

NGOS PUBLIC STATEMENT ON THE SECURITY SITUATION OF IRAQI REFUGEES IN LEBANON

26 July 2007

We, the undersigned, note with growing concern the worsening security situation of Iraqi refugees in Lebanon.

Random and targetted arrests and detention of Iraqi refugees have increased recently solely on grounds of illegal entry and/or illegal stay.

According to reports, 432 Iraqis were in detention in July, of whom 150 were arrested in the first week of July only. The majority of them had been registered with UNHCR and hold Refugee Status Certificate. The refugee certificate issued by UNHCR is not being respected by the arresting authorities, nor by the judges, prosecutors, or the Lebanese General Security Office.

Many are kept in detention after the expiry of their sentences as a coercive measure to force them to agree to be sent back to Iraq. IOM is reportedly assisting for these “voluntary return” convoys. This is contrary to UNHCR advising against returns to Iraq. By acting contrary to UNHCR guidelines and without its prior consultation, IOM seriously undermined the protection role and responsibility of the UN Refugee Agency.

The arrest and detention and threat of “deportation” under the cover of “voluntary return” is a flagrant violation of the right to seek asylum enshrined in the Preamble of the Lebanese Consitution and the interntional customary principle of non-refoulement which is embodied in Art 3 of the Convention Against Torture ratified by Lebanon.

We call on the Lebanese authorities to:

- Acknowledge the UNHCR guidelines regarding the refugees from Iraq and to establish a mechanism to receive and protect refugees from Iraq fleeing the generalised violence in their country.
- Grant the refugees from Iraq temporary residencies on humanitarian grounds.
- Ensure that arrest of refugees from Iraq is limited to identification of identity and for security reasons or other criminal charges

We call on IOM to:

- Halt assistance to convoys and adhere to UNHCR guidelines and advisory concerning the non-returnability of refugees from Iraq to Iraq.

Jordan is holding a Conference on July 26 to look at assistance to countries hosting refugees from Iraq in the region, we call all stakeholders to:

- Remind the Lebanese government of its obligation as a member of the international community to recognize and protect the basic and fundamental human rights of refugees from Iraq during their stay in the country.
- Assist the Lebanese government and national NGOs in order to grant the refugees from Iraq access to basic services such as health and education, and allow self-reliance opportunities.

BACKGROUND:

On 18 December 2006, UNHCR issued an advisory return for Iraqis^[1] in which it recommended that states and UNHCR should declare Iraqis as refugees on a *prima facie* basis except for those who were residing in Iraqi Kurdistan and those who fall under the exclusion clauses of the 1951 Convention. UNHCR Advisory was issued following the serious deterioration of the security situation in Iraq that was characterized by the generalized violence, massive targeted violations of human rights, and the lack of government protection. **According to the advisory, “Iraqi” refers to both Iraqi nationals as well as former habitual residents of Iraq, in particular Palestinian refugees.** The Advisory called the countries in the region hosting Iraqis and which do not have refugee legal framework to allow Iraqis from Southern and Central Iraq to enter and remain, “even if on a temporary basis”.

THE SIGNATORIES

Lebanese NGOs

Frontiers Ruwad Association
Lebanese Center for Human Rights
Nahwa Al-Muwatiniyya
Arab NGO Network for Development
Union of Democratic Youth

Arab NGOs:

Comité pour le Respect des Libertés et des droits de l'Homme en Tunisie, Tunisia
Fédération des Tunisiens pour une Citoyenneté des deux Rives, Tunisia
Association Tunisiennes des Femmes, Tunisia

International NGOs:

Médecins du Monde – France (Lebanon)
International Coalition on the Detention of Refugees and Asylum-Seekers
Italian Council for Refugees
Refugees International
The U.S. Committee for Refugees and Immigrants
Euromediterranean Human Rights Network
Episcopal Migration Ministries
Chaldean Federation of America
American-Arab Anti-Discrimination Committee

^[1] UNHCR *Return Advisory and Position on International Protection Needs Of Iraqis Outside Iraq*, UNHCR, 18 December 2006