategy in which densely populated areas have been subjected to months of sieges and relentless bombardment until a "reconciliation" agreement is reached has led to the displacement of thousands of civilians.⁶ They are part of a systematic, as well as widespread, attack by the Syrian government and amount to crimes against humanity. Amidst the widespread destruction, many internally displaced people are living in dire conditions and **unable to return to their homes** due to the fear of reprisal, difficulties to prove claims to their property, and the lack of access to food, water and basic services.⁷ For example, the government has also made it difficult for people from al-Waer, a neighbourhood in Homs subjected to forced displacement, to prove ownership of their homes due to measures aiming to digitise property records that will irrevocably wipe out old records.⁸ These barriers and others, including requiring security checks for land and property transactions, are particularly alarming as the government presses ahead with controversial reconstruction plans in Homs.⁹ The experience of internally displaced people is indicative of some of the problems refugees would face should they return to Syria.

Despite the ongoing conflict in Syria, in 2017 policymakers, including in Europe, began to openly contemplate the possibility of refugee returns to Syria. In December 2017, interior ministers of German states voted on the possibility of returning Syrians whose asylum status comes to an end.¹⁰ In March 2018, parliamentarians of the far right political party Alternative for Germany travelled to government-controlled areas of Syria in an attempt to show that Syria is safe enough to return refugees to.¹¹ In Denmark, the right-wing Danish People's Party pushed for an end to family reunification stating that refugees would soon be able to reunite with their families in Aleppo. The binding international legal principle of non-refoulement means that countries cannot transfer anyone to a place where they are at a real risk of serious human rights violations and abuses.

Recommendations:

- Ensure that any discussions on reconstruction in Syria do not incentivize the return of refugees.
- Ensure that any financial assistance to the Syrian government to support the reconstruction of areas where civilians have been forcibly displaced from does not contribute to or result in violations of international human rights and humanitarian law.
- Urge the Syrian government to grant the Commission of Inquiry on Syria, the International, Impartial and Independent Mechanism, and non-governmental human rights organizations, including Amnesty International, access to Syria.
- Accept a shared responsibility to investigate and prosecute war crimes and other crimes under international law committed in Syria, in particular, seeking to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty.

⁶ Amnesty International, *Syria: 'We leave or we die': Forced displacement under Syria's reconciliation agreements* (Index: MDE 24/7309/2017).

⁷ NRC, Displacement, housing, land and property and access to civil documentation in the north west of the Syrian Arab Republic, July 2017, <https://reliefweb.int/report/syrian-arab-republic/displacement-housing-land-and-property-and-access-civil-documentation>; NRC, Displacement, HLP and access to civil documentation in the south of the Syrian Arab Republic, July 2017, <https://reliefweb.int/report/syrian-arab-republic/displacement-hlp-and-access-civil-documentation-south-syrian-arab>

⁸ The Syria Institute and PAX, No Return to Homs: A case study on demographic engineering in Syria, February 2017, bit.ly/2IJSzPU

⁹ The Syria Institute and PAX, No Return to Homs: A case study on demographic engineering in Syria, February 2017, bit.ly/2IJSzPU

¹⁰ J Traub, "Germany is preparing to send refugees back to Syria", *Foreign Policy*, 6 December 2017, <http://foreignpolicy.com/2017/12/06/germany-is-preparing-to-send-refugees-back-to-syria/>;

¹¹ Deutsche Welle, "German far-right AfD politicians travel to Syria in effort to send back refugees", 7 March 2018, <https://t.co/OPtHiEHo5i>

Fulfilment of pledges and commitments from London Conference 2016 and Brussels Conference 2017

The Brussels Conference in April 2018 is an opportunity for participants to show their commitment to respond to the needs of the more than 5 million people who fled Syria since 2011 and who are being hosted in neighbouring countries. The majority of these refugees do not have effective protection and are living below the poverty line, lacking legal status and with limited access to health care, education and work.

At the London Conference in February 2016 and in Brussels a year later, donors and host countries decided on steps to adopt a comprehensive approach to supporting Syria and the region. These included the pledging of six billion US dollars for 2017 through the Regional Refugee and Resilience Plans with Syria's neighbouring countries, the UN Humanitarian Response Plan and other mechanisms. While this was largely met, other **commitments on ensuring protection, education and livelihoods for refugees** has not been.¹² For example, countries pledged to ensure that 1.7 million refugee and vulnerable children would be in quality education by the end of 2017 and to create 1.1 million jobs for refugees and host country citizens by 2018.¹³ While some positive steps have been taken to achieve these pledges, **43 percent of refugee children in Lebanon, Jordan and Turkey remain out of school** and there continue to be obstacles preventing refugees from finding dignified jobs with many living below the poverty line.¹⁴ The steps taken in each of the countries with regards to education and livelihoods have not dealt with the barriers that are preventing further progress. While Jordan has issued over 80,000 work permits to refugees, this has not translated into the availability of more jobs, and the majority of permits given have been to men. In Lebanon, lack of legal status means most refugees do not have access to formal employment opportunities. Meanwhile, while each of the neighbouring countries has taken steps to increase education opportunities for children, these have not addressed barriers such as the inability of families to bear the informal costs of schooling and the lack of capacity of schools to absorb additional children, as well as the distance to schools.¹⁵

Meanwhile, **the UN Humanitarian Response Plan for Syria was only 52 percent funded in 2017** and the **Regional Refugee Resilience Plan only 53 percent** despite the additional pledges made at the London and Brussels Conferences.¹⁶ Neighbouring host countries no longer show the same generosity towards refugees, with Jordan, Lebanon and Turkey all closing their borders to those fleeing the ongoing conflict and persecution inside Syria, turning thousands away from the borders and at times shooting at them.¹⁷ This has not stopped people trying to flee Syria and instead has forced them to take more dangerous routes, some dying en route as they flee to find protection.¹⁸

¹² European Council of the European Union, "Supporting the Future of Syria and the Region" Brussels conference post-conference financial tracking report – co-chairs' statement, 18 October 2017, <http://www.consilium.europa.eu/en/press/press-releases/2017/10/18/syria-conference-financial-tracking-report/>

¹³ Co-hosts declaration of the supporting Syria and the region conference London 2016, 4 February 2016, <https://reliefweb.int/report/syrian-arab-republic/billions-aid-pledged-syria-london-conference>

¹⁴ UNHCR, 3RP Regional Refugee & Resilience Plan 2018 - 2019, in Response to the Syria Crisis: Regional Strategic Overview, 12 December 2017, <https://reliefweb.int/report/lebanon/3rp-regional-refugee-resilience-plan-2018-2019-response-syria-crisis-regional>

¹⁵ Norwegian Refugee Council et al, *Dangerous Ground: Syria's refugees face an uncertain future*, 5 February 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/dangerous-ground---syrian-refugees-face-an-uncertain-future.pdf>

¹⁶ UNOCHA Financial Tracking Service, Syria Regional Crisis 2017, <https://fts.unocha.org/emergencies/600/summary/2017>

¹⁷ Amnesty International, *Injured Syrians fleeing Aleppo onslaught among thousands denied entry to Turkey*, (Press Release, 19 February 2016), <https://www.amnesty.org/en/latest/news/2016/02/injured-syrians-fleeing-aleppo-onslaught-among-thousands-denied-entry-to-turkey/> ; Human Rights Watch, Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians, 3 February 2018, <https://www.hrw.org/news/2018/02/03/turkey/syria-border-guards-shoot-block-fleeing-syrians>

¹⁸ BBC, "Syria conflict: 15 refugees found frozen to death", 20 January 2018, <http://www.bbc.co.uk/news/world-middle-east-42758532>

Conditions in host countries

Thousands of **refugees have been forcibly returned** to Syria from Jordan and Turkey under the guise of security concerns or the pretext of ‘voluntariness’.¹⁹ Amnesty International documented such forced returns from both Jordan and Turkey in 2017. Forced expulsions disguised as “voluntary returns” of Syrian refugees from the Removal Centre in Van, eastern Turkey, are believed to have taken place during the final days of May and early June 2017.²⁰ Amnesty International has also highlighted that the state of emergency, which has been repeatedly extended since the coup attempt in July 2016, decreases the protection refugees and asylum-seekers in Turkey from forcible return and has documented several cases of forced returns to Syria in 2017. The Jordanian authorities have also been responsible for a large number of cases of refoulement over the past year. According to humanitarian agencies the authorities forcibly returned more than 2,330 refugees to Syria between January and September 2017 and denied them the ability to challenge their deportation and to have access to lawyers or legal advice and to review their deportation orders.²¹

Lack of legal status remains a main concern for refugees from Syria in Lebanon. Administrative and financial obstacles to obtaining or renewing residency permits mean that more than **74 percent of Syrian refugees in Lebanon do not have legal residency** exposing them to a constant risk of arbitrary arrest, detention and forcible return to Syria.²² Refugees also face curfews, raids, arrests and evictions and rising xenophobia which at times has translated into verbal and physical assault.²³ In June 2017, the Lebanese Armed Forces (LAF) conducted raids on two informal tented settlements for Syrian refugees in Aarsal, a town bordering Syria. As a result, 350 men were arrested, four of whom died in custody.²⁴

Meanwhile, **80 percent of Syrian refugees in Jordan live below the poverty line.**²⁵ Since the closure of the border by the Jordanian authorities in 2016, 50,000 refugees from Syria are trapped at Rukban in the “berm”, a desert area between Jordan and Syria. Humanitarian access to the “berm” has effectively been blocked since June 2016 with the Jordanian government only allowing access sporadically following months of talks between the authorities and aid organizations.

Many of **the 3.3 million refugees from Syria in Turkey do not have access to livelihoods, housing, health care, and education.**²⁶ In addition, rising tensions between refugees and host communities in Turkey have already led to incidents of intercommunal violence.²⁷ International and national humanitarian NGOs working with refugees have found their

¹⁹ Amnesty International Report 2017/18: The state of the world’s human rights, Jordan (Index: POL 10/6700/2018), <https://www.amnesty.org/en/countries/middle-east-and-north-africa/jordan/report-jordan/>; Amnesty International, *Refugees at heightened risk of refoulement under Turkey’s state of emergency* (Index: Index number: EUR 44/7157/2017), <https://www.amnesty.org/en/documents/eur44/7157/2017/en/>

²⁰ Amnesty International, *Refugees at Heightened Risk of Refoulement Under Turkey’s State of Emergency*, 22 September 2017.

²¹ Human Rights Watch, “*I have no idea why they sent us back*”: Jordanian deportations and expulsions of Syrian refugees, 2 October 2017, <https://www.hrw.org/report/2017/10/02/i-have-no-idea-why-they-sent-us-back/jordanian-deportations-and-expulsions-syrian>

²² UNHCR, *Vulnerability Assessment of Syrian Refugees in Lebanon*, 15 December 2017. Available at: <http://reliefweb.int/report/lebanon/vasyr-2017-vulnerability-assessment-syrian-refugees-lebanon>

²³ Amnesty International, *Amnesty International Report 2017/2018: The state of the world’s human rights*, <https://www.amnesty.org/download/Documents/POL1067002018ENGLISH.PDF>

²⁴ Amnesty International, “Lebanon: Further investigation needed into deaths of Syrian refugees in military custody”, 25 July 2017, <https://www.amnesty.org/en/latest/news/2017/07/lebanon-further-investigation-needed-into-deaths-of-syrian-refugees-in-military-custody/>

²⁵ UNHCR, Jordan factsheet, February 2018, https://reliefweb.int/sites/reliefweb.int/files/resources/FactSheetJordanFebruary2018-FINAL_0.pdf

²⁶ Amnesty International, *Turkey: No Safe Refuge: Asylum-seekers and refugees denied effective protection in Turkey* (Index: EUR 44/3825/2016), 3 June 2016, <https://www.amnesty.org/en/documents/eur44/3825/2016/en/>; UNHCR, *3RP Regional Refugee & Resilience Plan 2018 - 2019, in Response to the Syria Crisis: Regional Strategic Overview*, 12 December 2017, <https://reliefweb.int/report/lebanon/3rp-regional-refugee-resilience-plan-2018-2019-response-syria-crisis-regional>; Norwegian Refugee Council et al, *Dangerous Ground: Syria’s refugees face an uncertain future*, 5 February 2018, <https://reliefweb.int/sites/reliefweb.int/files/resources/dangerous-ground---syrian-refugees-face-an-uncertain-future.pdf>

²⁷ International Crisis Group, *Turkey’s Syrian Refugees: Defusing Metropolitan Tensions*, 29 January 2018. Available at: <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/turkey/248-turkeys-syrian-refugees-defusing-metropolitan-tensions>

work in Turkey increasingly impeded as the authorities have placed restrictions on, and in some cases withdrew, permission for them to work in the country.

The lack of options for integration in Lebanon and Jordan and the dwindling number of resettlement places offered by the international community has left the majority of refugees living in a state of **great insecurity, potentially pushing some refugees into considering return to Syria** despite the serious dangers they would face if they were to do so. Forcing people to go to Syria by making conditions unbearable or allowing them to become so violates the principle of non-refoulement just as much as mass deportations. While there was a marginal increase in the number of people who returned to Syria in 2017, according to organizations working with refugees, it has been difficult to assess the reasons and voluntariness of these returns and the role the difficult conditions in host countries has played in decisions to return.²⁸ However, the choice of some people to voluntarily return to Syria from neighbouring countries must not be used as an indication that this is a safe option and a pretext for mass forced deportations of refugees back to Syria.

Recommendations:

- Guarantee full, flexible and predictable funding for refugee protection and meaningful financial support to countries hosting large number of Syrian refugees through:
 - contributions to UN inter-agency humanitarian appeals and to publish annually the amounts they commit and disburse
 - bilateral assistance – both financial and technical support, depending on the host country's needs – to enable the host state to provide support to refugees and asylum-seekers, including ensuring access to adequate shelter, food, health care and education. The extent of such bilateral assistance should also be published annually
- Urge governments of neighbouring countries to Syria to respect the principle of non-refoulement, including by opening their borders to people fleeing conflict and persecution in Syria.
- Urge governments of neighbouring countries to follow through on their commitments made in the London and Brussels Conferences to provide protection, including legal status and access to essential services, education and job opportunities to refugees.
- Ensure the protection of refugees by providing them safe and legal routes and significantly increasing the number of resettlement places and other admission pathways such as humanitarian visas, student visas, family reunification and private sponsorship
- Ensure refugees from Syria have full access to fair and efficient asylum procedures. Do not enter into arrangements which aim to return Syrian refugees back to neighbouring countries already hosting the majority of refugees, such as under the EU-Turkey statement, which aims to return everyone - including Syrian refugees - irregularly arriving on Greek islands back to Turkey.

²⁸ Norwegian Refugee Council et al, *Dangerous Ground: Syria's refugees face an uncertain future*, 5 February 2018,