



المنظمة الفلسطينية لحقوق الإنسان (حقوق)  
**Palestinian Human Rights Organization - PHRO**  
Member of International Federation for Human Rights (FIDH)  
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Beirut 19 August 2013

**Border control at the Bekaa border crossing point  
Hinders Palestinian Syrian Refugees fleeing to Lebanon**

The testimonies, collected by the **Palestinian Human Rights Organization (PHRO)**, indicate that the **Lebanese General Security** at the border-crossing in **Bekaa** have for the past month, hindered the entry of **Palestinian Syrian Refugees** into **Lebanon**. The actions of those managing this border-crossing are incompatible with the duties of the **Lebanese Authorities** in accordance with international humanitarian law (which regulates the situation of refugees during times of crises). These measures demonstrate the discriminatory treatment experienced by **Syrian Palestinian Refugees**. These discriminatory actions are in violation of international declarations, covenants and agreements which prohibit discrimination on the basis of race, religion, political opinion or viewpoint.

**PHRO** interviewed a number of **Syrian Palestinian Refugees**, who entered **Lebanon**, after the **Lebanese General Security** had started administering stringent border control. The following information was recorded:

1. Between 30<sup>th</sup> July and 8<sup>th</sup> August 2013, a large number of **Palestinian Syrian Refugees** were seen crowded in no man's land (*Terra nullius*), between the central **Syrian** border (**Jdeidet Yabous**) and the **Lebanese (Al Masnaa border)**. Despite the fact that the armed fighting in **Syria** is intensifying, hundreds of these refugees have been forced to return to **Syria**. These refugees face many risks including the possibility of being arrested or falling victim to armed clashes.
2. Border control has been enforcing the acquirement of valid travel documents and exit permits by refugees. These exit permits can only be obtained from the **Palestine Control Department (Syrian Immigration Department, Ain Karesh)** in **Damascus**. These refugees are also required to declare where they will be staying once they enter **Lebanon**. This measure only allows for the entry of **Palestinian Refugees** who have relatives in **Lebanon**, or for those who hold travel tickets (which ensure that they will leave **Lebanon** within a week). **Palestinian Syrian Refugees** have now been relieved from paying an entrance fee to **Lebanon**. However, if their residency in **Lebanon** is prolonged, they are required to revisit the **Lebanese General Security** to apply for a residency permit and pay all the related fees. If their application is refused, they will be instructed to leave **Lebanon** within a given period, otherwise they will be considered illegal. However, it is very complicated for **General Security** to enforce these residency permit regulations.
3. **Palestinian Syrian Refugees** face extensive risks in moving. This is especially the case for those residing in the **Yarmouk** refugee camp, which is exposed to shelling. Moreover the process of acquiring exit permits is very complicated. Those seeking access to the **Palestinian Control Department (Syrian Immigration Department, Ain Karesh)** in the centre of **Damascus** are exposed to dangers as the Department



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is in an unstable area. Furthermore, the application process requires a long time and they cannot return home waiting for approval to leave **Syria**. It has been said that this approval is haphazard, often depending on the mood of employees' or the provision of financial bribes. Some **Syrian Palestinians** have complained that they were treated in an improper manner, which they feel infringed on their dignity. In addition, those who request exit permits from **Syria** are sometimes subject to investigation and interrogation. If there is any suspicion that the individual has relatives who are opposed to the regime, he/she may be refused an exit permit and may be subject to arbitrary detention and torture.

4. Even for those who have the required documents, many are still un able to enter **Lebanon**, unless they pay large amounts of money to drivers or brokers who will be able to smuggle them into the country.
5. The **Lebanese** state's requirement that **Palestinian Syrian Refugees** have residency documents in order to enter **Lebanon**, should only apply in times of peace and not during wars and crises, such as the current situation in **Syria**. The exit permit, which the **Lebanese** state requires **Palestinian Syrian Refugees** to be in possession of, is incompatible with international laws and humanitarian norms. **Article 31**<sup>1</sup> was written with the understanding that: refugees fleeing wars and conflicts may have lost their personal identification documents; or these documents may have been destroyed; or these refugees may need to flee in such a hurry that they are unable to sort out the necessary documentation. Therefore, the duty of the **Lebanese** state is to ensure places of asylum for **Palestinian Syrian Refugees**, without demanding them to present official identification papers and declare where they will be staying once they enter **Lebanon**.
6. Applicants, crowded in front of the public security centre at the border post have experienced verbal rebukes and sometimes even been physically assaulted.

### Testimonies

**1st Testimony:** M.Z. entered **Lebanon**, after paying a bribe amounting to \$200 at the **Lebanese General Security Al Masnaa** border crossing on **Friday, 08/09/2013**.

**2nd Testimony:** on **Thursday, 08/08/2013**, R.M, who was over 70-years-old, entered **Lebanon** after spending the night in an open area. Her son and her grandchildren, one of them a child, were prevented from entering **Lebanon** and were sent back to **Syria**. The family were thus separated between **Lebanon** and **Syria**.

<sup>1</sup> According to Article 31 (1) of the Convention and Protocol Relating to the Status of Refugees of 1951, refugees fleeing from conflict situations cannot be prosecuted for illegal entry into an asylum state. However, on entering illegally these refugees are required to 'present themselves without delay to the authorities and show good cause for their illegal entry or presence.



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**3<sup>rd</sup> Testimony:** A. S. told us that he was allowed to enter **Lebanon** to spend the **Eid** holidays with his family (his wife and children are living with their grandfather in a suburb of **Beirut**). After **Eid**, on returning to **Syria** he had to spend the night in the open at the border. He said that he was able to initially enter **Lebanon**, because the **Lebanese General Security** chose him through random selection. He confirmed that hundreds were prevented from entering **Lebanon** and were forced to return back to **Syria**. Many of these refugees were exposed to insults and curses and some had their identification papers torn up by the **Lebanese General Security**. Others were prohibited from entering **Lebanon** for a year. In **Syria**, individuals whose identification papers have been torn up are held legally accountable. The process of acquiring new identification papers requires formal, complex transactions.

*\*The names contained in these testimonies are not real names, so as to avoid exposing the interviewees to risk of prosecution or danger as a result of testifying.*

### **Breaches of International Humanitarian Law**

The procedures taken by the **Lebanese Authorities** at the **Al Masnaa** border are considered to be a violation of international law and international humanitarian law:

1. The refugees fleeing the civil war<sup>2</sup> in **Syria** should be considered victims and other states should provide relief and shelter for them.
2. The **Lebanese** state is party to the **Geneva Conventions** and it is therefore obliged to respect international humanitarian law under all circumstances. Measures which the State takes to prevent and / or obstruct and / or restrict the entry of **Palestinian Syrian Refugees** into **Lebanon** are in direct violation of the four **Geneva Conventions**. Furthermore, the fact those **Palestinian Syrian Refugees** fleeing the civil war in **Syria** are at risk of being: denied entry, arrested, injured or dying is a violation of **Article 26** of the **Vienna Convention** on the Law of Treaties<sup>3</sup>.

<sup>2</sup> A civil war, known as a non-international armed conflict, occurs between the armed forces of the State and dissident armed forces or organized armed groups, who control part of the land and able to carry out armed continuous and coordinated operations. Civil war is subjected to Geneva Conventions, according to the Second Protocol of 1977 additional to the Geneva Conventions; and Article 3 common to the four Geneva Conventions of 1949.

<sup>3</sup> Geneva Conventions, 1 - 4, Article 1, Protocol 1, Article 1 and Article 80 (para 2). Article 26 of the Vienna Convention on the Law of Treaties confirms that all countries signatory to international treaties, are required to implement these treaties.



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3. **The Palestinian Syrian Refugees** should be considered as refugees<sup>4</sup> according to the definitions contained in international law. The responsibility for allowing their exit from **Syria** (a country in crisis) to **Lebanon** (an asylum state), is a matter of state sovereignty. However, this sovereignty is subject to state obligations under international law. On the other hand, international organizations that care for these refugees (**UNHCR and UNRWA**), are responsible for these refugees even before they enter **Lebanon**.
4. The measures imposed by the **Lebanese Authorities** on the **Palestinian Syrian Refugees**, along the **Lebanese** borders, are in violation of **Article 23** of the Convention relating to the Status of Refugees<sup>5</sup> and **Article 14 (1)** of the **Universal Declaration of Human Rights**<sup>6</sup>.
5. According to witnesses, women and children are among those who have been hindered or prevented from entering **Lebanon**. The witnesses assert that some of them have experienced insults and physical assault at the **Lebanese Al Masnaa** border. Such incidents are in direct violation of international human rights conventions<sup>7</sup>, including the United Nations Convention on the Rights of the Child of 1990<sup>8</sup>, of which Lebanon is a signatory.
6. The measures experienced by **R.M** (2<sup>nd</sup> Testimony), who was allowed to enter **Lebanon** but whose family members were prevented from entering, indicate a violation of the principle of family unity, by the **Lebanese Authorities**. This principle of family unity, included in the text of the **Fourth Geneva Convention**, emphasizes the need to maintain the unity of families in times of

<sup>4</sup> The Convention Relating to the Status of Refugees of 1951 (Refugee Convention) as well as the Protocol Relating to the Status of Refugees of 1967, defines a refugee as:

A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

<sup>5</sup> Article 33 of the Refugee Convention:

No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

<sup>6</sup> Article 14 of the Universal Declaration of Human Rights (UDHR) of 1948: "Everyone has the right to seek and to enjoy in other countries asylum from persecution."

<sup>7</sup> Geneva Conventions of 1949, and additional Protocol, "Children must be object of special respect and shall be protected against any form of indecent assault" (Protocol 1, Article 77). Article 5 of the UDHR states that "no one shall be subjected to torture or punishment or cruel, inhuman or degrading treatment."

<sup>8</sup> Article 19 (1) OF THE Convention on the Rights of the Child:

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.



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war and armed conflict. Furthermore, these measures indicate a lack of respect by the **Lebanese Authorities** for **Section 3 of Article 16** and **Section 2 of Article 25** of the Universal Declaration of Human Rights<sup>9</sup>.

7. On assessment and analysis of the actions taken by the **Lebanese Authorities** at the **Al Masnaa Lebanese** border, **PHRO** has found that these actions are restrictive toward and discriminatory of **Palestinian Syrian Refugees**. These restrictive measures are in direct contravention of international humanitarian law and international covenants which prohibit any form of discrimination<sup>10</sup>.

### **The need to address these actions**

#### **The Palestinian Organization for Human Rights (PHRO):**

1. Condemns the obstruction of entry into **Lebanon** of **Palestinians Syrian Refugees** fleeing the civil war in **Syria**.
2. Testifies that the procedures that are currently taking place at the **Al Masnaa** border are in violation of the international declarations, covenants and agreements which apply during times of crises and conflict. The actions also violate international conventions and agreements related to the elimination of all forms of discrimination.
3. Calls on the **Lebanese Authorities** to put an end to this discriminatory treatment of refugees, and open the border to refugees fleeing the ongoing war in **Syria**, whether they are **Palestinians Syrians or Syrians**.
4. Requests the **Lebanese Authorities** to receive the refugees in a humanitarian way, taking into consideration their situation as refugees. The

<sup>9</sup> Article 16 (3) of the UDHR: "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State."

<sup>10</sup> Article 2 of the UDHR:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination of 1969, defines discrimination as:

"racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Article 2 (a) of Part I of the Convention states: " Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation"



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refugees must be treated in a manner that protects and upholds their dignity. Particular attention must be shown to women, children, the elderly and those with special needs. This is especially pertinent as recently the **Lebanese Authorities** have been shirking their responsibility of harbouring refugees who fall into these categories.

5. Urges the **Lebanese Authorities** to consider the equal entitlement of undocumented refugees, to seek asylum. **The Lebanese Authorities** must develop a means to accommodate undocumented refugees (such as provision of temporary identification papers), and guarantee them surrogate protection.
6. **The Lebanese Authorities** should allow civil society organizations, especially national and international human rights organizations, access to border points. This will enable these organizations to monitor and ensure that the **Syrian Refugees** are being humanely treated, and are aware of their rights. These organizations can also offer guidance to these refugees on places within **Lebanon**.

***Palestinian Human Rights Organization (PHRO) is an independent, non-governmental, non-partisan and non-profit Human Rights NGO which was formed by a private initiative. Established in 1997 it is recognized in Lebanon under registration no. 36/AD. PHRO is devoted to the promotion, protection and defense of the Human rights of Palestinian Refugees in Lebanon and the wider MENA region. PHRO is an active member of the following coalitions: the International Federation for Human Rights (FIDH), the Euro-Mediterranean Human Rights Network (EMHRN) and the Arab Organization for Human Rights (AOHR).***