

Statement on the Return of Syrian Refugees:

We, the undersigned organisations, condemn the ongoing Russian and Syrian governments' efforts and calls for the return of Syrian refugees to the same life-threatening conditions from which they fled; and call for the International Human Rights Law principle of non-refoulement to be upheld without restriction or exceptions. We also call for the creation and guarantee of the necessary legal, political and humanitarian conditions to allow for the voluntary, safe and dignified return of refugees.

On the 30th of August 2018 the Russian Foreign Minister reiterated his government's controversial proposal saying: "The necessary conditions have been created for peaceful life and a return of the refugees". This statement is in line with mounting diplomatic efforts to push for refugee return, unconditional funds for reconstruction and lifting sanctions currently placed on Syria. Russian diplomats are pushing for this proposal within both UN and EU. They have already started negotiating its logistics and mechanisms with Lebanese and Jordanian state officials, while UNHCR and other humanitarian bodies have so far been completely marginalised from the process.

1) The Russian proposal for refugee return is political, biased, selective, and lacks any form of accountability.

The politicisation of repatriation transforms refugees' right to return into a bargaining chip subject to inter-state negotiations. Since August 2018, Russia has been pushing forward a proposal for the return of millions of Syrian refugees in neighbouring and other countries. The proposal politically exploits the issue of repatriation to put pressure on the international community to release funds unconditionally to the Syrian authorities under the umbrella of "reconstruction". It also encourages the normalisation of the international community's relationship with Assad's government which according to UN reports engaged in war crimes and crimes against humanity and lift sanctions. **Being politically driven, this proposal neither addresses the conditions required for safe and voluntary return nor the root causes behind collective displacement. It effectively stabilises the same authoritarian oppressive structure that was the ultimate source of hardship and displacement in the first place.** It also carries the high risk of regenerating new rounds of displacements, injustices and popular grievances.

The Russian initiative is already being administered in such a way that enables political bias and permit its use as a punitive mechanism. Risks of human rights violations, such as detainment, extrajudicial killings and forced conscription into an army that has breached international humanitarian law in a widespread manner, are exacerbated by the partiality of state and non-state actors that administer those processes. The Syrian-Russian Joint committee for displaced Syrians is headed by Hussein Makhoul, Bashar al-Assad's maternal cousin whose name is on various sanctions lists. Hezbollah has also co-established several registration centres while a Russian-Lebanese committee will soon be set up to serve as a diplomatic and logistical link with the Syrian-Russian committee. Hezbollah, as is well known, is an active warring party in the Syrian conflict and was itself directly involved in numerous instances of forced displacement.

This initiative incorporates a discriminatory vetting process that will inevitably deny hundreds of thousands of refugees their right to voluntary and dignified repatriation. The Syrian-Russian Joint return committee is presumably responsible for vetting refugees' 'eligibility to return'. The vetting process currently assesses refugees' proximity to the state, from the point of view of Syria's notorious security branches, by running their names through their databases. This grants unimpeded authority to the Syrian authorities to choose the refugees it will allow to return. In effect, *over a million and a half of those reportedly "wanted" by various security branches*, whether due to their political views or for forced conscription, will be deprived from their right to return. It also restricts their families from returning and places additional risks on their safety if they do so.

The nullification and exclusion of any third-party monitors from the process absolves it from transparency and accountability. When UNHCR warned of the humanitarian and human rights repercussions of forced return, Lebanon's Minister of Foreign Affairs threatened to halt the agency's staff residency permits, and the Russian Foreign Minister accused the UN of obstructing refugee return and reconstruction efforts. This only confirms the extent to which the repatriation process is subject to political, rather than humanitarian and human rights, considerations.

Moreover, the initiative itself, along with the rhetoric being deployed to promote it, will have far reaching repercussions in pushing for more restrictions on refugee communities and instigating societal violence directed against them. This has already pushed people to return against their will.

2) Assad Government's structure and practices have essentially remained unchanged. It is still the same authoritarian, exclusionary structure that the international community at large has labelled illegitimate. Supporting this cause therefore is against the democratic values and international obligations committed by the member states of the UNGA

Pre-conflict and war-time violations that pushed Syrians to seek refuge are still ongoing, evidenced by reports of numerous human rights organisations. One of the underlying presumptions behind Russia's initiative is that the country is profoundly safer in the areas that were recaptured by the government. We have no evidence that this is the case, and this assumption disregards some of the essential reasons behind the displacement of a large number of Syrian refugees.

Assad Government's ongoing and systematic persecution and collective punishment, arbitrary detention and forced disappearance, torture and extrajudicial killing, in addition to forced conscription to join army accused of committing war crimes, are some of numerous human rights violations that continue to be committed inside the country against government supporters and opposition alike. The Syrian Network for Human Rights (SNHR) has documented 647 cases of enforced disappearance since July 2018, 419 of which were committed by Syrian authorities, and reports that 108 military raids and inspection operations have been conducted by the Syrian army and paramilitary forces since then. No less than 95,000 are still detained, the majority of whom are thought to be in the government's prisons. Over 700 people died under to torture in the July and August of this year alone, according to SNHR, the majority of which were in the custody of the Syrian government.

3) The government's recurrent violation of reconciliation agreements, coupled with its approach to "reconstruction" and its treatment of returnees, confirm our belief that repatriation will not be any different.

People who stayed in their areas or returned to their homes as a result of "reconciliation" processes have been subject to numerous violations. Authorities have repeatedly violated the guarantees that it had itself provided to residents under the purview of sponsoring states. The Syrian government has unrestrainedly, and in utter provocation and undermining of the International Humanitarian and Human Rights Law systems, detained and forcibly conscripted civilians in 'reconciliation' areas after having granted them assurances of safety and non-persecution. At least 19 persons were arrested out of 150 persons who returned to Eastern Ghouta after having received assurances of non-persecution from state officials in the reconciliation committee. A number of those detained were then killed under torture. Individuals, who themselves brokered a reconciliation agreement in Northern Homs, were recently detained in their areas, although the terms of the reconciliation agreement were supposedly guaranteed by Russia. It has also been reported that more than 100 persons were detained in different areas of Daraa despite receiving guarantees of safety from both state officials and Russian intermediaries. We therefore do not see how the fate of those who are pushed to return will be any different.

Forced conscription is in direct breach of “reconciliation” agreements, rendering Syrian and Russian government assurances of no value, and individuals conscripted to the army are highly likely to be forced to contribute to the atrocities and war crimes the army has been accused of. Authorities have also carried out raids in reconciliation areas to forcibly recruit young people into the army. This was a direct violation of the ‘grace period’ agreement in which the government would refrain from forced military recruitment for 6 months until those wanted for recruitment would ‘normalise’ their legal status. More than 100 young men were forcibly taken from their homes in Eastern Ghouta and placed in military barracks while several students have reportedly been refused military postponement.

Seizing and appropriating houses, property and lands of those who were forcibly displaced, under the label of “Reconstruction” violates their right to return. Hundreds of thousands of people who have been forcibly displaced from their homes risk land and property seizures through the introduction of Law 10. Displaced population’s land and property rights should be protected to ensure that their right to repatriation is upheld. These practices reinforce displacement and ultimately violate refugees’ right and ability to return.

Recommendations to UN member states and international organisations:

- Repatriation should essentially be preconditioned on the cessation and/or altering of the objective circumstances that forced people to become refugees. Member states should demand the Syrian government to stop its systematic abuse of its citizens’ human rights, immediately end all arbitrary detention, forced disappearance, torture and extrajudicial killing practices, and to immediately grant access for the Commission of Inquiry and the International Committee of the Red Cross, as well as impartial human rights groups to all detention centres.
- Reject calls for premature and forced return, and flag the areas in which these calls violate established non-refoulement principles and other Human Rights and International Humanitarian Law conventions. Member states bear the responsibility of any harm that refugees experience upon their return if this return was not fully voluntary.
- Refugee return should only be linked to measures that guarantee safe, voluntary and dignified return, and the removal of conditions that caused their displacement, not exclusionary vetting processes. Voluntary repatriation is a right not a virtue and should therefore be indiscriminate rather than selective. Structural and root causes of the conflict should be addressed and resolved through negotiations to allow for refugees to return.
- Emphasise to all stakeholders that unconditional funding of “reconstruction” will only empower authoritarian structures and policies, obstruct refugees’ ability to return, and is likely to fund war crimes. Actors have legal and moral responsibility to verify that their funds are not falling into the hands of sanctioned individuals and institutions and those who committed war crimes and crimes against humanity.
- Genuine reconstruction efforts should aim to create an environment for lasting peace and encourage Syrians to return. On the contrary, Syrian authorities are establishing laws and processes that obstruct refugees’ right and ability to return.
- Independent and neutral actors, led by the UNHCR, should play a role in monitoring return and providing protection for those who choose to return, and guarantee the rights of those who do not. UN agencies and other humanitarian actors should find the measures to protect people against forced return and to ensure the protection and safety of those who choose to do so. Conflict actors, especially those who are directly linked to forced displacement of people, should not be part of this process.
- Refugees have the right to return to their areas of origin with guarantees of preserving their Housing, Land and Property (HLP) rights during their displacement. Therefore, problems arising from loss of HLP or loss of documentations should be resolved as a precondition to their return.

Supporting Organisations:

- Basmet Amal
- Dawlaty
- Emissa, Fostering Community Resilience
- Fazaa for Development and Relief
- Hurras Network
- Initiative for New Syria
- Rethink Rebuild Society
- Syrians for Truth and Justice
- Syrian Legal Development Program
- Syrian Network for Human Rights
- Syrian Centre for Legal Studies and Research
- The Day After
- The Syria Campaign
- Women Now for Development