

Annex I: Response from the Lebanese General Security Directorate

Translated from Arabic by Human Rights Watch

Republic of Lebanon
Ministry of Interior and Municipalities
General Security Directorate
No.: 1311/AE/S
Date: October 15, 2021
Human Rights Watch Organization

Re: Your letter on the return of Syrian refugees

References:

1. Law Regulating Entry, Stay, and Exit from Lebanon, dated July 10, 1962
2. Decree No. 10188, dated July 28, 1962 (implementing Law Regulating Entry, Stay, and Exit from Lebanon)
3. Resolution No. 320, dated August 2, 1962 (regulating entry and exit at Lebanese border stations)

With reference to the topic and in response to your letter containing a set of questions regarding the return of Syrian “refugees,” before giving specific answers to each question, we state the following:

First, it is important for the General Directorate of General Security (GSO) to clarify a range of issues related to the term “asylum,” with the intent of establishing Lebanon’s position on this topic within its applicable legal context.

Lebanese law regulates the issue of asylum in one place in its texts, namely in the text of Articles 26 through 31 of the Law Regulating Entry, Stay, and Exit from Lebanon, dated July 10, 1972. Based on these texts, there is no humanitarian asylum in Lebanon, only political asylum.

These legal articles determined the position on the issue of “humanitarian asylum” as a result of historical and social considerations that obligated Lebanon to adopt this position. These considerations also led Lebanon to not signing the 1951 UN Refugee Convention and its annexed and supplementing Protocols. This is how a “refugee” became, according to the position of the Lebanese state in the context of a Memorandum of Understanding it signed with the United Nations High Commissioner for Refugees (UNHCR), a person on the Lebanese territory who submits an application for asylum to a third country, and not to Lebanon.

Therefore, vis-à-vis the Lebanese state, those currently on the Lebanese territory, who are not “Palestinian refugees,” are either displaced Syrians or asylum-seekers to third countries registered with the UNHCR. Accordingly, the GSO does not agree with the designation of “Syrian refugees” mentioned in your letter.

In addition to the above, and despite the Lebanese state’s decision not to sign the 1951 UN Refugee Convention, Lebanon has abided by and applied many customary principles of the international humanitarian law, especially the principles of non-refoulement and non-forced deportation and the obligation of voluntary return of displaced persons, at a time when the Lebanese context is under considerable pressure that is not easy to bear and overcome.

In addition, it is important for the GSO to point out the fact that it is an executive administration, i.e., it is tasked within its jurisdiction with implementing the public policies established by the Lebanese government regarding domestic issues and questions. However, it is not responsible for formulating or approving these policies. This situation fully applies to the issue of the return of Syrian displaced persons and issues related to their situation in general.

Second, in response to the proposed questions:

1. Question 1

The process of voluntary return remains ongoing. However, travel to implement this process is suspended because of COVID-19 pandemic.

2. Question 2

Seventeen centers for voluntary return have been established, where displaced Syrians can present themselves to register their names. In light of this, tables are prepared by the GSO, which are later given to the Syrian side to inform them of the date of return. Meanwhile, the choice to return or remain in Lebanon is up to the Syrian in question.

3. Question 2(a)

Syrians present themselves voluntarily at these centers by personal choice and without any pressure or request from any other entity. Registering at one of these centers does not oblige them to return to Syria if they later wish not to do so.

4. Question 2(b)

The GSO does not interfere in the decision of the displaced Syrians or in their choice of place to go, but, for organizational requirements only, the GSO asks them about the area to which they want to return. As we indicated earlier, this is to provide the necessary logistical requirements, specifically in terms of providing means of transportation and identifying the land border crossing to be used by these means of transportation.

5. Question 2(c)

Lists for return are prepared by the competent authorities at the GSO after completion of the pre-registration procedures to determine a potential date for voluntary return.

6. Question 2(d)

The aforementioned lists are sent to the competent Syrian authorities for verification. They are then returned to the GSO after identification of the names of the people allowed to enter [Syria] and the names of those who have measures against them, in order to notify these registered people of the results.

7. Question 3

Between November 30, 2017 and September 21, 2021, approximately 575,767 (five hundred seventy-five thousand six hundred and seventy-six [*sic*]) Syrians have left the Lebanese territory voluntarily. It is not possible to determine the regions to which they returned because, as previously indicated, this is the personal choice of each individual returnee.

8. Question 4

Returning the displaced Syrian to his country is a process of “return” in the legal sense and not deportation because the person concerned is returned directly from the border before entering Lebanese territory. This means there is no deportation process and the GSO fully adheres to the non-deportation of any “displaced Syrians.”

Between April 25, 2019 and September 19, 2021, approximately 6,345 Syrians have been “returned” in implementation of the Higher Defense Council’s decision.

In addition to the foregoing, reference should be made to deportations that take place in implementation of judicial rulings issued by the competent courts, especially penal ones, as an additional penalty to the criminal penalty imposed as a result of the foreigner committing a criminal act.

9. Question 4(a)

Displaced Syrians are entitled to challenge the administrative deportation ruling before the competent judge (i.e., the State Shura Council). Likewise, they can object and consult the International Red Cross and competent organizations and have their files reviewed by the Prosecutor-General at the Court of Cassation to make the appropriate decision.

10. Question 4(b)

The GSO is tasked with implementing the decision of the Higher Defense Council, which is still in force in this regard.

11. Question 5

There were no deportation operations of displaced Syrians prior to the decision of the Higher Defense Council.

12. Question 6

The jurisdiction and legal responsibility of the Lebanese state vis-à-vis displaced Syrians exist as long as they did not leave the Lebanese territory. When they leave the Lebanese territory, the matter falls outside this jurisdiction and has nothing to do with the Lebanese state.

These are the GSO’s responses to the questions in your letter. We hope that you will kindly review and accept them with respect.

Director-General of General Security

Major General Abbas Ibrahim

Seal: Republic of Lebanon – Ministry of Interior and Municipalities – General Directorate of
General Security – Director-General