



SYRIAN ARAB REPUBLIC

Unrepresented Nations and Peoples Organization (UNPO)

Submission to the UN Office of the High Commissioner for Human Rights
Universal Periodic Review: 12th Session of the UPR Working Group, October 2011

The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent, and democratic membership organization. Its members are indigenous peoples, minorities, and unrecognized or occupied territories who aim to protect and promote their human and cultural rights and to find nonviolent solutions to conflicts which affect them.

Introduction

Key Words: Refugee, Ahwazi Arab, Iran, Illegal Extradition, Asylum, Non-refoulement, Torture, Political Rights, Civil Rights, Minority Rights, Geneva Conventions

This report is structured in the following manner:

Section A deals with the Normative and Institutional Framework & International Obligations

Section B deals with the Promotion and Protection of Minority Rights on the Ground

Section C outlines UNPO's recommendations based on the preceding areas of concern

1. UNPO represents a number of ethnic minorities in Iran, including the ethnic-Iranian Arabs (Ahwazi Arabs), who reside in southwestern Iran along the Persian Gulf and the Iraqi border. Ahwazi-Arabs have been seeking safe haven in neighboring countries in recent years, particularly following the Ahwazi mass uprising of April 15, 2005 during which more than 5,000 Ahwazis were detained, at least 131 were executed and over 150 disappeared by Iranian authorities. Systematic oppression and denial of human rights including forced displacement, ethnic cleansing and ethnic "restructuring" have caused an influx of Ahwazi Arab political refugees into Syria, which is one of the few countries to which Iranian nationals can secure entry visas with relative ease.

A. Normative & Institutional Framework & International Obligations

2. National Obligations

Article 34 of the Syrian Constitution states that "[p]olitical refugees cannot be extradited because of their political principles or their defense of freedom." This article outlines that the deportation of refugees to countries where they will face persecution should be prevented.

3. International Obligations

Under the Convention Against Torture (accession occurred on 19 August 2004), Syria has agreed to respect the principle of *non refoulement*. Article 3 of the Convention states that

1. No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. 2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights"



4. The principle of *non refoulement* is also included in Syria's obligations under the International Covenant on Civil and Political Rights (signed 21 April 1969). Article 7 of this Covenant states that '[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'. In 1992 (General Comment No. 20), the UN Human Rights Committee took this to include an obligation of *non-refoulement*: "States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement."¹

5. Finally, the principle of *non-refoulement* is considered a basic principle of international law under the fourth Geneva Convention of 1949, Article 45, ratified by the Syrian Arab Republic on 2 November 1953.

6. Despite these safeguards, Syria has not signed the 1951 Convention Relating to the Status of Refugees or its 1967 protocol. This has major implications for the treatment of refugees in the country.

B. Promotion and Protection of Minority Rights on the Ground

7. Refugee Treatment

Anecdotal reports from members of the Assyrian refugee community in Syria² state that while their religious freedom and security conditions are good, many struggle to make ends meet. While a small number of families receive pension income from Iraq, most families are unable to find enough work and depend on assistance from the United Nations, charitable contributions from churches and remittances from family members in the Diaspora to meet their basic needs. Life for refugees in Syria is uncertain and unstable; refugees do not know whether their applications for resettlement will be approved and many applications are denied, leaving refugees in a state of limbo. Assyrian refugees also report difficulty in accessing basic education for their children and basic medical treatment in Syria.

8. The conditions described above are a direct result of the legal status of refugees in Syria. Because Syria is not a signatory to the refugee convention, refugees within the country are treated as guests, tourists, or illegal intruders. They are not legally permitted to work, and have few options for making a living.³ Those who are able to find work do so under the table or on the black market, leaving them vulnerable to underpayment and exploitation without any options for legal recourse.

9. Forcible Return of Ahwazi Arab Refugees to Iran.

While the situation for Iraqi refugees in Syria is dire, less attention has been given to the situation of the small population of Iranian refugees, notably from the Ahwazi Arab minority in Iran. A number of Ahwazi Arabs fleeing violence and persecution in Iran have come to Syria, many en-route to resettlement in third countries. The treatment of these refugees by the Syrian

¹ UNHCR (2001). "The Scope and Content of the Principle of Non-Refoulement (Opinion)" p. 92. Available at: <http://www.unhcr.org/refworld/docid/3b3702b15.html> [accessed 25 February 2011].

² Report of the Assyrian Universal Alliance, 2011.

³ Refugees International. "Syria: Country Overview" Web. <<http://www.refugeesinternational.org/where-we-work/middle-east/syria>>



Arab Republic, including harassment, arrest, imprisonment and illegal forced return to Iran, violates both national and international law.

10. On May 11 2006 Syrian security forces in Damascus arrested Mr. Saeed Awda al-Saki, an Ahwaz-Arab UNHCR mandate holder political refugee and three days later he was forcibly returned to Iran. He is now held incommunicado at an undisclosed place. Mr. Saki was en-route to Norway for resettlement, according to UNHCR Damascus Office.

11. On Thursday August 10, 2006 the Syrian foreign ministry informed the UNHCR office in Damascus that four more Ahwazi-Arab (ethnic Arabs of southwest Iran) had been arrested and were under threat of being forcibly returned to Iran. All four were political refugees and UNHCR mandate holders and one, Falleh Abdullah al-Mansouri, was a citizen of the Netherlands. It was later confirmed that, in defiance of calls from the UNHCR, International NGOs and the Government of the Netherlands for their immediate release, two of these refugees, Falleh Abdullah al-Mansouri and Rasool Ali Mazraa, were deported to Iran. Despite numerous requests, the UNHCR was unable to obtain confirmation of the status of the others from Syrian authorities in 2006.⁴

12. In 2007 numerous Ahwazi refugees were arrested by Syrian authorities. UNHCR officials had to intervene on several occasions during the year to prevent the deportation of persons holding UNHCR asylum-seeker cards.⁵

13. Several recognized Ahwazi refugees were reportedly arrested and forcibly returned to Iran again in 2008. Several sources, including the Ahwazi Centre for Human Rights, reported that the government arrested and returned seven Ahwazis to Iranian authorities during the year. The U.S. department of State reported that that among those deported were Danish citizen Saied Hammadi, arrested on 5 March 2008 at Damascus International Airport, and Masouma Al-Kaabi, wife of Habib Jaber, a refugee in Denmark, and their five children, arrested in Damascus on 28 September 2008.⁶ The Ahwazi Human Rights Organization reported in 2008 that the Iranian government had separated the children from their mother in prison, and threatened Mr. Nagban with the torture or death of his family unless he returned to Iran.⁷

14. While there were no reports of Ahwazis forcibly repatriated to Iran in 2009, the Syrian government continued to deny Ahwazi refugees permission to depart for resettlement in other countries. As a result, some Ahwazi refugees attempted illegal border crossings to neighboring states, including Turkey, Lebanon, and Jordan. Some of these attempts resulted in the arrest and detention of the refugees for illegal border crossing and the use of forged documents. While International NGOs knew of at least two Ahwazi refugees the government had accepted for

⁴ UNHCR (2006). "UNHCR extremely concerned for Ahwazi refugees extradited from Syria to Iran" Briefing Notes, 22 December 2006. Web. <http://www.unhcr.org/cgi-bin/texis/vtx/newsitem?id=458bb964d>

⁵ United States Department of State, Bureau of Democracy, Human Rights and Labor (2008). "2007 Country Report on Human Rights Practices: Syria". 11 March 2008. Web. <<http://www.state.gov/g/drl/rls/hrrpt/2007/100606.htm>>

⁶ United States Department of State, Bureau of Democracy, Human Rights and Labor (2009). "2008 Country Report on Human Rights Practices: Syria" 25 February 2009. Web. <<http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119127.htm>>

⁷ Ahwazi Human Rights Organization- USA (2008). Letter to Mr. Antonio Guterres, United Nations High Commissioner for Refugees. 30 October 2008.



resettlement in 2009, by the end of the year both were still in detention. In 2009, numerous Ahwazi refugees were arrested, despite recognition from the UNHCR. Following intense lobbying by UNHCR officials, these individuals were not deported to Iran and were later released.⁸

15. As of 2009 the Ahwazi Human Rights Organization reported the presence of over one hundred family and individual cases of ethnic Ahwaz-Arab UNHCR-recognized political refugees and asylum seekers in Syria who are awaiting resettlement. These refugees and their families live in constant fear of arrest, imprisonment and illegal deportation by the Syrian authorities. Some face harassment and intimidation at the hands of the Syrian government.

16. The return of Ahwazi refugees registered with the UNHCR to Iran, where they face arrest, torture and execution, violates the obligations voluntarily agreed to by Syria under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It also contravenes the principle of *non-refoulement*, which prohibits the return in any manner of any person to a situation where they would be at risk of torture, ill-treatment, or other serious human rights abuses.

C. Recommendations to the Syrian Arab Republic

1. Accede in full to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol.
2. Undertake an inquiry into the whereabouts and well-being of Ahwazi Arabs forcibly returned from Syria to Iran. Make publicly available this request and any information related to it.
3. Uphold obligations to adhere to the principle of *non-refoulement*, a basic principle of international law that is included in two international covenants signed by the Syrian Arab Republic (the International Covenant on Civil and Political Rights and the International Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment), as well as Article 34 of the country's own constitution.
4. Cooperate fully with the UNHCR in its work to track, support and assist refugees in Syria.
5. Implement the recommendations of the Committee Against Torture⁹ stemming from their 2010 review of Syria's compliance with the Convention, particularly those recommendations related to the treatment of refugees.

⁸ United States Department of State, Bureau of Democracy, Human Rights and Labor (2010). "2009 Country Report on Human Rights Practices: Syria" 11 March 2010. Web.
<<http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm>>

⁹ List of recommendations related to refugee treatment can be found in the Appendix.



Appendix

Excerpts from the Concluding observations of the Committee against Torture
Forty-fourth Session
26 April – 14 May 2010

Refugees and asylum seekers

17. While noting with appreciation the State party's generous policy to admit and grant permission to stay to a significant number of nationals from Iraq and the Occupied Palestinian Territories, the Committee is concerned at the absence in the State party of a national procedure for the determination of refugee status and that the national legislation on aliens does not recognize any special status attributed by the Office of the United Nations High Commissioner for Refugees (UNHCR). The Committee notes with concern that the State party has not acceded to the Convention relating to the Status of Refugees (1951) and the Optional Protocol (1967) thereto, nor to the Convention relating to the Status of Stateless Persons (1954) or to the Convention on the Reduction of Statelessness (1961) (arts. 2, 3, 11 and 16).

The State party should establish a national procedure for determination of refugee status and amend its national legislation to recognize special status attributed by UNHCR. The Committee recommends that the State party consider becoming party to the Refugee Convention, the Optional Protocol thereto and other related international legal instruments.
CAT/C/SYR/CO/1 7

Non-refoulement

18. The Committee is seriously concerned by the numerous reports of expulsion, return or deportation, including several cases concerning recognized refugees or asylum-seekers registered with UNHCR, in violation of the non-refoulement principle contained in article 3 of the Convention. The Committee is further concerned at reports that the participation of the Syrian Arab Republic in the so-called “war on terror” has resulted in secret detentions and renditions of terrorism suspects, in breach of the principle of non-refoulement (art. 3).

The State party should formulate, adopt into its domestic law and effectively implement legal provisions in line with article 3 of the Convention, including guaranteed fair treatment at all stages of the proceedings and an opportunity for effective, independent and impartial review of decisions on expulsion, return or extradition. Under no circumstances should the State party expel, return or extradite a person to a State where there are substantial grounds for believing that he would be in danger of being subjected to torture or ill-treatment. Furthermore, the State party should ensure protection from refoulement, including by refraining from expelling or forcibly returning persons who hold a UNHCR Refugee Certificate or Asylum Seeker Certificate. Furthermore, the State party should establish an independent investigation to follow up on allegations of its involvement in “extraordinary renditions” and inform the Committee of the outcome of such investigation in its next periodic report.

19. The Committee is further concerned about the continued administrative detention, for indefinite and thus arbitrary periods of time, of Iranian nationals of Arab (Ahwazi) ethnic descent pending deportation (art. 3).

The State party should provide information on the situation of Iranian nationals of Arab (Ahwazi) ethnic descent and measures taken to ensure their protection against Refoulement.