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WATCH

# “I Have No Idea Why They Sent Us Back”

Jordanian Deportations and Expulsions of Syrian Refugees



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## **Jordanian Deportations and Expulsions of Syrian Refugees**

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## Summary

Despite a decades-long history of hospitality that has earned Jordan an international reputation as one of the world's great refugee-hosting countries, since 2014, and especially in 2016 and 2017, Jordan has been marring that reputation by summarily deporting Syrian refugees. The authorities have been deporting refugees—including the collective expulsion of large families—without giving them a meaningful chance to challenge their removal and failing to consider their need for international protection. In the first five months of 2017, Jordanian authorities were deporting about 400 registered Syrian refugees per month, in addition to about 300 unorganized returns of registered refugees per month that appeared to be voluntary. Another 500 refugees per month were estimated as returning to Syria with little known about the circumstances of their return.

Collective expulsions and individual deportations of Syrian refugees spiked in mid-2016 and again in early 2017, according to an international humanitarian organization. While summary deportations of individual refugees continue at present, fewer cases of extended families being deported were observed by mid-year 2017. However, refugees and international humanitarian workers told Human Rights Watch that family members are increasingly choosing 'voluntary' return after the head of household has been deported.

International humanitarian workers said they believed that increasing deportation rates, including the spikes in deportations, are connected to authorities' response to armed attacks, either directly in reaction to the armed attacks themselves, or as an overall increase in security measures throughout the country following the attacks. These include an attack on Jordanian forces near the northeastern Rukban district in June 2016 that killed seven, and attacks around the southern city of Karak in December 2016 that killed 19. ISIS claimed responsibility for both attacks; Jordanian authorities have neither provided evidence that any deportees were involved in any of these attacks nor publicly alleged that they were involved.

Human Rights Watch interviewed 35 Syrian refugees in Jordan and an additional 13 Syrians by telephone whom Jordanian authorities had recently deported to Syria. Those whom authorities deported, or who knew or communicated with others who were deported, consistently said that authorities produced little evidence of wrongdoing before their

removal. Jordanian officials also did not give any real opportunity to Syrian refugees to contest their removal or to seek legal help or the assistance of the UN High Commissioner for Refugees (UNHCR) prior to their deportation.

Typical of those Human Rights Watch interviewed who were not informed about the reasons for their removal was “Nasser,” a father of eight who fled Syria in February 2012 after his daughter was injured in an attack; he was living in Irbid where she was being treated for her burns. Nasser and his whole family, including his parents, wife, children, and two of his brothers and their families, were all deported in January 2016. He said that the General Intelligence Directorate (GID) twice called him in, along with his 75-year-old father (who has a severe mental disability), to the GID detention center in Irbid, but only asked standard questions, like where he worked and how many kids he had. Later, they called him in a third time:

I came in and they didn’t ask me anything or say anything to me. They detained me, handcuffed me, and kept me in detention for two days. At 10 a.m. two days later, they told me to call my family and my parents and tell them to come meet me at the southern [Irbid] detention center. Once they arrived, they put us in a bus and sent us back immediately. Our parents too were deported, and my brother’s family and my other brother’s family.

I minded my own business. I had UNHCR documentation and we had Jordanian IDs. I had furnished a house, all my stuff remained there, it was all pillaged. They destroyed me and I swear I hadn’t done anything. If I had, I wouldn’t be arguing. But I have no idea why they sent us back. And you know what the situation in Syria is like. Airstrikes and war and death, and there is no treatment there for my daughter with her burned hands.

The Arab Charter of Human Rights, to which Jordan is a party, prohibits collective expulsions “under all circumstances.” The prohibition on collective expulsion is a due process requirement, namely, that each person’s circumstances must be weighed prior to expulsion, whether or not the principle of nonrefoulement has been breached. Jordan is also bound by the customary international law principle of nonrefoulement not to return

refugees to places where they would be persecuted or to expose anyone to a real risk of torture, or cruel, inhuman or degrading treatment.

While recognizing that Jordan has generously hosted more than 600,000 Syrian refugees, many for six years, and that support from the international community has been inadequate, these factors do not excuse unlawful collective expulsions and the return of refugees to serious risk of persecution, torture, and other human rights violations. Human Rights Watch calls on Jordan to stop the collective expulsion of Syrian refugees, to give individual Syrians suspected of being national security threats a fair opportunity to challenge the evidence against them, and to consider the risk of torture and other severe human rights abuse before returning them to Syria.

# Recommendations

## To the Jordanian Ministry of Interior

- Cease the collective expulsion of Syrian refugees.
- Scrupulously respect the principle of nonrefoulement, in particular, Jordan's treaty obligation not to return anyone to a place where he or she would be exposed to torture, or to cruel, inhuman or degrading treatment.
- Stop deporting individual Syrians without giving them an opportunity to challenge the evidence against them, and giving them the opportunity to obtain legal representation.
- Provide anyone at risk of deportation to Syria with the opportunity to meet with UNHCR as soon as possible after apprehension, including those in detention and at the Raba Sarhan processing site and at the Naseeb border crossing. With the consent of the individuals concerned, give UNHCR access to any evidence of a national security threat brought against a person of concern to UNHCR that could result in their deportation.
- Ensure that Jordanian officials and UNHCR fully inform any Syrian seeking voluntary repatriation about conditions in areas of return.
- Provide a publicly accessible, regular statistical accounting of deportations from Jordan, including the nationalities, demographic profiles, and reasons for removal.

## To the United Nations High Commissioner for Refugees (UNHCR)

- Seek full and unfettered access to Syrians at any place where refugees facing deportation are being detained, and particularly at Jordan's Raba Sarhan deportation processing site and at the Naseeb border crossing point.
- Intervene with the Jordanian authorities on behalf of anyone in need of international protection.
- Continue not to promote or facilitate voluntary repatriation of Syrian refugees from Jordan or other host countries so long as conditions to return in safety and dignity are not in place and sustainable.
- Provide Syrians inquiring about voluntary repatriation with up-to-date and accurate information related to the specific areas to which the person seeks to return.

- Monitor and report on conditions faced by Syrian voluntary returnees and deportees from Jordan.

## **To Donor Governments**

- Generously provide financial and other support to Jordan to enable it to provide safe and decent asylum space for Syrian refugees and asylum seekers.
- Press the Jordanian government not to collectively expel Syrian refugees.
- Call on the Jordanian government to respect the principle of nonrefoulement and not deport individual Syrians without giving them an opportunity to challenge the evidence against them, including by giving them the opportunity to obtain legal representation.
- Call on Jordan to cooperate fully with UNHCR, particularly with regard to any Syrians faced with deportation.

## **Methodology**

In May and June 2017, Human Rights Watch interviewed 35 Syrian refugees in Jordan and, by telephone, an additional 13 Syrians who had been deported from Jordan. Unless stated otherwise, Human Rights Watch conducted interviews in private settings—either completely alone or with family members present—with assurances of confidentiality. Researchers told interview subjects that they would receive no payment, service, or other personal benefit for the interviews. All were told that they could decline to answer questions or could end the interview at any time. Two of the three researchers interviewed Syrians in Arabic; one used an Arabic interpreter. To protect confidentiality, pseudonyms are used for all Syrian interview subjects. Human Rights Watch also met with nongovernmental and UN humanitarian agencies in Jordan. On August 7, 2017, Human Rights Watch wrote to the Jordanian Ministry of Interior with a series of questions relating to the findings in this report. As of mid-September, the Jordanian government had not responded.

## I. Extent of Deportations and Collective Expulsions

In the first five months of 2017, Jordanian authorities were deporting about 400 registered Syrian refugees per month, in addition to about 300 unorganized returns of registered refugees per month that appeared to be voluntary. Another 500 refugees per month were estimated as returning to Syria with little known about the circumstances of their return.

Deportations of Syrians surged in mid-2016 and again early 2017 after being infrequent before 2016, according to humanitarian aid workers and refugees. “About a year and half ago, things started to change,” said “Fatima,” a woman who has resided in Zaatari camp since February 2012. “I can’t even check up on my mother back in Syria because I’m afraid of what might happen. Things weren’t always like that.”

According to refugees living in Zaatari, collective expulsions have at times been a common occurrence. “Marzouq”, a 20-year old refugee from Daraa, said:

Some people are deported based on their city or village of origin. Everyone from the same village is sent back at the same time. For example, if you have a brother with the Free Syrian Army (FSA) and a snitch says your brother is with ISIS, they will take the extended family, uncles, everyone. I don’t think they see a judge. We see whole blocks emptying out.

“Sameh,” a middle-aged man living in the 5<sup>th</sup> district of Zaatari camp, said:

Sometimes I see an empty house and learn that the family that lived there got sent back at midnight the night before. My neighbor here was sent back. No one knows why, they don’t tell them why they are being deported, no one knows anything. Some people get sent to Azraq—either the whole family goes there—or they go to Syria. In the 8<sup>th</sup> district, 40 percent of people from that district, people from Otaiba [a village in Eastern Ghouta] and Inkhil [a town in Daraa in Southern Syria], have been sent back.

“Yousef,” who lives in the 8<sup>th</sup> district of the Zaatari camp, told us:

All the people living in this area were sent back. Five months ago, they sent my brother back, he didn’t even have enough money in his pocket to buy bread. I’m afraid to go outside the camp because they will take me and send me back. My brother and his family are now in Imtaiya [a village in Syria near Jordanian border], where only God is taking care of him. He is 45, with five kids. We don’t know why they sent him back. When we call my brother now we just say hello. If someone in your family is in a group why is it your fault?

Half of the deportees [who were in this area] are from Otaiba. Nine families on my street alone were sent back, around 40 to 50 people total. I know at least 70 people who were sent back. I heard the problem started because someone from Otaiba who joined ISIS was killed.

Others told Human Rights Watch how whole families related to them were deported. “Iyad,” a man from Eastern Ghouta who lives in the 8<sup>th</sup> district of the Zaatari camp, told us that the entire families of two of his cousins and two of his brothers, including one who had a disability and couldn’t walk, were deported, and that he had no idea why:

They sent back my cousin two months ago, a family that included eight girls and one boy. No one knows why the deportations happened, we are worried it could happen to anyone. They sent back my oldest brother one year ago. He doesn’t walk. He was sent back with his family of four, only God knows why. They have sent back many families from Otaiba since the beginning of the year. Two of my brothers and two of my cousins and their whole families were sent back. I’ve been here for four years. How is it my fault what my cousin does?

“Mohammad,” a father of four, including a child with a disability, expressed support for Jordan’s policy of deporting people suspected of being security threats, but nevertheless said that people he thought were innocent of any wrongdoing were being swept up and deported as well:

Yes, there are some unjust returns, a lot of people are sent back unjustly, but to me, Jordan is doing the right thing. I'm afraid of Daesh [the Arabic acronym for ISIS that is often used to refer to the group] coming into the camp. If someone causes a problem or has an ISIS connection, they send him back to Syria. Many families have been sent back. All the phone lines are monitored. For example, if your cousin is a member of a terrorist organization like Daesh, they call you in if you have communicated with them and they send you back. They can send back the entire family, or they could leave the wife and kids here.

In fact, the Arab Charter of Human Rights, to which Jordan has bound itself, states that “collective expulsion is prohibited under all circumstances,” so there is no lawful justification for Jordan to expel entire families.<sup>1</sup>

Refugees who remain in the Zaatari camp do not have access to accurate deportation statistics, but consistently express their perception and belief that there has been a noticeable emptying of certain areas of the Zaatari camp, in particular. “Ihab,” a 42-year-old shop owner in Zaatari, said:

I don't know why the number of people in the camp went down. I think 400 to 500 families have been sent back to Syria. My neighbor got sent back with his whole family. First the police call and ask for you to come and answer questions, then they send them back. They make him bring his family and only give 3 to 4 hours to settle everything. Most of the deportations have been of people from [Eastern] Ghouta. We don't know why.

According to humanitarian agency officials, collective expulsions of families are not as common in mid-2017 as they were earlier in the year and late in 2016, but that it is now more common for families to return voluntarily after the head of the family has been deported.

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<sup>1</sup> League of Arab States, “Arab Charter on Human Rights,” adopted on 22 May 2004, <http://hrlibrary.umn.edu/instree/loas2005.html> (accessed 13 September 2017), entered into force in 2008, art. 26. The original charter was first introduced in September 1994, but not ratified. League of Arab States, “Arab Charter on Human Rights,” 15 September 1994, <http://www.refworld.org/docid/3ae6b38540.html> (accessed 13 September 2017).

## II. Lack of Due Process to Challenge Deportations

According to refugees Human Rights Watch interviewed, there is little transparency on the part of the Jordanian authorities with regard to refugee deportations, and procedures for deportation appear to violate Jordan's international human rights commitments. Although refugees in Zaatari are aware of neighbors being arrested and removed, they usually don't know why they have been taken and are reluctant to talk about it. "Omar," a middle-aged man from Daraa, said:

I know some who went back to Syria; some went by force and some by choice. My neighbors got sent by back by force, but I can't talk about this. I don't know why they were sent back, the police know more. They sent back whole families of 6, 10, 12 persons.

On paper, deportations in Jordan fall under the responsibility of the Ministry of Interior and by law are implemented through a governor's office. According to articles 32 and 37 of Law No.24 of 1973 on Residence and Foreigners' Affairs, all persons arrested for "illegal presence" in Jordan shall be brought before the administrative authority prior to their removal. Under article 37, the Ministry of Interior can order any foreigner's expulsion, apparently without providing a justification or referring the person for any judicial proceeding.<sup>2</sup>

Article 8 of the Arab Charter of Human Rights, however, guarantees everyone's right not to be subjected to arrest or detention or stopped without legal basis. Anyone arrested must be brought before the judiciary without delay. Article 26 of the Arab Charter also prohibits Jordan from expelling foreigners who are lawfully present in Jordan unless they are deported pursuant to a decision reached in accordance with the law and after they have been allowed to submit a petition to the competent authority. While the Arab Charter provides an exception to the petition right for compelling reasons of national security, the requirement to ensure all decisions are reached according to the law requires a clear law

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<sup>2</sup> Law on Residence and Foreigners' Affairs, No. 24 of 1973, <http://www.refworld.org/docid/3ae6b4ed4c.html> (accessed September 13, 2017), art. 32 and 37.

setting out the limited circumstances in which such basic due process rights can be waived in individual cases.<sup>3</sup>

Despite the right of due process, Human Rights Watch interviewed deportees who said that they were not taken before a judge or any other civil authority prior to being removed, but rather were deported within a day or two of arrest and only after having been interrogated by police and security officials.

Although UNHCR is able to intervene in cases of registered refugees faced with imminent deportation that come to its attention, most of the deportees Human Rights Watch interviewed said that they were not given the opportunity to contact UNHCR or lawyers prior to their forced return. “Abdulrahman,” a 22-year-old UNHCR-registered refugee who had been living in Amman before being deported with his entire family in May 2016, said:

They sent us first to Raba Sarhan,<sup>4</sup> then to Syria through Naseeb.<sup>5</sup> We had to leave everything behind, we couldn’t take anything. Only when we arrived at the GID [Jordanian intelligence] did they tell us why we were there. We weren’t allowed to call UNHCR or anyone else.

Human Rights Watch conducted telephone interviews with 13 people in Syria who had been deported from Jordan. Many of them said that they were completely ignorant of the reasons why they were forcibly returned. “Rouqiya,” a 30-year-old mother of three, ages 6, 7, and 6 months, who struggles with serious health issues, said Jordan deported her in March 2017 while US authorities were still reviewing her eligibility for resettlement. She said that her family was neither informed why they were being deported nor even told that they were being deported. She also said that she and her family were not given any opportunity to plead their case with Jordanian administrative or judicial authorities:

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<sup>3</sup> Arab Charter on Human Rights, art. 8.

<sup>4</sup> Raba Sarhan was set up as a registration center for new arrivals operated by the government and UNHCR near the city of Mafraq, but is now being used primarily for Syrians being repatriated. At the center, all Syrians coming and going must undertake eye-scans.

<sup>5</sup> Naseeb is a Syrian border village located just west of the main border crossing between Syria and Jordan along the Damascus-Amman highway. Jordan returns Syrians via an unofficial border crossing point just south of Naseeb village.

They deported all of us back to Syria. Me, my husband, and my three kids. They never gave us a reason. And when we asked them, 'Where are you taking us?' they didn't even tell us they were taking us back to Syria. They told us not to worry and that we won't be returned, we will only be asked some questions at Raba Sarhan. Then we found ourselves in the Naseeb checkpoint in Syria. Until this very day we don't know the reason behind our deportation.

There is nothing against us from a security standpoint. We really weren't expecting this at all because we haven't done anything wrong. We didn't even bring anything with us because we were so sure we would go home after questioning. We were applying for resettlement in the US. We were awaiting travel. And suddenly we found ourselves in Naseeb. They didn't give us a chance to complain or prove anything.

Some refugees living in Jordanian towns are as much in the dark with regard to the reason for their deportation as the camp refugees with a similar lack of due process. "Brahim," a 20-year-old man from Daraa who said had been living with proper legal documents in Ma'an for four years, said:

Until this day we don't know the reason for our deportation. They told us, we'll go see a committee and then return to our homes. Turns out there was no committee, no nothing. We were surprised to be taken back to Syria where the war is still ongoing. It wasn't just us, many others were sent back too. Every day they send buses full of people back to Syria. The whole family was deported, there are six of us, my mom, dad, brother, and two sisters. We were directly taken in the morning from Ma'an and in the afternoon we were in Syria.

### III. Deportations on Security Grounds

Those deportees who spoke by phone to Human Rights Watch who knew why they were being deported cited security reasons as the grounds for their deportation, but in all cases they claimed that the only connection was innocent phone calls they made to a family member in areas controlled by ISIS or other armed opposition groups. “Maher,” a man who had been living in Amman whom authorities deported in May 2016, alleged that General Intelligence Directorate (GID) officials interrogated and beat him prior to his deportation, but that the only thing he or members of his family had done wrong was to talk to close relatives on the phone:

The decision to deport us came at midnight, GID officers raided our house. Only when we got to the detention center did they tell me why I was taken. I can't remember the exact day.

They told me: ‘Your brother is with Daesh.’ I said: ‘No he isn’t. He is with the FSA in Idlib.’ Why should I confess to something that wasn’t true? I swear to you they beat me. We believe they returned us because we think my sister-in-law’s phone was being surveilled. She was talking to her husband back in Syria regularly.

Then they took us all to Raba Sarhan and after that they threw us at the border. We had around 50 people with us. They took us to Naseeb. We were only told we were being deported the moment that it was happening.

“Faez,” a 44-year-old man who said that GID interrogated him but did not mistreat him, told Human Rights Watch that he was deported because of phone calls to his son. But, he said, the accusation that he or his son had anything to do with terrorism were entirely baseless and he was given no opportunity to see a lawyer or UNHCR prior to being deported:

I was accused of being a terrorist. I have no problems with anyone, I’m just a regular guy. I was detained for four days before being deported. I had no clue whether the UNHCR knew about my case, I was in detention after all.

After my detention, I was transferred to a security committee in Raba Sarhan and then to Naseeb. I was treated well enough. Back in Zaatari, I was in constant contact with my 20-year-old son in Eastern Ghouta, the security apparatus in Jordan knew that because I was summoned three years ago and questioned about him. And every little while I would be summoned again, by the same person. The reason was always my son. He is with Liwa'a Al-Islam [later renamed Jaysh Al-Islam or Army of Islam] in [Eastern] Ghouta. He was accused of being with Jabhat Al-Nusra [Nusra Front], about four years ago, which is not true. The GID knew about him and his activities, but I don't know why they kept insisting otherwise. They even have his phone number.<sup>6</sup>

Because the most widely believed basis for deportation among refugees in Zaatari is for having made phone calls to people inside Syria, many refugees are choosing not to call their relatives in Syria or to answer calls from them. Omar said:

I don't talk to anyone inside Syria because they will think you are communicating with someone in a group. Even my family in Syria I don't talk to because if you talk to anyone in Syria they might think you're speaking to militias. When we do call we don't hear about their problems, we just say hello or goodbye and make sure they are ok. We don't answer a call from a Syrian number. These days if someone so much as gets a call from a Syrian number, we think, 'Oh no! This is going to be trouble.'

"Sameh," who had worked as a truck driver in Syria, said:

Phone calls are monitored. If you have someone in your family in the FSA [Free Syria Army] someone will say he is in a terrorist group. You talk to a brother just to make sure he is safe and [the Jordanian authorities] call you and tell you to come and bring your whole family to leave. If I was with a terrorist group I would not come here to live in the dirt.

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<sup>6</sup> The groups Jabhat Al-Nusra and Liwa' Al-Islam have since renamed themselves. The major factions operating in Eastern Ghouta as of August 2017 are Faylaq-Al-Rahman – affiliated with the Free Syrian Army, and Hay'et Tahrir Al-Sham – an affiliate of Al-Qaida – and previously known as Jaysh Al-Fath. The group referred to in the testimonial, Liwa' Al-Islam, now renamed to Jaysh Al-Islam – is not associated with Al-Qaida or ISIS.

In addition to suspicion arising from calls to and from areas controlled by ISIS and other armed groups, having certain tribal or family connections has also caused collective expulsions. Sameh said, “ISIS is now in the west part of Daraa, and someone from the Bareedi family is in charge there. Any family that is Bareedi has been sent back, anyone who has a family relationship is sent back.”

Refugees living in urban areas also referenced other factors precipitating deportation, including false accusations of terrorist connections from Jordanian nationals. One of the deportees Human Rights Watch interviewed by phone, “Ahmad,” who had been living in Amman, said that he was deported on the basis of a false accusation from his boss, a Jordanian national, who had been arguing with him about his wages:

I had an argument with my boss because I kept asking him for the money he owed me for my work. We were working at half pay and he still wanted to exploit us. He complained to the police about me and said I was with Daesh and had me deported. May God cut off his livelihood the way he cut off my children’s livelihood. I have a family of seven. They returned us all to Syria, my wife and kids too.

Even when one member of a family is accused of being a security threat, other members of the family have been deported whom the authorities have not even questioned about security issues. “Sawsan,” a middle-aged mother of five who was registered with UNHCR but who was deported together with four other families in January 2016, told Human Rights Watch that she was never questioned about her activities or allowed to see UNHCR before being deported:

My father-in-law was summoned multiple times to the GID, but no one would tell us anything about why we were deported, no information whatsoever. We had no contact with the UNHCR. The GID called us, asked for our address, and came and picked us up and sent us directly to Raba Sarhan. They didn’t question us, on the contrary, they sympathized with us and were friendly with the kids.

## IV. Deportations for “Troublemaking”

Camp residents spoke of people they knew being deported to Syria for ordinary infractions of camp rules, such as for sneaking out of the camp without permission or for getting into fights. Such offenses could not be regarded as a threat to national security or terrorist activities or associations. “Mohsen,” a refugee who sometimes works as a camp security guard, said that the authorities used graduated punishments, with deportation being the punishment after several repeat infractions:

If you cause problems, and you don’t heed the warnings, they will send you back. They will warn a troublemaker several times and then send him back to Syria with his family. They are sent via the governor’s office. It is decided by the Ministry of Interior. If it is a lower level of discipline, like overstaying your leave passes, they send you to Azraq. It is a punishment to send someone to Azraq. If only one person misbehaves and he has a wife and children, they send the family to Azraq. If they sympathize with your situation, they send you to Azraq; if they don’t sympathize, they send you to Syria.

At times, it appears as though the police deport a refugee from Zaatari for relatively petty reasons, as in the following example, related by “Marzouk” about his brother who got in a fight and then was deported after talking back to the police:

My brother got into a fight and beat somebody. That’s why they sent him back. They have a system. If you haven’t confessed, you sit in a corridor from 9 a.m. to midnight. My brother has a short temper. They threatened to send him back to Syria and he said, “Go ahead.” So they did. My brother was sent back without a dinar in his pocket and no shoes.

Although leaving the camp without permission appears not to be grounds for deportation per se, the level of fear in the camp is such that refugees expressed a fear that they would be sent back to Syria if they were caught leaving without a permit and working illegally outside. Typical of such fears are those expressed by Omar:

The other day I didn't have a leave permit and I didn't go to my job because I was afraid if I left the camp illegally I would be sent to Syria. If you get caught outside the camp without permission, they send you back.

## V. Conditions Deportees Face upon Return

None of the deportees Human Rights Watch interviewed said that they felt safe after having been returned, and many were experiencing severe hardship. None of the deportees we spoke to had been able to return to their original homes, many of which have been destroyed or are in the hands of hostile forces.

We heard from multiple sources, including both refugees living in Zaatari and deportees in Syria, that many deportees are now internally displaced in the border areas. “Hamad,” a middle-aged man who told us his experience of having fled his hometown of Otaiba in 2013 after it was hit by a chemical attack,<sup>7</sup> said, “All of the deportees from Ghouta are sitting in the border areas, maybe 10,000 from Otaiba there.<sup>8</sup> They are in the villages of Imtaiya, Naseeb, and Taiba.”<sup>9</sup>

“Brahim,” a 20-year-old deportee originally from Daraa, is one of those now stranded near the Naseeb crossing point where he was deported on March 17, 2017. He described the lethal dangers of the place where he is residing:

Some people were sent back to Syria and were killed by airstrikes. I swear to God, just two days ago, a guy and his son were killed near the Naseeb border crossing.<sup>10</sup> His wife and daughter were injured and were transferred to Jordan for treatment. Isn’t that an awful thing?

For those who move farther into Syria, the situation remains dire. “Bassam,” a 27-year-old man who was deported in December 2014, said:

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<sup>7</sup> Human Rights Watch, *Attacks on Ghouta: Analysis of Alleged Use of Chemical Weapons in Syria*, September 10, 2013, <https://www.hrw.org/report/2013/09/10/attacks-ghouta/analysis-alleged-use-chemical-weapons-syria>.

<sup>8</sup> Human Rights Watch is not able to verify this number.

<sup>9</sup> Taiba (Al-Taybah) is a village in Syria in the Homs governorate. Up until August 1, 2017, there were reports of shelling and offensives on the area. Naseeb and Imtaiya are villages on the Syrian border with Jordan. Prior to the ceasefire, these areas were subject to shelling and airstrikes. On August 11, 2017 an attack by an ISIS-affiliated suicide bomber in Naseeb resulted in the death of 25 persons from an armed group operating in Daraa. “Bombing kills 25 opposition fighters in Syria’s Daraa,” Middle East Monitor, August 12, 2017, <https://www.middleeastmonitor.com/20170812-bombing-kills-25-opposition-fighters-in-syrias-daraa/> (accessed September 13, 2017).

<sup>10</sup> Human Rights Watch is not able to verify that these deaths occurred.

I'm in the town of Daraa and my life is of course in danger. I went to [the Syrian border village] Jiza a while ago, but until this day I don't have a house of my own. I've been staying with a group of people, my family and I in one room.

“Abdallah,” a 29-year-old man, also now in Daraa, told Human Rights Watch of his fear of being caught between the warring sides since being deported in December 2014:

Right now, I am in Daraa, in the city of Dael. The situation is not very stable here and we are occasionally subjected to airstrikes. Assad's forces are ahead of us promising to kill and Daesh is behind us also promising to kill.

Another deportee, 28-year-old “Hasan,” forcibly returned in December 2014, was shot in the leg shortly after his return while delivering humanitarian aid. His home in Daraa was also hit by barrel bombs, causing him to be displaced again:

The danger is real for all of us here in Daraa. The house I was staying in, in the area of Barameel, was destroyed. When the barrel bombs hit my home, I ended up moving to Tafas and living with some friends. Almost 90 per cent of the houses in that area of Daraa have been destroyed by now.

About a year and a half ago, I was shot at by a regime sniper in my leg while on a humanitarian mission. I was delivering fuel to hospitals, schools, councils, and bakeries.

Rouqiya, the mother of three who suffers from serious health issues, said that her health has been deteriorating since her deportation, as she and her children now live in a school overcrowded with other displaced persons:

We haven't returned to our city because our homes were destroyed and we would be in danger if we returned to Homs. Currently we are in an area called Jiza in Daraa. We are staying at a school; there are no houses and the situation is dire. The children are always in a state of fear because of the sound of warplanes above. My medicine is not available here. There are 18

families currently residing in the school. As far as I know, we are the only ones here that were deported from Jordan. The rest are displaced from other parts of Daraa. I need the medicine and baby formula for my child. Because of my illness, I can't breastfeed her.

“Hana,” a 45-year-old woman who was deported in May 2016, said that she tried to enroll her 9-year-old daughter in school in Jiza upon return to Syria, but ended up taking her out because she “wasn’t learning anything at all.” She remarked that “we hear airstrikes hitting nearby villages often.”

“Raw’a,” a 42-year-old woman who was deported in April 2016, is now living in the courtyard of a mosque in Jiza, in poor health and with children who need medical care that is not available in Syria:

We are in a really difficult situation here. Now in Jiza, we are staying in the courtyard of the Ali Bin Abi Taleb Mosque. There is definite danger and we are always scared because we aren’t used to as dangerous a situation as this. My son has a bad kidney and had undergone three surgeries in Jordan. He is now in need of another really important operation. I am sick too and need immediate treatment.

A ceasefire, brokered by the United States and Russia with the support of the Jordanian government, came into force on July 9, 2017.<sup>11</sup> The ceasefire covers parts of southwestern Syria, including Daraa province. Previous local ceasefires in Syria have proven fragile, with violations by both sides.<sup>12</sup> The ceasefire in southwestern Syria did not remove all

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<sup>11</sup> “Putin and Trump agree on ceasefire in Syria,” *TASS*, July 7, 2017, <http://tass.com/world/955284> (accessed September 13, 2017).

<sup>12</sup> For example, Eastern Ghouta has seen numerous ceasefires broken within days of their creation. In February 2016, a ceasefire was announced for Eastern Ghouta. “Cease-fire goes into effect in Syria,” *Washington Post*, February 26, 2016, [https://www.washingtonpost.com/world/fighting-in-syria-rages-ahead-of-cease-fire/2016/02/26/edf2bcbo-dco2-11e5-925f-1d10062cc82d\\_story.html?utm\\_term=.10a3843e469f](https://www.washingtonpost.com/world/fighting-in-syria-rages-ahead-of-cease-fire/2016/02/26/edf2bcbo-dco2-11e5-925f-1d10062cc82d_story.html?utm_term=.10a3843e469f) (accessed September 13, 2017). Within two days, there were reports of violations breaking the ceasefire. Most recently, a ceasefire in Eastern Ghouta was agreed to on July 22, 2017. “Russia: New ceasefire deal agreed in Syria's Ghouta,” *Al-Jazeera*, July 22, 2017, <http://www.aljazeera.com/news/2017/07/russia-ceasefire-deal-agreed-syria-ghouta-170722215635284.html> (accessed September 13, 2017). Within one day, reports of airstrikes violating the ceasefire were made. “Syria truce crumbles as air raids hit eastern Ghouta,” *Al-Jazeera*, July 23, 2017, <http://www.aljazeera.com/news/2017/07/syria-ceasefire-eastern-ghouta-170723081809128.html> (accessed September 13, 2017). See also, Staffan de Mistura, “Note to Correspondents - Briefing to the Security Council by the UN Special Envoy for Syria,” June 27, 2017, <https://www.un.org/sg/en/content/sg/note-correspondents/2017-06-27/note-correspondents-staffan-de-mistura-un-special-envoy> (accessed September 13, 2017).

threats to civilians living in the area, with infighting among factions and suicide bombers continuing to place the lives of civilians at risk.<sup>13</sup> At the time of writing, Syrian government forces have made significant advances in pockets of Suweida governorate just outside the ceasefire areas.<sup>14</sup>

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<sup>13</sup> For example; Syrian Observatory for Human Rights, “Renewed shelling targets areas in al-Sukhnah Desert with constant clashes between the regime forces and the Islamic State,” August 21, 2017, <http://www.syriahr.com/en/?m=20170821> (accessed September 13, 2017).

<sup>14</sup> “Syrian army gains ground on Jordan border in southwest,” Reuters, August 10, 2017, <http://www.reuters.com/article/us-mideast-crisis-syria-south-idUSKBN1AQ1E2> (accessed September 13, 2017).

## VI. Voluntary Repatriation

In the midst of deportations, fear, and coercion, repatriation that appears to be voluntary is also taking place. Despite the deportations documented in this report, Human Rights Watch did not find evidence of generalized pressure on refugees in Zaatari to return to Syria. To the contrary, it appears that both Jordanian government officials and UNHCR advise refugees against returning. In late July 2017, UNHCR in Jordan started distributing a flyer to refugees, which said, in part:

Conditions are currently not in place for refugees to return to Syria in safety and dignity. Under these circumstances, UNHCR will not encourage, facilitate or promote return to Syria unless the situation is safe and refugees can return in dignity. This will require tangible improvements in the security, humanitarian and human rights situation as well as in the prevailing socio-economic conditions....

UNHCR advocates that refugees be allowed to stay in Jordan until they voluntarily decide to return in safety and dignity. A return decision needs to be taken freely and based on adequate information.<sup>15</sup>

If Syrians in Zaatari indicate an interest in repatriation, they can speak to a UNHCR protection officer who will inform them about conditions in Syria and current risks, and about the consequences of return, namely, that they will not be allowed back into Jordan.

Sameh's wife had voluntarily returned, he said, after UNHCR advised her about dangerous conditions, but she still decided to go back. He said that Jordanian officials would not allow her to take any belongings, except for the clothes she was wearing and one bag. She had to surrender her Jordanian identification documents upon leaving and Jordanian officials informed her that she would not be allowed back to Jordan.

"Marwan," a refugee with a large family, provided both a general overview as well as his personal experience:

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<sup>15</sup> UNHCR Flyer, Return to Syria—Protection Messages to Refugees, July 23, 2017, on file with Human Rights Watch.

Some people choose to go back. Their families are there and they miss them. They used to facilitate returns every day, but now every Tuesday they facilitate returns.<sup>16</sup> They cannot come back here once they leave. UNHCR is involved in the voluntary returns. You have to go through a process and spend a period of time to consider your decision and reconsider whether you want to repatriate. A [UNHCR] protection officer will warn you that it is not safe. They warn people of the dangers. Jordan does not encourage voluntary returns. There is no pressure on us to go back.

One time I wanted to go back. The government told me it was too dangerous. I changed my mind. Where would I go with all the bombings?

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<sup>16</sup> The voluntary repatriation departure schedules are not consistent; during some periods, they occurred on Tuesdays, but during other periods, they have taken place on other days of the week.

## VII. International Law Obligations

The fact that some refugees choose to repatriate voluntarily does not justify forcing other refugees back into a situation that continues to be dangerous.

Jordan is bound by both the International Covenant on Civil and Political Rights (ICCPR)<sup>17</sup> and the Convention Against Torture,<sup>18</sup> to which it is a state party, not to return a person to a place where he or she would be exposed to torture, or to cruel, inhuman or degrading treatment.

Jordan also explicitly pledged to uphold its nonrefoulement obligations under international refugee law by signing a Memorandum of Understanding with UNHCR in April 1998:

In order to safeguard the asylum institution in Jordan and to enable UNHCR to act within its mandate...it was agreed...that the principle of non-refoulement should be respected that no refugee seeking asylum in Jordan will be returned to a country where his life or freedom could be threatened because of his race, religion, nationality, membership of a particular social group, or political opinion.<sup>19</sup>

The ICCPR also bars states from exposing anyone to real threats to their life or to being held in slavery or servitude or to violations of their freedom of thought, conscience, or religion. In its *Kindler v. Canada* ruling, the Human Rights Committee, which oversees compliance with the ICCPR, said, “If a State party extradites a person within its jurisdiction in circumstances such that as a result there is a real risk that his or her rights under the

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<sup>17</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 1969, ratified by Jordan in 1974, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (accessed July 27, 2017).

<sup>18</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force in 1987, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx> (accessed September 13, 2017), acceded to by Jordan in 1991.

<sup>19</sup> Memorandum of Understanding between the Government of Jordan and UNHCR, April 1998, on file with Human Rights Watch, art. 2.

Covenant will be violated in another jurisdiction, the State party itself may be in violation of the Covenant.”<sup>20</sup>

The right of lawfully present foreigners to due process of law prior to being deported, including by being allowed to challenge the reasons for their removal before a competent authority, is a well-established principle of international law. Although various international instruments, including the Arab Charter of Human Rights and the ICCPR, provide for exceptions from some of these due process rights in individual cases for “compelling reasons of national security,” such exceptions do not give governments unlimited power to ignore due process of law by simply invoking the words “national security.”<sup>21</sup>

In *Mansour Leghaei and others v. Australia*, the Human Rights Committee noted that an exception for compelling reasons of national security “can only be determined on a case-by-case basis, to the extent that procedural fairness rights are not precluded by compelling reasons of security in the particular circumstances of each case.”<sup>22</sup> Jordan, therefore, cannot simply invoke the words “national security” to broadly deny Syrian refugees the right to challenge the reason for their removal without showing a compelling reason of national security in the particular circumstances of each case.

If due process is strictly followed as required under international law, Jordan may deport a person who poses a danger to national security as long as it does not violate the principle of nonrefoulement, to which Jordan has bound itself through its accession to the ICCPR and the Convention Against Torture, and to which it is also bound as a matter of customary international law, or other fundamental rights. In a public emergency, governments are permitted to derogate from certain rights in the ICCPR (i.e. limit, but not remove, their applicability), but not from the right not to be tortured or to be subjected to cruel, inhuman or degrading treatment or punishment. Other non-derogable rights include the right to life, the right to be free from being held in slavery or servitude, and right to freedom of thought, conscience and religion, all of which have been violated by various parties in Syria.

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<sup>20</sup> *Kindler v. Canada*, Human Rights Committee, Communication No. 470/1991, U.N. Doc. CCPR/C/48/D/470/1991, 30 July 1993, <http://hrlibrary.umn.edu/undocs/html/dec470.htm> (accessed September 13, 2017).

<sup>21</sup> Arab Charter on Human Rights, art. 26 (2).

<sup>22</sup> *Mansour Leghaei and others v. Australia*, Human Rights Committee, Communication No. 1937/2010, U.N. Doc. CCPR/C/113/D/1937/2010, 15 May 2015, <http://hrlibrary.umn.edu/undocs/1937-2010.html> (accessed September 13, 2017).

Collective expulsions are prohibited under international law. Article 26 (2) of the Arab Charter on Human Rights, which Jordan is bound to as a state party, says, “Collective expulsion is prohibited under all circumstances.”<sup>23</sup> The prohibition on collective expulsion is essentially a due process requirement, namely, the principle that each individual’s circumstances must be weighed prior to expulsion, whether or not the principle of nonrefoulement has been breached.

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<sup>23</sup> Arab Charter on Human Rights, art. 26 (2).

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## “I Have No Idea Why They Sent Us Back”

### Jordanian Deportations and Expulsions of Syrian Refugees

Jordan is marring its decades-long reputation as one of the world’s leading refugee-hosting countries by summarily deporting Syrian refugees, including the collective expulsion of large families.

Based on interviews with 35 refugees in Jordan, and phone interviews with 13 Syrians who had recently been deported to Syria, *“I Have No Idea Why They Sent Us Back:” Jordanian Deportations and Expulsions of Syrian Refugees* documents the deportations of about 400 refugees per month during the first five months of 2017.

Deported refugees said the Jordanian authorities produced little evidence of wrongdoing before forcing them back. In many cases, the authorities did not give refugees a meaningful chance to challenge their removal, failed to look at the risks they faced back in Syria, and did not let them seek legal help or the UN refugee agency’s (UNHCR) help before deporting them.

The report calls on Jordan to respect the cornerstone of global refugee protection, the principle of nonrefoulement, not to return anyone to a place where he or she would face a real risk of being persecuted, exposed to torture, or other serious ill treatment. It also calls on Jordan to stop the collective expulsion of Syrian refugees and to let Syrians challenge the reasons for their deportation.

*(above) A lone man crosses Zaatari refugee camp in Jordan. The camp population fell from 203,000 during its peak in April 2013 to 80,000 by July 2017.*

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*(front cover) Syrian refugees carry belongings as they return to Syria after crossing the Jordanian border near the town of Nasib, in the southern province of Daraa, on August 29, 2017.*

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