

Statement

We Urge Lebanese Authorities Not to Forcibly Repatriate Syrian Regime Army Defector Saleh Nemer al-Samar to Syria, Which Would Put His Life at Risk



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The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyzes in Syria.

On April 19, 2023, Lebanon's General Security forces arrested Saleh Nemer al-Samar, a former major with the Syrian regime army who defected from the regime's forces. Al-Samar was arrested while renewing his official residency documents at the Labweh General Security branch in the Hermel governorate in Lebanon's Baalbek district, and taken to the General Security branch in Beirut governorate, where he has been detained ever since, with no genuine legal justification for his continuing detention, since no arrest warrant has been issued in his name by the Lebanese judiciary. Al-Samar's phone was seized following his arrest, and he has been denied any opportunity to contact his family, while no one has been allowed to visit him. His family told us that they have received information suggesting that Lebanese authorities are planning to forcibly repatriate him to Syria.

This arrest comes in the midst of a sweeping crackdown by Lebanese authorities targeting Syrian refugees, which has been going on since the beginning of April 2023. Syrian refugees are being arrested in a widespread manner and forcibly returned to Syria. Such operations constitute a violation of customary international law, which is binding on all the world's states, including those which have not ratified the Convention Relating to the Status of Refugees of 1951 (also known as the 1951 Refugee Convention) which provides for the prohibition of the refoulement of refugees.¹

Born in 1978 in al-Qsair city in southwestern Homs governorate, Saleh Nemer al-Samar was an officer with the rank of major in the Syrian regime military. Al-Nemer, who is married and has five children, defected and moved to Lebanon in early-2013, and has worked as a grocery store throughout the duration of his stay until his detention. Given his status as the sole provider for his wife and children, his family are profoundly devastated, both from an economic and psychological standpoint, by his arbitrary detention.

Since the beginning of April 2023 up to June 2023, the Syrian Network for Human Rights (SNHR) has recorded the refoulement of no fewer than 874 Syrian refugees to Syria from Lebanon, including 86 women and 104 children. Of these, we recorded the arrest of 87 individuals; including two children, five women, and two individuals from the same family, in al-Masna border area, with most of them being arrested by the Military Intelligence Directorate. The Lebanese government bears legal responsibility for any torture, killing, enforced disappearance, and other violations potentially perpetrated by the Syrian regime against forced returnees, in addition, of course, to the Syrian regime's direct responsibility for those violations.

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 of the Convention Relating to the Status of Refugees, 1951.

SNHR urges the Lebanese government and Lebanon's General Security apparatus to release Saleh al-Samar and not to forcibly repatriate him to Syria, because sending him back to Syrian territories, particularly in regime-held areas, would put his life at serious risk, given the Syrian regime's infamous policy of taking revenge against those who defected from its ranks and dared to oppose it; this retaliation, carried out through arbitrarily arresting defectors and other dissidents, then torturing and forcibly disappearing them, has been inflicted on the overwhelming majority of defectors and dissidents arrested by the regime. By returning al-Samar to Syria, the Lebanese government would incur legal liability if he were tortured or died under torture there.

Syria is wholly unsafe for the return of refugees because the Syrian regime is still committing a wide range of violations, some of which amount to crimes against humanity. SNHR is seriously concerned that the most recent wave of forcible repatriations of Syrian refugees to Syria would only push the remaining refugees to flee Lebanon via sea, creating a new asylum wave, which in turn generates new economic risks and ramifications for Syrian refugees.



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