

Thursday, 27 July , 2023

Joint Statement

Violations Are Still Being Committed in All Parts of Syria, including Northern Syria, Refoulment of Refugees Poses a Serious Threat

Turkish Authorities Must Respect Their Obligations Under Customary International Law Which Strictly Prohibits Refoulment



We, the undersigned Syrian civil society organizations, wish to express our profound concern at the Turkish government's recent decision to forcibly repatriate Syrian refugees to northwestern Syria. Such a decision constitutes a violation of the Principle of Non-Refoulement established in international law and enshrined in the 1951 Geneva Convention and its 1967 Protocol.¹ Those instruments are widely considered and accepted as forming the fundamental foundation for protecting the rights of asylum seekers and refugees. The Non-Refoulement Principle is a customary principle² that is binding to all states, including those states that have not ratified the 1951 Geneva Convention.

This principle prohibits the banishment, return, or deportation of asylum seekers to areas where their lives, freedom, or safety, would be in probable danger. As such, the region of northwestern Syria, to which Syrian refugees are being returned by Türkiye and which is under the control of Hay'at Tahrir al-Sham (HTS) and the Syrian National Army (SNA), are still unsafe, with new and grave violations of human rights recorded on a daily basis.

The systematic and widespread violations by the parties to the conflict in Syria, primarily the Syrian regime and its two allies Iran and Russian, which have been the parties responsible for the overwhelming majority of violations, some of which constitute crimes against humanity, continue, most evidently in the form of the forced displacement of approximately 14 million Syrian citizens who are now either internally displaced persons (IDPs) or refugees. It is only because of the unconscionable oppression and persecution that have been taking place since March 2011 that Syrians have found no recourse but to flee such harrowing reality, and are now seen as eligible to request asylum in the eyes of international law.

Due to many factors, including the proximity of Syria and Türkiye and the long border between the two countries, millions of Syrians sought asylum in Türkiye. The EU-Turkish refugee agreement of 2016 meant that hundreds of thousands of refugees were unable to cross into EU states that would have given them better rights and protection, including permanent residency and the right to citizenship. In light of this understanding, Türkiye is now hosting the highest numbers of Syrians, for which it receives massive funds from the EU in return. It must be noted that while Türkiye did give Syrian refugees some basic rights, the state of many rights is still uncertain and unclear. According to the UN Refugee Agency (UNHCR), **3,329,516** Syrian refugees are resident in Türkiye as of July 13, 2023.³

-
1. "1. 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." Article 33, Paragraph 1 of the 1951 Convention relating to the Status of Refugees. See: <https://bit.ly/3KejY7f>
 2. Displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist." Rule 132 of Customary International Law. See: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule132>
 3. United Nations Refugee Agency (UNHCR). (n.d.). Situation Syria Regional Refugee Response. from <https://data.unhcr.org/en/situations/syria>

It is not uncommon, unfortunately, for governments to blame refugees, who are seeking asylum simply for survival, for economic and social challenges that have been escalating since before those refugees even came to the state. However, a vulnerable and voiceless group like refugees makes for an attractive scapegoat since they have no platform or outlet through which to defend themselves. Because of this, governments and opposition parties commonly lay the blame for problems affecting their countries at refugees' feet, making false statements and promises in elections, such as claiming that deporting hundreds of thousands of refugees would improve the economic situation of the country's citizens. This was the case in Türkiye's most recent general elections in May this year, with the fallout of these elections still being felt, most palpably in June and July, with the crackdown on Syrian refugees intensifying in many Turkish provinces, most notably Istanbul. During this period, hundreds of Syrian refugees have been detained and subsequently deported.

According to accounts from refugees who have been forcibly repatriated from Türkiye to Syria, the crackdown campaigns are targeting Syrian refugees who have failed to obtain official documents that legally justify their presence in Türkiye, as well as Syrian residents who failed to renew their residency or the holders of temporary-protection documents who are found in provinces other than those for which their temporary-protection document was issued. Most of those detained for deportation were transported by the Turkish police to deportation centers affiliated with the country's Department of Immigration (GÖÇ) found across Türkiye, which in turn arrange these individuals' transportation to the Turkish-Syrian border crossings. These crackdowns have also involved many other violations such as:

- Many deportees were beaten, insulted, and degraded during the process of their detention and deportation.
- Many deportees were not afforded the right to hire a defense attorney or to appeal their deportation rulings.
- Detentions took place in public streets, with detainees being taken directly to deportation centers and, in most cases, being denied the opportunity to even meet with or say goodbye to their families and loved ones. They were torn from their spouses, children, or parents who are still in Türkiye.
- Most of the deportees had no opportunity to conclude any pending official matters they had to attend to in Türkiye, or to collect any financial and material payments to which they were entitled.
- The deportees were abandoned in northwestern Syria with no shelter or humanitarian assistance. The suffering of deportees originally from other governorates, such as Homs, Hama, Damascus and Daraa, is doubly traumatic as they had no personal ties or friends in northwestern Syria to turn to.

In early July, SNHR released three reports outlining the human rights situation in the first half of 2023 in Syria.⁴ Below are the most notable violations recorded as having taken place specifically in northwestern Syria, the region to which refugees are being expelled, which is under the control of HTS and the SNA.

- No fewer than 98 individuals were killed in Aleppo and Idlib, either as a result of shelling operations by Syrian regime forces, explosion of landmines and war remnants, clashes, or bombings. HTS killed seven civilians, including two women, while SNA killed nine civilians, including one child and one woman. The month of June saw Syrian regime forces continuing their artillery shelling of northwestern Syria, during which we recorded separate artillery attacks concentrated on the villages and towns of Jabal al-Zawiya in southern rural Idlib and western rural Aleppo, as well as on Sahl al-Ghab in western rural Hama and northern rural Latakia, which are close to the dividing lines with armed opposition factions. June also saw the most intense military escalation by Russian forces to date this year, with the last 10 days of the month seeing airstrikes targeting northwestern Syria, resulting in civilian fatalities. Moreover, a number of civilians were killed in regime areas by unmanned aerial vehicles (UAVs), commonly known as drones, of unidentified source.
- No fewer than 289 arbitrary arrests/detentions took place in the areas under the control of HTS and SNA in northwestern Syria - with 128 of those detained, including two children and three women, being imprisoned in HTS detention centers, and with 101 of these detainees subsequently classified as forcibly disappeared, while the remaining 161 people arrested, including five children and 14 women, were imprisoned in SNA detention centers, with 118 of these detainees subsequently classified as forcibly disappeared.
- Other than casualties and arbitrary arrests, other issues such as conscription, the worsening security and economic situation, the fragile infrastructure, and other serious problems besetting these areas all pose serious challenges to refugees' return to Syria. In fact, hundreds of civilians across Syria are trying to flee the country and seeking asylum abroad. It is clear, therefore, that Syria is unsafe, even for the civilians already living there.

As violations are still taking place, local Syrian organizations and international organizations such as Human Rights Watch (HRW), Amnesty International, the Independent International Commission of Inquiry on the Syrian Arab Republic (COI), and the UNHCR all have categorically reiterated and emphasized that Syria is still unsafe for the return of refugees, and have all called on the Turkish government to cease the refoulement of Syrian refugees because there is a very high probability that they will suffer from these ongoing violations.

4. Syrian Network for Human Rights (SNHR). (July 2, 2023). 501 Civilians, Including 71 Children, 42 Women, and 20 Individuals Who Died due to Torture Documented Killed in Syria, in the First Half of 2023. From: <https://snhr.org/?p=59889>

Syrian Network for Human Rights (SNHR). (July 4, 2023). At Least 1,407 Arbitrary Arrests/Detentions Documented in the First Half of 2023, Including 43 Children and 37 Women, With 184 Arbitrary Arrests/Detentions in June Alone. From: <https://snhr.org/?p=59895>

Syrian Network for Human Rights (SNHR). (July 7, 2023). Most Notable Human Rights Violations in Syria in June and the First Half of 2023. From: <https://snhr.org/?p=59911>

On the other hand, none of the reasons cited by the Turkish government for its decision to deport refugees, whether those publicly announced or those implied, give Türkiye legal authority to forcibly return refugees to Syria since the Principle of Refoulement is a customary law that is binding to all states, including those that have not ratified the 1951 Refugees Convention. Furthermore, detentions must be carried out on the basis of judicial warrants, while the detaining authorities must guarantee and respect the basic rights of detainees. Despite this, however, numerous videos circulating online show multiple blatant violations by Turkish security forces.

Moreover, all the world's states must uphold their responsibilities towards satisfactorily resolving the issue of Syrian refugees, who today comprise the largest refugee population in the world. More countries should take in more refugees and shoulder a share of the heavy burden borne by Türkiye, Lebanon, and Jordan, all of which have endured more than any other nations with regard to hosting Syrian refugees. The states of the world should also increase their support for refugees in those three countries. More importantly, far greater effort should be made to address the root cause of the refugees issue by expediting the political transition process which will afford millions of Syrians a safe and dignified return to their homes. Many Syrian refugees long to return to their home country, but this will remain a far-fetched and impossible dream as long as the monstrous Syrian regime and its intrusive security apparatus remain in power, and while the other parties to the conflict continue committing violations with no prosecution or accountability.

Signatories:

Baytna

Free Syrian Lawyers Association

Lawyers & Doctors for Human Rights

Syrian Legal Development Program

Syrian Network for Human Rights

Syrian British Consortium

Syrian American Council

The Day After