

# LEBANESE RESTRICTIONS ON FREEDOM OF MOVEMENT

CASE OF NAHER EL BARED CAMP

NOVEMBER 2010



EVERYONE HAS THE RIGHT TO FREEDOM OF MOVEMENT AND RESIDENCE WITHIN THE BORDERS OF EACH STATE

[ARTICLE 13(1), UDHR]

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## I. INTRODUCTION

Approximately 100,000 Palestinian refugees entered Lebanon in 1948 after fleeing or being expelled from their homes in El Nakba. Today, after 62 years of Palestinian residence in Lebanon, UNRWA statistics state that this number has grown to around 425,000<sup>1</sup> refugees living across the country in camps, gatherings and Lebanese municipalities. However, the reality<sup>2</sup> shows that less than two thirds of them still reside in Lebanon.

Palestinian refugee camps, which have suffered from increased socio-economic deprivation since the end of the Lebanese civil war in 1990, are now facing new security restrictions in the wake of the 2007 Naher el Bared (NBC) conflict. This conflict resulted in hundreds of deaths and casualties amongst the civilians - Lebanese and Palestinians - and the Lebanese Army Soldiers. Since the cessation of hostilities, living conditions in the camp have continued to deteriorate, **impinging on Palestinians' fundamental human rights, especially their right to freedom of movement.**

NBC, established in 1949, is located 16 kilometres outside of Tripoli, the largest city in northern Lebanon. UNRWA started to offer services to the refugees in 1950. As the camp grew, it became an important commercial hub for Lebanese from the Akkar region and within the last decade, it had become the most prosperous amongst the

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<sup>1</sup>UNRWA figures of December 31, 2009 <http://www.unrwa.org/etemplate.php?id=65>

<sup>2</sup> PHRO study report on Lebanese Labor Laws and Palestinian Refugees Recent Situations, April 2007, page 15 available at <http://www.palhumanrights.org> (Reports Section)

11 remaining Palestinian camps in Lebanon. The Old Camp eventually became too small to accommodate the increasing number of residents, therefore several families bought land in the neighbouring municipalities of Mohammara and Behnin before the 2001 law that prohibit<sup>3</sup> the purchase of Lebanese land by Palestinians was passed by the Lebanese parliament.

This report aims to document the status of freedom of movement in and around the Nahr al Bared Camp since the end of the conflict in September 2, 2007. It further seeks to highlight issues of legality concerning the Lebanese Armed Forces (LAF)'s access and permit regime around the camp and its impact on the human rights.

This report is part of the Palestinian Human Rights Organisation (PHRO)'s campaign towards abolishing the current access and permit regime in NBC. It is an advocacy tool that aims at addressing the problem and proposing recommendations and mechanisms that, if implemented, will advance the human rights situation of the camp, as well as enhances Lebanon's compliance with its international human rights norms and obligations.

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<sup>3</sup> In 2001, the Lebanese parliament amended the 1969 legislative decree concerning the acquisition of real estate property by non-Lebanese (decree no. 11614 of 14 January 1969). The amendment No. 296, dated 3 April 2001, prohibited ownership of realty of any kind "by any person who does not hold citizenship from a recognized State or to any person where such ownership contravenes the provisions of the Constitution concerning naturalization". Prior to the amendment, Palestinians, like foreigners, had the right to own up to 5000 square meters outside of Beirut and up to 3000 square meters in Beirut, without the need for a permit. The 2001 law deliberately excluded Palestinians from owning real estate property, as they are the only foreigners not having a "nationality of a recognized state". <http://www.palhumanrights.org/rep/ENG/UPR%20Booklet%20-%20ENG.pdf>(page 10).

This report will also enable the different stakeholders to better understand how to balance Lebanese security concerns with the legitimate needs of the camp's residents in order to increase trust and actively contribute to a safe and secure environment for all residents of and visitors to the camp.

## **II. THE REPORT - OVERVIEW**

The first part of this report will focus on discussing the right of freedom of movement and its roots in international law and regional agreements. Then it will move to a discussion of the Lebanese state's violations of these legal frameworks, addressing issues of establishing military zones, checkpoints and forbidden areas splitting the Old Camp and the Adjacent Area and implementing the permit regime. This discussion will present the benchmark on which our approach is based by considering the best practices required by international standards, as well as its application in this context.

In the third part of the report, the discussion will move to explaining the deleterious effects of the LAF's restrictions on the freedom of movement, particularly the social and economic effects of these restrictions.

In the final part, this report proffers a list of recommendations, based on international law, to the different stakeholders involved in order to delineate concrete steps that can be taken to assist in ending the permit regime around Naher al Bared.

### III. LEGAL FRAMEWORK

According to the Universal Declaration of Human Rights (1948), all people are entitled to the recognition of inherent dignity and certain inalienable rights, which are the foundations of freedom and justice in the world. Freedom of movement is integral to this concept; Article 13 of the Universal Declaration of Human Rights stipulates: *‘Everyone has the right to freedom of movement and residence within the borders of each State. Everyone has the right to leave any country, including his own, and return to his country’*.

The denial of the right to free movement within national and international borders can have profound effects upon other rights also outlined in the Universal Declaration of Human Rights and other treaties. Without the right to free movement, an individual may be politically repressed, prevented from observing his/her chosen religion, prevented from enjoying the right to marriage or family life, or blocked from a job or an education that ultimately could enhance his/her quality of life. Thus, free movement is one of the most fundamental rights.

The following international and regional agreements determine standards for the freedom of movement for all people:

#### A. UNITED NATIONS

##### a. *Universal Declaration of Human Rights, 1948 (article 13)*<sup>4</sup>:

This was the first international document to recognise explicitly

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<sup>4</sup> The full text of the UDHR is available on the following link <http://www.un.org/en/documents/udhr/index.shtml>.

the right to freedom of movement of persons. This treaty stipulates that everyone has the right to freely move around within the borders of their state, and in addition everyone has the right to leave their country for any reason concerning them. At the same time, they also have the right to return to that country if they so choose.

- b. *International Convention on the Elimination of all Forms of Racial Discrimination, 1965 (article 5)***<sup>5</sup>: This convention was established in order to eliminate all forms of racial discrimination. It aims to perform this task by setting down a list of guidelines as to how people should be treated, similar to other human rights documents. Article 5 states that all people have the right to freedom of movement and residence within the border of the state, the right to leave any country, including one's own, and to return to one's country.
- c. *International Covenant on Civil and Political Rights, 1966 (article 12)***<sup>6</sup>: This is the foremost treaty dealing with civil and political rights. The International Covenant on Civil and Political Rights (ICCPR) stipulates that everyone residing legally within a state has the right to choose his/her place of residence and has the right to move around freely. In addition all people also have the right to leave any country including their own and shall not be deprived of the right to enter back into their country. These

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<sup>5</sup> The full text of the CERD is available on the following link <http://www2.ohchr.org/english/law/cerd.htm>.

<sup>6</sup> The full text of the ICCPR is available on <http://www2.ohchr.org/english/law/ccpr.htm>.

stipulations shall not be restricted except when national security, public order, health, or the rights of others are at stake.

**d. *Convention on the Elimination of All Forms of Discrimination against Women, 1979 (article 15)***<sup>7</sup>: Discrimination against women violates the basic rights of respect for human dignity as well as equality. Article 15.4 of the Convention on the Elimination of All Forms of Discrimination against Women, better known by its abbreviation CEDAW, states that women shall be afforded the same right as men to choose their nation of residence as well as their place of residence within that nation.

**e. *Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, 1985 (article 5)***<sup>8</sup>: This declaration establishes the basic rights of migrants, refugees and others who are not nationals of the country in which they reside. It stipulates that no restrictions can be placed on the freedom of movement of non-nationals. They cannot be forced to leave the country nor can they be prevented from moving around and choosing a residence within the borders of the country in which they are currently living.

**f. *ILO Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on Freedom of Movement for Workers within the Community:***

This document provides for the full protection of workers within

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<sup>7</sup> The full text of the CEDAW is available on

<http://www2.ohchr.org/english/law/cedaw.htm>.

<sup>8</sup> The full text of this declaration is available on

<http://www.unhcr.org/refworld/docid/3b00f00864.html>.

their respective communities or across national borders as with the case of migrant workers. The International Labour Organization (ILO) considers freedom of movement a fundamental right of workers and their families, and this right requires that equality of treatment shall be ensured by law and common belief in respect of all matters relating to the actual pursuit of activities as employed persons and to eligibility for housing. It also stipulates that obstacles to the mobility of workers shall be eliminated, in particular as regards the worker's right to be joined by his family and the conditions for the integration of that family into the host country. This document goes on to list the rights of workers and their families, establishing the basic guidelines by which governments and corporations must respect their workers and thus ensure the freedom of movement in order to pursue what is best for themselves and their families.

To more fully elaborate on the strategies for implementation of the right to freedom of movement, set forth in the International Covenant on Civil and Political Rights, the Human Rights Committee, the monitoring body of the Covenant, drafted the following:

- i. General Comment 27 (67<sup>th</sup> session, 1999)<sup>9</sup>*: This document stated that **‘Liberty of movement is an indispensable condition for the free development of a person.’** This document is a

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<sup>9</sup>[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/6c76e1b8ee1710e380256824005a10a9?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/6c76e1b8ee1710e380256824005a10a9?Opendocument)

major source in our analysis, as it provides an in-depth look at the freedom of movement, its ramifications and even its restrictions. The Committee stated that freedom of movement is indispensable for the free development of a person and that this right interacts with several others in the International Covenant on Civil and Political Rights. This document states that all people shall have the freedom to choose where they reside. They also have the right to leave any country they choose, including their own. It lists restrictions that under exceptional circumstances can potentially be placed on freedom of movement, and lastly, stipulates the right to enter one's own country. This 'general comment' remarks every section of article 12 of the International Covenant on Civil and Political Rights, further examining it from a legal standpoint. **This document is one of the main documents referred to when examining in-depth the freedom of movement and its boundaries.**

This document also details the restrictions that may be imposed on the right to freedom of movement. This document clarifies that states can impose restrictions only to protect national security, public order, public health and the rights and freedoms of others. **However, to be permissible, restrictions must be provided by law, must be necessary in a democratic society for the protection of these purposes and must be consistent with all other rights recognized in the Covenant.**

Paragraph 12 of the document states: **'The law itself has to establish the conditions under which the rights may be**

**limited.** State reports should therefore specify the legal norms upon which restrictions are founded. **Restrictions which are not provided for in the law or are not in conformity with the requirements of article 12, paragraph 3, would violate the rights guaranteed by paragraphs 1 and 2’.**

Furthermore, paragraph 18 of these comments states: **‘The application of the restrictions permissible under article 12, paragraph 3, of the ICCPR needs to be consistent with the other rights guaranteed in the Covenant and with the fundamental principles of equality and non-discrimination.** Thus, it would be a clear violation of the Covenant if the rights enshrined in article 12, paragraphs 1 and 2, were restricted by making distinctions of any kind, such as on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

*ii. General Comment 28, Equality of rights between men and women (2000)<sup>10</sup>:* This comment deals specifically with article 3 of the International Covenant on Civil and Political Rights, which calls for the equality of rights between men and women. This comment states in section 16 that state parties should provide any information on any legal practice or provision which restricts women's freedom of movement such as: the exercise of marital powers over one’s wife and children or the issuance of travel documents to women. Subsequently, this comment calls for

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<sup>10</sup><http://www1.umn.edu/humanrts/gencomm/hrcom28.htm>

governments to repeal such laws in order to give women the same rights as men.

*iii. General Comment 29, States of Emergency (2001):* This comment discusses exceptions from provisions of the International Covenant on Civil and Political Rights. This comment is extremely important due to the fact that it provides limits to the work set forth in the Covenant itself. Measures deviating from the provisions of the Covenant must be of an exceptional and temporary nature. Before a state moves to invoke article 4, two fundamental conditions must be met: **the situation must amount to a public emergency which threatens the life of the nation, and the state party must have officially proclaimed a state of emergency.** However, the forcible removal of people from their places of residence is to be considered a crime against humanity (section 18d).

## **B. LEAGUE OF ARAB STATES**

*Arab Charter on Human Rights, 1994 (articles 20, 21, 22, 23, 24)<sup>11</sup>:*

The Arab Charter states that citizens shall have the right to choose their residence freely within the territory of the state, and in addition they have the right to move from state to state and shall be allowed to re-enter their country of origin or nationality if they so choose. In addition, citizens have the right to seek asylum in another country provided that they are not facing trial for a crime within their own nation.

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<sup>11</sup> The full text of the Arab charter is available on <http://www1.umn.edu/humanrts/instree/ArabCharter.html>

## IV.STATE'S VIOLATIONS

After the end of the confrontation between the LAF, politically and logistically supported by the Palestinians, and Fatah al-Islam in 2007, the Government of Lebanon promised to quickly rebuild the camp and the return of its displaced refugees. The Government of Lebanon announced<sup>12</sup> and committed itself in the Vienna Donor Conference in 2008 to the recovery and reconstruction of NBC and the conflict-affected areas. By keeping such a promise, the government would accomplish an important trust-building exercise that could become a model for future coordinated interventions in and around the other eleven Palestine refugee camps in Lebanon. **Despite the promises by the Lebanese Government to improve the situation, however restrictions on camp residents' freedom of movement imposed by the Lebanese Army over the past three years have become the precedent instead.** In the past, the Lebanese government imposed restrictions on Palestinian refugees' freedom of movement, freedom of expression, assembly, particularly by the Lebanese Army's intelligence branch, known as the Deuxième Bureau, during the late 1950s and early 1960s. Their top priority was to guard against Palestinian 'subversion'. Palestinians were considered a serious threat to Lebanese stability, and the President of the Republic at that time, Fouad Shihab, decided to curtail Palestinians' movement inside the

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<sup>12</sup> A Common Challenge, A Shared Responsibility: The International Donor Conference for the Recovery and Reconstruction of the Naher el Bared Palestinian refugee Camp and Conflict-Affected Areas of Northern Lebanon, Vienna, 23 June 2008

<http://unispal.un.org/UNISPAL.NSF/0/5F1D35237417B4748525749E0053DC3F>

country. Hence, Palestinian refugees were subjected to several restrictions, which led to a widespread discontent amongst the refugees.

Currently, the Lebanese Army uses a number of means to restrict Palestinian refugees and foreigners movement in NBC. These means, which are part of a single coordinated control mechanism, include the following: permanent checkpoints, separation razor wire fences, closed roads or roads with restrictions on Palestinian use, and the access and permit regime. By implementing these policies, the LAF has split the camp into two areas: the Old Camp, and the Adjacent Area, also known as the 'New Camp'. Entering the Adjacent Area is difficult and slowed by checkpoints. Also, the LAF severely restricts the entry of Palestinians to the Old Camp and impedes Palestinians from entering certain locations, such as the cemetery.

These restrictions have significantly affected the daily lives of Palestinians in commerce, in need of medical treatment, in educational institutions, and in conducting social activities. Simple actions such as going to work in a nearby town or visiting relatives entail bureaucratic procedures and great uncertainty. Often, the end result is that the Lebanese Army denies the application for a permit.

International human rights law requires Lebanon to respect the right of residents over its territories to move about freely. This right is recognized in article 13 of the Universal Declaration of Human Rights and in article 12 of the International Covenant on Civil and Political Rights.

Lebanon is entitled to protect itself by employing various measures, including the imposition of restrictions on movement. However, the breadth and duration of the illegal restrictions it has imposed, including the declaration of NBC and the adjacent area as a 'military zone', and the resulting grave harm that this policy has caused constitutes a flagrant breach of Lebanon's local and international legal obligations.

### **A. MILITARY ZONE DECLARATION**

**Article 65 (paragraph 5) of the Lebanese Constitution, amended by the Constitutional Law no. 18 of 21/9/1990, expressly conferred on the Cabinet's power to declare a state of emergency;** This article reads as follows: *'Council of Ministers meets periodically at a special headquarters and is headed by the President when he attends its meetings. The legal representation for the meeting is the majority of two-thirds, and decisions taken by consensus. If this is not possible, then voting should take place and decisions taken by the majority of the audience. As for major issues, they need the approval of two thirds of the members of the Government specified in the decree forming it. What are considered major issues are to amend the constitution, declare a state of emergency and its abolition, war and peace, general mobilisation, international agreements and treaties, the state's budget, overall development and long-term plans, the appointment of staff in the first class positions or its equivalent, to reconsider the administrative division, dissolving the Chamber of*

*Deputies (Parliament), the election law, the law of nationality, personal status laws, and the dismissal of Ministers’.*

**Article 2 of the legislative decree no. 52 issued on 5 August 1967 concerning the declaration of a state of emergency or military zone, states that: ‘An emergency or military zone is declared through a decree of the Council of Ministers, afterwards, the Parliament should meet in a period of 8 days, to consider this measure if it is not in session’.**

Despite the fact that there is clear national legislation identifying the legal procedures of declaring a military zone, this has not been taken into account regarding Naher el Bared, which has been demarcated as a military zone since September 2007.

**This brings to our attention the illegality of its implementation, and furthermore, Lebanon’s violation of article 12 of the ICCPR.**

When PHRO has raised this fact with the LAF, the latter always provides the pretext that national security is threatened and therefore restrictions must be imposed. It is important to highlight that such procedure is in violation of *General Comment 27 (67<sup>th</sup> session, 1999)*,<sup>13</sup> which made clear that restrictions must be provided by law in order to be permissible. It is noteworthy to mention that, according to paragraph 3 of General Comment 27, ‘State parties should provide the Committee<sup>14</sup> in their reports with the relevant domestic legal rules and administrative and judicial practices relating to the rights protected by

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<sup>13</sup>[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/6c76e1b8ee1710e380256824005a10a9?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/6c76e1b8ee1710e380256824005a10a9?OpenDocument)

<sup>14</sup>Now Human Rights Council

article 12<sup>15</sup>, taking into account the issues discussed in the present general comment. They must also include information on remedies available if these rights are restricted, which has thus far not taken place’.

## **B. CHECKPOINTS AND FORBIDDEN AREAS**

The LAF enforces restrictions on NBC residents and visitors’ freedom of movement using a system of checkpoints.

There are five designated checkpoints located at the entrances of the Adjacent Area: Al-Abdeh, Al-Bayader, Al-Mhammara, Al-Minyeh and Behnin.

Due to the unavailability of a clear procedure on how the LAF should manage individuals passing through the checkpoints to enter NBC, PHRO found that checkpoint procedures varied from one location to another. However, Palestinians face particularly harsh treatment at the Al-Mhammara and Al-Abdeh checkpoints.

Restrictions on Palestinians wanting to cross checkpoints vary from checkpoint to checkpoint and from time to time. At all of them, any person seeking entry has to show an identity card and a crossing permit, which are checked in the customary manner at the particular checkpoint. If the individual is a Lebanese citizen, he/she can enter without a crossing permit only from Al-Abdeh checkpoint. All foreigners, including Palestinian refugees, have to show an identity card and a crossing permit at all five identified checkpoints. Soldiers inspect vehicles and passengers’ belongings, especially at Al-

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<sup>15</sup> Article 12 of the ICCPR, related to the right to freedom of movement

Mhammara and Al-Abdeh checkpoints; yet there is no concrete logic about why soldiers conduct the searches at these locations and not at the other three checkpoints.

In addition, the LAF has closed off access to the Old Camp and other localities, such as cemeteries, with a variety of physical means, among them concrete blocks, boulders and fences. Reconstruction efforts for the Old Camp take place very slowly due to the imposed restrictions. The camp's residents are not allowed to do the reconstruction themselves, and they were promised that rebuilding would be finished quickly. This promise has not been kept because of the permit regime. The LAF limits the number of permits issued per day for the workers in reconstruction; this has severely retarded the pace of reconstruction. According to the Lebanese Army, the main purpose of the policy to restrict Palestinian refugees' movement is to protect northern Lebanon from radical Islamists and to preserve the security of the state. However, given that the restriction the LAF imposes in this effort are largely illegal, this policy only serves to aggravate the situation. The LAF approach to security comprehensively and disproportionately impedes the freedom of movement of the entire population of the camp. If the restrictions were intended to prevent the growth of Islamic radicalism, the policy would still be illegal, because it is sweeping and disproportionate, giving it a semblance of collective punishment, which is forbidden by international law.

Furthermore, LAF policy is based on the assumption that every single Palestinian is a security threat, thereby justifying restrictions on his or her freedom of movement. This assumption is racist and leads to the

sweeping violation of the human rights of an entire population on the basis of national origin. As such, the policy flagrantly violates international law, mainly article 5 of the Convention on the Elimination of all Forms of Racial Discrimination (CERD), which states that all people have the right to freedom of movement and residence within the borders of the state, the right to leave any country, including one's own, and to return to one's country.

### **C. SPLITTING THE OLD CAMP AND THE ADJACENT AREA**

Another major restriction on movement that the LAF has imposed on Palestinian refugees is splitting the area Palestinian refugees used to reside in before the 2007 clashes into two geographical areas: the Old Camp and the Adjacent Area. The restrictions have made accessing the Old Camp impossible for its inhabitants, whereas accessing the Adjacent Area is subject to various conditions such as a obtaining a residence permit for those living there and a visitor's permit that cannot be obtained without providing<sup>16</sup> a justification for the visit. Almost every attempt to access the Adjacent Area entails a great loss of time, much uncertainty, and friction with soldiers. To enter the Adjacent Area, people must pass through one of the five checkpoints, provided that they meet the conditions and restrictions that vary from checkpoint to checkpoint at different times.

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<sup>16</sup> Any non-Lebanese citizen willing to visit the Adjacent Area, needs to obtain a military permit from the Lebanese Military Intelligence office in northern Lebanon. Individuals are then required to undergo an interrogation of their reasons for wanting to obtain a permit, but are not guaranteed to receive one.

The splitting of the Old Camp from the Adjacent Area is enforced by an integrated use of various means of control. It is important to mention that by January 2011, 300 families are

*In late July 2010, the PHRO has applied to obtain permits for its staff members who are not based in the north. Till the date of issuing this report, the PHRO has neither received the permits nor had heard reasons for why the requested permits were not issued yet.*

expected to move to live in the first of eight residential packages planned for the Old Camp, and it is still unclear what access system will be imposed between the Adjacent Area and the Old Camp.

#### **D. MOVEMENT-PERMIT REGIME**

Following the end of the 2007 NBC conflict, the LAF's designation of the camp and the surrounding area as a military zone; the LAF deployed checkpoints at each entrance to the camp. These checkpoints barred entry to Palestinian residents who had not obtained a permit from the LAF's Directorate of Military Intelligence. Not only the residents of the camp were affected by the regime but also Palestinian and Lebanese visitors, NGOs and donors staff, diplomats, reconstruction staff, and many other stakeholders involved with the NBC area. The permit system has reminded refugees of the restrictions they have faced in the 1950s, when all Palestinian refugee camps were controlled by Lebanese intelligence services known as 'Deuxieme Bureau'.

From its inception, the permit process has been unclear, and no precise procedure has been communicated to the Palestinian community. During the past three years, the permit system has

repeatedly changed with little or no explanation, including the colour of the permit, the time period of its validity, and the requirements for obtaining it. Likewise, there has been no consultation with Palestinian stakeholders on these changes.

The Directorate of Military Intelligence divides the permits into three categories: the living permit, the visiting permit and the work permit. Only the specific Old Camp work permit gives one access to the demolished areas; all other permits allow refugees to only enter the Adjacent Area of the camp.

## **1. LIVING/RESIDENCY PERMIT**

- a. Description:* Characterised by its white colour, it is given only to people who used to live in NBC as per the recommendations of the Popular Committee of the camp. In the beginning, it was issued on a family basis in the name of the head of the family listing all its members. The permit issued has no expiration date. The Lebanese Army, Directorate of Military Intelligence first changed the permit from one permit per family to an individual permit for every person above 18 years of age. Later, the maximum age for entry without a permit became 13 years of age, which has raised more problems at the checkpoints, as the soldiers base their position on the physical appearance of the refugee rather than the stated age of the ID card.
- b. Process:* To apply for this permit, a refugee is requested to submit their ID card along with their UNRWA ration card to

the Directorate of Military Intelligence. However, after a period of time, the request for the ration card was cancelled. The permit is only issued at the office of the Directorate of Military Intelligence in Al-Qubeh – Tripoli. There is no clear duration required for the issuance of this permit, as the process falls under the will of the intelligence agent and might vary from a few hours to months without any communicated criteria.

## 2. VISIT PERMIT

- a. Description:* Characterised by its yellow colour, the time period for its validity varies, ranging from three days to six months.
- b. Process:* Any Palestinian refugee wanting to visit his or her family or, in general, to visit the camp is required to apply at the offices of the Directorate of Military Intelligence in Al-Qubeh- Tripoli. The documentation required is the ID card of the person.

## 3. WORK PERMITS

- a. Description:* Work permits are divided into two types among the camp areas: the Old Camp entry and the Adjacent Area entry permit. The Old Camp permit has been green and pink, while Adjacent Area permits have been white, blue and green. The duration as well varies; at first when it was white it had no expiration date, but it evolved later to expiring after one, three or six months.

**b. Process:**

**i. Adjacent Area Permit:** During the early stages of the permit regime, all NGOs had the right to apply on behalf of their staffs who work in the Adjacent Area. This practice has been changed, and now each NGO staff member has to go by him/herself to the Al-Qubeh Directorate of Military Intelligence to apply for his/her permit. It is noteworthy to mention that this was experienced by the PHRO.

**ii. Old Camp Permit:** To get this permit, each person has to visit the offices of the Directorate of Military Intelligence in Al-Qubeh. The process has now been amended, and al-Jihad Company (the contractors from UNRWA for the rebuilding of the Old Camp) have been able to list the names of its employees and obtain permits for them all at once without visiting Al-Qubeh.

The procedures applied by the LAF have put restrictions on the entry of the Palestinians into the camp. In addition to the restrictions listed above, Palestinians have been ill-treated while visiting the directorate and while going through LAF checkpoints.

*While he was crossing Al-Mhammara check point, M.I., a 21 years old Palestinian Refugee, was beaten by one of the Lebanese soldiers serving there. The latter called M.I. and took him to his higher officer claiming that M.I. always uses irony when he talks to the Lebanese soldiers on the checkpoint. The officer hit M.I. and started insulting him without letting him saying a word to defend himself.*

The next section of this report will discuss how the permit regime affects different aspects of the life and infringes human rights in the camp.

## **V. CONSEQUENCES OF RESTRICTIONS**

The Lebanese Army's ambiguous permit procedures are affecting the economic, social and psychological health of the camp population.

### **A. ECONOMIC**

According to the traders committee<sup>17</sup> in NBC and in the absence of exact statistics, in an approximation, 1500 shops and trading services operated in the camp market before 2007, and the daily economic activity in the camp before the conflict with Fatah al-Islam was \$1 million, and exceeded \$10 million during the Eid holiday. NBC was considered an economic hub for the region due to its geographical location, its low prices and the ease of transportation in and out of the camp. Thousands of people visited the market every day and traders built their credibility with suppliers based on the sales activity and their history in paying back loans. After the conflict, businessmen lost their stocks and their ability to repay previous loans. A major problem for merchants was their low liquidity ratio and usage of the banking system, as most of the money in the camp was under the form of inventory or kept in houses. Today, three years after the cessation of hostilities, the daily economic activity in the camp is no more than thousands of dollars. Inventory was lost and houses where money was

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<sup>17</sup> Dialogue session organized on the 29<sup>th</sup> of September 2010 by PHRO in NBC

hidden were demolished. The merchants, after the Vienna Donors Conference in 2008, were promised compensation for what they lost, and they hoped that this money might encourage economic activity. Yet, these promises remain unfulfilled, and many merchants face bankruptcy in a situation where the unemployment rate has risen to more than 75%.

Another long term effect of the permits on the economy is the inability of families to sustain the education of their children. Families who lost their income because of the breakdown of the economic system

*Testimony*

*“...at that time, he was her fiancé. Soldiers on the checkpoint did not allow him into the camp, because he didn’t have any entry permit. It was in the afternoon, and he was coming from where he lives in Ain el Hilweh Camp. For him to get the permit, he had to come again from the south to the north during regular working hours. It was their marriage day, and this did not mean anything for the army. While he was standing outside and she was from the other side of the checkpoint they signed the marriage accord to continue their life together...”*

cannot afford any university fees. There is a need for further statistical quantitative research to assess the extent of this problem.

**B. SOCIAL**

As discussed in the introduction, NBC was considered a hub for the northern region. Families in the camp have built strong social and familial relations with both Palestinian and Lebanese communities. Marriages between families from different regions and nationalities had been very common and continuous visits were made before the conflict. After the destruction of the camp, it has been difficult for

family members to visit each other because of the permit system, and many violations of basic human rights have been recorded by the PHRO office in NBC.

The measures taken by the LAF are not only attacking the current residents in the camp but also the dead. As a religious and social obligation, refugees in the camp used to visit the cemetery very often. Today, however, security measures are taken around the cemetery, and access is only restricted to special times and dates to the extent that people are complaining to the LAF and requesting permits to visit their families' graves.

Not only the Palestinian refugees who are living in Lebanon have suffered from this system, but also other Palestinians who live abroad. Thousands come to visit their families either for normal visits, weddings, or to care for elderly relatives. Cases have been recorded by the PHRO team regarding how such violations affect people's daily life and social bonds are being broken in

*On April 17<sup>th</sup>, 2010, a Palestinian family was forbidden from entering the camp to share and participate in the funeral of their grandfather even though their names were listed at the checkpoint of the camp.*

Palestinian society because of the permits regime.

### **C. MORAL RESPECT AND HUMAN DIGNITY**

The mixture of the population in NBC has created a mutual respect between the people living there. Before, people lived comfortably and in a stable environment where seniority, female privacy, human dignity and social stratum were respected. After 2007 NBC conflict

and since the application of the permits system, however, individuals have to wait at the checkpoint for the Lebanese Army to allow them entrance to their houses. The elderly, university professors, young students and religious figures are now arrested at checkpoints, searched and sometimes denied entry to the camp. For example, a PHRO team in NBC recorded that on July 17<sup>th</sup>, 2010, a child was stopped because he 'looked' over 13 years of age but could not supply an entrance permit. Other claims were presented at PHRO's Office in NBC by a sheikh and an old man during a dialogue session organised by PHRO on the 29<sup>th</sup> of September in NBC discussed the permit system and its effects on people's lives. They mentioned the extent to which they felt humiliated after living for more than 30 years in the camp and now have to be searched at the checkpoint. One individual requested from Lebanese Palestinian Dialogue Committee (LPDC) president Mrs. Maya Majzoub, who was a main speaker in the session, to describe the characteristics of Palestinians who are allowed to enter the camp free from any humiliation, which is a fundamental right of living in dignity.

## **VI. RECOMMENDATIONS**

The LAF claims that all these measures are to distinguish between severely damaged and contaminated with unexploded ordnance (UXO) areas. Knowing that the Lebanese Mine Action Center (LMAC) has certified the old camp and the adjacent areas as free from Unexploded Ordnance (UXO) the LAF didn't take any measure to correct the wrongdoings.

Therefore we recommend the below:

1. Encourage the Lebanese army to respect the fundamental Right of Free Movement by ending the military restrictions imposed around NBC. This includes the following:
  - Removing the razor wire fences surrounding the camp,
  - Ceasing the ill-treatment in the directorate and at the checkpoints,
  - Ending the military permit regime for accessing NBC.
2. Set (meanwhile) a clear procedure for obtaining any kind of the access permits and facilitating access for all humanitarian activities to the camp.
3. Re-build the confidence between the Lebanese and the Palestinian communities by conducting mutual dialogues sessions
4. Encourage the Government of Lebanon to fulfil its commitments to transfer the camp's security control from the LAF to the Internal Security Forces as mentioned in Vienna Conference.

## **VII. THANK YOU NOTE**

The PHRO firstly extends its gratitude to Naher el Bared Camp inhabitants, particularly who documented violations that took place against them at our Monitoring and Documenting Human Rights Violation Unit and participated in our educational and dialogue activities. Your participation has been valuable to us and contributed in citing several facts presented in this report. We hope that this report meets your expectations and stands convenient with the trust you provided to PHRO.

Also, PHRO extend its appreciation to partners and donors who support the PHRO morally and financially to sustain its mission in promoting, protecting and defending the rights of Palestinian refugees in Lebanon.

Further advanced gratitude continues to all stakeholders, whether local or international, who will benefit from this report and mainly who will hardly support the recommendations' implementation, which if put into operation, will eliminate some of the hazardous and brutal situation that Palestinian refugees in NBC are suffering from.

Finally yet importantly, PHRO extend its gratefulness to all staff members, associates and experts who contributed to producing this report whether in researching, drafting, consolidating information, reading and commenting on the various drafts.

N.B. A more comprehensive report on human security in Naher el Bared will follow in December 2010. PHRO's efforts emphasized in this series of reports, as well as in the set of dialogue sessions that are taking place in PHRO's NBC center aim at assisting the Lebanese efforts to rebuild a state of law and institutions.