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Human rights situations that require the Council's attention

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Freedom of Movement Restrictions on Palestinian Refugees from the Syrian Arab Republic

Overview

As hostilities continue to escalate in the war-torn Syrian Arab Republic, hundreds of displaced Palestinian families have fled the country since the outburst of the conflict, in March 2011, in the hunt for a safer shelter.

Seeking out a cover to hide their children into, Palestinian refugees from Syria (PRS) have been grappling with a journey fraught with much danger, both outside and inside the beleaguered Syrian territories.

PRS have been made to endure ceaseless crackdowns and human rights violations at checkpoints pitched by the different warring parties across the Syrian Arab Republic. Abduction sweeps, extrajudicial executions, torture, humiliating searches, and movement bans have been a daily occurrence in the country.

AGPS documented the death of 3,557 PRS from war-related incidents until August 15, 2017, 469 among whom were tortured to death while 196 others died as a result of the blockade and lack of medical care in Yarmouk Camp. At the same time, 301 PRS have gone missing and 1,626 others, including 103 women and girls, have been sent to jail.¹

Restrictions on Freedom of Movement inside the Syrian Arab Republic

PRS have been grappling with tough movement restrictions on their way to and out of refugee camps. Constant shelling and barrel attacks have made free movement in the ravaged Syrian territories impossible.

Temporary and permanent checkpoints pitched by the Syrian government forces on the main access roads into local towns and villages have made the situation far worse, blocking Palestinians' access to much-needed provisions and life-saving medicines.²

Such violations are blatant infringements of Article 12 of the International Covenant on Civil and Political Rights, which guarantees the freedom of movement, including "the right of persons to choose their residence and to leave a country."³

The restrictions also amount to flagrant violations of Principle 15 of the *Guiding Principles on Internal Displacement*, developed under the aegis of Dr. Francis Deng and which stipulates that internally displaced persons have "the right to be protected against forcible return or resettlement in any place where their life, safety, liberty and /or health would be at risk."⁴

The tough cordons and closures imposed on the main roads to Palestinian refugee camps have made life unbearable for PRS, particularly sick civilians, people with special needs, and those diagnosed with chronic diseases, including renal failure and blood disorders. Such bans contravene Article 3 of the Universal Declaration of Human Rights, which states that "everyone has the right to life, liberty and security of person."⁵

Restrictions on Freedom of Movement outside of Syria

Several countries have opted for closed-door immigration policies to rein in the influx of PRS and ruled that in order for PRS to be admitted into their territories a hard-to-obtain visa should be obtained.

1 AGPS documentation team

2 Palestinians from Syria: No Crossing (A documentary report on the movement restrictions enforced on PRS; forthcoming)

3 <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> (International Covenant on Civil and Political Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976)

4 <http://www.amnestymena.org/ar/magazine/Issue21/GuidelineonInternalDisplacement.aspx?articleID=1121&media=print>

5 The Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a common standard of achievements for all peoples and all nations. It sets out, for the first time, fundamental human rights to be universally protected and it has been translated into over 500 languages. <http://www.un.org/en/universal-declaration-human-rights/>

Those who have fled their shelters and homes in the hunt for a safer refuge in such countries as Egypt, Jordan, Lebanon, Turkey, Morocco, Algeria, and Tunisia have gone through dangerous journeys trying to obtain visas and travel documents.⁶

In letters emailed to AGPS, dozens of PRS stranded at international airports and on borderlands have raised the alarm over the crackdowns they have faced on the migration road.

Article 13 (2) of the Universal Declaration of Human Rights specifies that “everyone has the right to leave any country, including his own, and to return to his country”. Article 14 also states that “everyone has the right to seek and to enjoy in other countries asylum from persecution.”⁷

Article (31)-1 of the Convention relating to the Status of Refugees rules that “contracting states shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened.”

Article 33, entitled “Prohibition of Expulsion or Return (“refoulement”), also stipulated that “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.”⁸

Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that “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.”⁹

Recommendations

Serious action has to be taken so as to mitigate the tragic fallouts of warfare and work out the crises wrought on PRS as a result of the blockade, enforced deportation, and movement bans. Therefore we appeal to member states of the Human Rights Council to:

- Take urgent measure so as to restore Palestinians’ freedom of movement inside and outside Syria and to push neighboring countries to lift the noose tightened around the neck of migrants and asylum seekers from war-affected zones.
- Press the international community to stand up for Palestinians’ infringed rights, including the right to free movement, labor, and residence in the new asylum destinations.
- Urge contracting states to abide by their obligations under international law and observe the terms of universal human rights conventions.
- Call on the United Nations High Commissioner for Refugees and UNRWA to provide the Palestinian refugee community with psycho-physical protection and relief assistance both in Syria and in the host countries.

⁶ Palestinians of Syria and the Closed Doors (Semi-Annual Field Report on the Situation of the Palestinians of Syria for the Period from July to the End of December 201)

file:///C:/Users/ASUS/Downloads/Documents/closeddoor2016.pdf

⁷ <http://www.un.org/en/universal-declaration-human-rights/>

⁸ Convention relating to the Status of Refugees adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, convened under General Assembly resolution 429 (V) of 14 December 1950, Entry into force: 22 April 1954, in accordance with article 43

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfRefugees.aspx>

⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984 entry into force 26 June 1987, in accordance with article 27 (1)

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>