

The Dangers Surrounding the Forced Return of Refugees before Reaching a Peace Agreement



Ladies and Gentlemen,

We are sending this letter to proclaim our position on the forced return of refugees, which is one of the most important issues for Syrians. There are roughly 5.6 million Syrian refugees who fled from different Syrian regions to neighboring countries alone, for fear of being subjected to oppression. They particularly fear the Syria's Government forces and militias, which have not been deterred in using excessive force against areas beyond its control nor shown any regard for the international laws protecting civilians.

Since early 2018, and through local intermediaries affiliated with the Government of Syria (GoS), intensive discussions have begun on the return of refugees –with the support of some official and unofficial parties in multiple asylum countries. Furthermore, some regional and international parties and media outlets have begun to promote the notion that the war in Syria has ended, and that there are safe areas to which refugees must be returned. This is a very dangerous narrative, which pose serious risks to the lives of millions of Syrians.

Conditions for the return of refugees

The issue of refugee return is one of the most complex and critical issues. It is a political issue – as the motivation for Syrians seeking asylum in other countries is primarily political - and is also driven by security and economic considerations. Thus, the issue of refugee rep necessitates a genuine political process based on UN Security Council Resolution 2254, which focuses on governance; a timetable and process for drafting a new constitution; and holding elections as the basis for a Syrian-led effort to end the conflict. Safety should be ensured for the return of refugees. As such, a number of actions should be taken at several levels:

Security level:

- The most disturbing thing for Syrian refugees are the repressive practices by GoS security services and militias. The first step in this regard is to put an end to the practices of these

security services, within the framework of a genuine institutional reform of the security sector.

- The lack of accountability for GoS security services make Syrian women the most vulnerable to all forms of exploitation.
- Arbitrary arrests are one of the most important issues that discourage all refugees from returning to their homes. These arbitrary arrests are still taking place and are targeting even those who obtained settlement cards with GoS. In some cases, children have been arrested. In addition, there is extortion by the security services through the arrest or assault of women to pressure their families to surrender or force them into “reconciliations” (truces) with GoS.
- Reducing the hate speech run by media outlets affiliated with GoS and its allies against refugees, which labels them terrorists and traitors. Such speeches increase the likelihood of returnees being subjected to security risks. This is already happening to returning refugees, according to a statement by Lebanon's Minister of State for Displaced Affairs, Mouin Merheby on the death of ten Syrian refugees who returned from Lebanon to Syria.
- Compulsory military service is the issue that most discourages young men and their families from returning. Therefore, this issue must be dealt with specifically, as long as there is no political solution and the military establishment has not been reformed within the framework of a national political solution.

Legal level:

- The notion of reconciliation with the GoS is often ambiguous, as there are no legal basis to protect returnees and provide them with guarantees against potential violations.
- The forced return of refugees requires dealing with legal and illegal violations of refugee property, whether by expropriation of property by laws such as No. 10, illegal transfer of property to other individuals due to legal gaps or by influential persons who falsify property documents.
- It is necessary as well to deal with the laws and decrees issued during the last seven years regarding Syrians’ property, in addition to the judicial provisions that provided for the confiscation of many Syrians’ money because of their political views.
- Special courts, including the Terrorism Court, pose a real threat to all refugees returning home.
- There are problems related to personal papers and documents, as many Syrian women married and gave birth outside Syria without official documents, exposing them to many legal problems that must be quickly addressed. This problem is exacerbated as Syrian women cannot pass on their citizenship to their children, creating a legal limbo or statelessness for thousands.
- Housing and property; most real estate properties are registered with male names who may be absent as they make up the bulk of the dead, forcibly disappeared or those involved in fighting from all forces. As such, this is an obstacle for many returning refugees, particularly

women, to access their property which had been confiscated, seized or destroyed, and must be resolved within a legal framework.

Economic and Social Levels:

- The forced return of refugees requires proper infrastructure as a prerequisite to facilitate the rehabilitation of peoples' lives. Otherwise, early return will be considered as only a political file used to re-legitimize the GoS politically.
- The current employment situation is critical for residents in Syria, of which more than 85% live below the poverty line. Therefore, the return of refugees will add an extra burden on a population already suffering under the economic woes of the war.
- Forced return of refugees will lead to negative repercussions on the standard of living in general, as well as political violence, security, the weak judiciary system, social tensions due to population density and the inability of service institutions to meet the basic needs of the population. In addition, there are various economic burdens as well as the lack of employment. All these problems will create a fertile environment for extremism, and will increase the rates of violence and exploitation of women, especially those who have been refugees.

Accordingly, we, the organizations and networks which have signed on this paper find that:

- The pressure exerted on refugees in neighboring countries to push them to return to Syria, either formally or through intermediaries, is a violation of international humanitarian law as well as to the 1951 Convention Relating to the Status of Refugees which outlines the rights of the displaced, as well as the legal obligations of States to protect them. The core principle of this Convention is non-refoulement, which asserts that a refugee should not be returned to a country where they face serious threats to their life or freedom. This is now considered as part of customary international law.
- The relentless pursuit of refugee return as well as the pressure exerted by some parties on refugees is only a cover for obtaining funds for reconstruction by donor countries for the benefit of the GoS and its allies, without taking into account the political process in accordance with UN Security Council Resolution 2254. It also serves as to legitimize the continued violations perpetrated by the GoS for years.
- The refugee return issue is a political one; it must be carried out within the framework of a comprehensive political solution in accordance with the UN Security Council Resolution 2254. Any discussions about this critical issue without a political solution being achieved, mean continued violations against Syrians inside and outside Syria, as well as giving international legitimacy and cover for the continuation of violations.
- Priority must be given to internally displaced persons (IDPs) who cannot return to their homes and areas due to political persecution or due to a lack of basic services and infrastructure that have been affected by the war.

- Voluntary return, before a political solution is reached, must be supervised by a special committee headed by UNHCR. This committee should identify the risks that could surround those who wish to return. We therefore renew the call for the formation of a neutral committee under the supervision of the United Nations and with the participation of local and international organizations.

Signatories:

- **I Am She Network.**
- **Syrian Civic Platform**
- **Aman Network**
- **Center for Civil Society and Democracy**

Note:

This paper monitors the risks of forced return to areas under the control of the GoS and also addresses the effects of the Russian plan for the return of refugees.