

AMNESTY INTERNATIONAL

Public Statement

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Lebanon: Amnesty International reiterates its concerns on the situation of refugees and asylum-seekers

Amnesty International is concerned about recent reports of the deportation of 300 Iraqis from Lebanon, among whom were asylum-seekers and refugees, to countries where they would not be protected against forcible return, and the deaths in custody of two Iraqi refugees. The organization has on many occasions voiced its concerns to the relevant Lebanese authorities with regard to the situation of refugees and asylum-seekers in Lebanon. In February 2002, Amnesty International submitted a memorandum to the Lebanese authorities expressing its concerns at the numerous reports concerning systematic arrests and forcible return of asylum-seekers and refugees, and the allegations of torture and ill-treatment of refugees and asylum-seekers while detained by the Lebanese authorities, which do not appear to have been adequately investigated.

Amnesty International does not question the right of the Lebanese authorities to control the stay or immigration status of foreigners, remove illegal residents from its territories, or enforce control over its borders. The organization is, however, opposed to the detention of individuals recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR), or of asylum-seekers whose cases are pending before the UNHCR office in Beirut, unless the authorities can demonstrate it is for a reason recognized as legitimate under international standards. Asylum-seekers should be free from detention and enjoy freedom of movement while their asylum applications are pending with the UNHCR. Amnesty International is also concerned about the systematic removal of asylum-seekers and refugees to countries where they would not have protection against forcible return to countries where they may risk human rights abuses.

In its memorandum to the Lebanese authorities, Amnesty International gave concrete examples of individual asylum-seekers, including those recognized as refugees by the UNHCR who were detained on grounds of illegal entry and subsequently deported, of cases of refugees held in detention beyond expiry of their sentence, of allegations of torture and other ill-treatment and cases of deaths in custody. Since the writing of the memorandum, Amnesty International received reports that two Iraqi asylum seekers, Khaled Salem Azzaoui and 'Ali Alkout, died in custody in Rumieh Prison during March 2002. Their deaths may have been due to inadequate medical assistance.

Amnesty International's memorandum also submitted cases of minors such as **Muhammad Hassan Majid al-Khafaji**, a recognized refugee born in 1986 to an Iraqi father and

an Iranian mother, who was arrested on 29 September 2001 for illegal entry to Lebanon, held in custody beyond the expiry of his two week sentence and subsequently forcibly returned to northern Iraq while his family remains in Lebanon.

While Amnesty International welcomes the public response to its memorandum by the Prosecutor General Adnan Adoum, the organization is concerned that no adequate investigation seems to have been carried out by the Lebanese authorities into the treatment of asylum-seekers and refugees. It appears that the authorities insist on making no distinction between the status of refugees and asylum-seekers on the one hand, and the situation of illegal residents on the other hand. For example, Amnesty International is concerned about reports that, during April 2002, at least one Iraqi recognized by UNHCR as a refugee, was removed to northern Iraq where he is at risk of *refoulement* (forcible removal of a person to a country where he or she may face human rights abuses). According to reports this man was forced, under torture, to sign papers allowing for his removal from Lebanon.

Though Lebanon is not party to the *1951 Convention relating to the Status of Refugees* and is therefore not bound by its provisions concerning the protection of refugees, it still has a duty to respect standards of customary international law, including the principle of *non-refoulement*. Article 14 of the Universal Declaration of Human Rights (UDHR), which has been enshrined in the preamble of the Lebanese constitution, provides for the right of everyone to seek asylum in another country. Lebanese law also recognizes the right of individual foreigners to seek asylum in Lebanon. Article 26 of the Foreigners' Entry and Residence Law, of 10 July 1962, provides for the right of any foreigner "*whose life or freedom is in danger for political reasons*", to seek asylum in Lebanon. In addition, as Amnesty International pointed out in its memorandum, *refoulement* of a person to a country where they risk torture is prohibited under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Lebanon is a State Party.

Lebanon is a member state of the UNHCR Executive Committee (EXCOM), the only intergovernmental body where refugee matters are addressed in a comprehensive manner and whose conclusions have persuasive value in the field of refugee protection. EXCOM Conclusion No. 44 (1986) expressed "*the opinion that in view of the hardship which it involves detention should normally be avoided*" and states "*the importance for national legislation and/or administrative practice to make the necessary distinction between the situation of refugees and asylum-seekers, and that of other aliens*". The same Conclusion also recommended "*that refugees and asylum-seekers who are detained be provided with the opportunity to contact the office of the United Nations High Commissioner for Refugees*".

Amnesty International is concerned that the actions of the Lebanese authorities frequently show a complete disregard for international standards and their own laws in their treatment of asylum-seekers and refugees.

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