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Palestinians of Syria

Violation of Rights and Identity Challenges

Ayman Fahmi Abo Hashem

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Omran Center for Strategic Studies

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An independent think tank and policy research center focusing on presenting an objective understanding of Syria and the region to become a reference for public policies impacting the region.

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Executive Summary

- Palestinian refugees in Syria have not been spared from the relentless violent policies of the Syrian regime. Gross violations have been committed against them, and they have experienced a rapid erosion of the rights afforded to them by both Syrian and international law. As of October 2019, documentation indicates that 3,995 Palestinian refugees in Syria—mostly young men—have been killed and 1,768 Palestinian refugees have been detained in the regime’s security and intelligence prisons. More than 568 Palestinian detainees of the victims, both male and female, have been tortured to death in regime detention. In addition, there have been 205 casualties who died due to starvation, lack of medical care, siege, and the semi-complete destruction of the Palestinian refugee camps of Daraa, Sbeineh, al-Sayida Zainab, and Handarat; the destruction of large parts of the camps in Khan al-Sheih and al-Husseinyeh; and the complete destruction of al-Yarmouk camp. Furthermore, more than 200,000 Palestinians have fled across the Syrian borders.
- Palestinian refugees in Syria have suffered and continue to suffer from intense threats and risks to their real property rights. Some of the Syrian laws issued in recent years provide cover for the government to strip owners of their own property. In addition, the tight security grip prevents the return of refugees and internally displaced persons (IDPs) to their original homes in the Palestinian camps. As a result, Palestinian refugees in Syria have experienced large-scale property expropriation for political purposes. At the same time, the USA and European countries still refuse to participate in the reconstruction of Syria until a political solution is reached and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is failing to shoulder the burden of rebuilding Palestinian camps due to its financial deficit and challenges to its very mandate.

- The relationship between UNRWA and the General Administration for Palestinian Arab Refugees (GAPAR) was governed by the checks and controls through which the Syrian authorities specified UNRWA's role and its geographical scope of work in Palestinian camps and communities. As a result of these restrictions and controls, UNRWA's services have failed to reach the large number of refugees who need them, depriving thousands of refugees from the services and aid.
- Challenges facing the continuation of UNRWA's mandate cannot be separated from the legal status of refugees, as UNRWA maintains the comprehensive civil record of the refugee assets in Palestine. This is considered the primary archive of transformations in their demographic status and a crucial source for confirming the international legal dimensions of their asylum.
- During the recent turmoil in Syria, the Palestine Liberation Organization's (PLO) declared position of political neutrality towards the Syrian issue did nothing to prevent a series of marked violations of the civil rights of refugees. A profound shift in refugees' perception of the PLO can be observed by looking at the positions of PLO's leadership at various milestones in the conflict. Positions issued by PLO leaders contributed to covering up responsibility for the parties involved in such crimes as indiscriminate bombardment, siege, starvation, and detention of people in al-Yarmouk camp. Meanwhile, Palestinian factions loyal to the regime such as the Popular Front for the Liberation of Palestine – General Command, As-Sa'iqa, Fatah al-Intifada, Jabhat al-Nidal al-Sha'bi, and other militias, in addition to the Palestine Liberation Army, all participated in fighting alongside the regime and helped it impose the siege on al-Yarmouk camp.
- This research reveals the magnitude of the complex problems faced by Palestinian refugees in Syria by examining the paths of their migration and escape from the bloody war—which Palestinians in Syria lived through as their second catastrophe, or “Nakba”—and the crises and violations they have faced in neighboring countries and other places of exile. The failure of many States to comply with the 1951 Refugee

Convention has magnified the suffering of refugees by denying them protection and aid, leaving them with limited options. As a result, many have found themselves and deprived of their rights and at risk of deportation and refoulement. This research presents various examples of the violations that Palestinian refugees have been exposed to due to their vulnerable legal status, such as: being detained in airports and holding centers for foreigners for long periods of time; being deported back to Syria or the threat thereof; being treated as foreigners or tourists rather than refugees fleeing a war; not being offered humanitarian assistance that would mitigate their suffering; etc.

- The risks and challenges facing the “Palestinian-Syrian identity” highlight the extent to which legal status and its transformations impact the holders of this identity. They face difficulties rebuilding and restoring their identity, not only in terms of place and collective memory, but also in terms of the disintegration of their legal status. This reveals a recognition of the importance of legal status and its implications for the configuration of identity and its open questions. It is especially so with the ambiguity of the future in Syria in general, and of options related to the legal status of Palestinians in Syria, in particular, opening the floor for multiple risks and challenges putting much doubt and posing major questions to the identity dialectic.
- One of the most important recommendations stemming from this research is to expose the Syrian authorities’ responsibility for the degradation of the legal status of the Palestinians of Syria. There should be a shift from monitoring and documenting violations to encouraging victims of these violations to take their cases to court in countries whose national laws allow for universal jurisdiction in such cases where the perpetrators committed war crimes and crimes against humanity. The research further recommends the formation of a special committee or commission to advocate for the property of Palestinian refugees in Syria and calls on all host countries and bodies concerned with managing the affairs of Palestinians of Syria to grant them their right of confirming their original Palestinian citizenship in all documents, records, and data.

The findings demand that the PLO address the adverse effects of the lack of representation of refugees and urges the PLO to set up institutional mechanisms to unite the diaspora and represent their demands and rights. The research also emphasizes the importance of the persistence of UNRWA, the continuation of its foundational assistance mandate, and the exposure of schemes aimed at eliminating the cause of the refugees and eradicating their right of return to their homeland in Palestine as per UN General Assembly Resolution 194 (III).

- In light of the magnitude of issues facing Palestinians in Syria, including the disintegration of their legal status, the continued attrition of their presence inside Syria, and the difficulties faced by those forced to migrate and flee to other countries, all attempts to remedy and restore their status will depend on the course of and end to the conflict in Syria. There appear to be few current approaches or solutions that may reassure Palestinians about the future of their presence in Syria and move them towards a more secure legal status that guarantee their rights.

I. Introduction

While the humanitarian approach is important in addressing the situation of Palestinian refugees in general, the international community cannot continue to ignore pursuing a political and human rights approach that link the humanitarian reality of Palestinians in Syria with the rights accorded to them by international laws and conventions. To do so is to ignore the historical context that Palestinians have experienced, not only the repercussions of the original Nakba due to the Israeli displacement policies and Israel's persistent historical denial of the realities of both approaches, but also the severe humanitarian crises they have faced during their asylum in host Arab countries, where they have often remained outside the umbrella of legal imperatives that should protect of their fundamental rights. The Syrian tragedy and its terrible humanitarian repercussions, of which Palestinian refugees have experienced their fair share, presents a striking example of the impact that recent legal transformations have had on all aspects of the Palestinian presence in Syria. Their classification as long-term residents in Syria has not spared them the repercussions of the conflict, which has had severe and direct effects on more than half a million Palestinian refugees who found themselves living between the edges of human suffering and the fragility of their human rights.

The war in Syria is described as the second Palestinian Nakba, but its scale and harmful impact may have actually exceeded those of the original Nakba. The existential threats to Palestinians that resulted from the 1948 Nakba are a striking indicator of the lack of international legal protection afforded to Palestinian refugees. This research examines the context of the humanitarian crisis that afflicted Palestinians in Syria during the war and reveals the heavy price paid by Palestinians in Syria, of all classes, due to the failure of the parties responsible for their protection and management to defend even their most basic human rights. This is especially true in regards to the legal and moral responsibility of the host country, in light of the international community's failure secure the Palestinian's an umbrella of protection and necessary legal mechanisms.

The present research examines the changes in Syrian law that have impacted Palestinian protections in recent years and the resulting erosion of Palestinian human rights, which have all but eliminated all of the rights that their legal status was supposed to provide. Another objective of this comparative investigation is to assess the different legal systems in countries where Palestinian of Syria have sought asylum, and the discrepancies in these states' approaches to their asylum cases and humanitarian needs. This required reviewing and analyzing the way in which these rights emerged, from the first waves of immigration to Syria to the beginning of the Syrian revolution. During the more than six decades in between, the legal conditions of the Palestinians of Syria were affected by the political and social transformations that took place in Syria, especially after Hafez al-Assad took power. The relationship between the Syrian authorities and Palestinian refugees was basically determined by the regime's political and security considerations, instead of through a legal system which guaranteed their rights in a comprehensive and equal manner. The results of this are evident in the discrimination that development among the various categories of Palestinian refugees.

The research then examines the dangers that Palestinians refugees in Syria faced after the outbreak of the Syrian revolution and its aftermath, with the blunt and systematic policies of repression that the regime used against them which characterized violations experienced by the majority of the Palestinian refugee community in Syria and the grave danger of those violations against the backdrop of the ongoing conflict. This required an examination of the legal qualification of these violations, based on the documented records of the crimes committed against Palestinian refugees. Chief among these are the urban planning laws issued by the regime after it destroyed the Palestinian camps and displaced their residents. These laws had both immediate and long-term impacts in terms of the loss of refugee property rights and violations of all forms of ownership and other related rights of former residents, with serious repercussions on the demographic composition of Palestinian camps in Syria.

In terms of the legal and moral responsibilities of the international and national authorities concerned with the situation of Palestinians of Syria (UNRWA and the PLO respectively), the research reviewed how these agencies dealt with the crises and problems of refugees in Syrian displaced persons camps as well as those who were forced to flee Syria for neighboring countries and exiles. This revealed the magnitude of challenges resulting from the diversity of legal systems in countries of asylum, and the restricted options for refugees as they fled the war and searched for safe refuge abroad.

The last section of the report deals with the impact of changes in the legal status of Palestinian refugees on their identity debates, fears, and concerns. It is particularly important to address this issue because it speaks directly to the many studies focused on the sociological and psychological dimensions of identity problems in refugee communities. In the case of Palestinians in Syria, we see the importance of highlighting the impact of legal shifts because of their direct impact on the present and future identity of the Palestinians of Syria. In order to understand this perspective, the research includes a survey of a sample of the Palestinians of Syria to help clarify the links between legal status and identity shifts, as can be seen to a large extent in the preliminary survey findings.

There is an urgent need to document the tragedy of the Palestinians of Syria and to identify the responsible parties. It is also important to see the difference between their legal rights on paper and the brutal reality, in order to build a new and effective vision that enhances the mechanisms to defend both their rights and identity. Building this vision is one of the most important motivations for this research, to support the Palestinians of Syria refugees who are now stuck between the continuation of conflict, geographical fragmentation and the further breakdown of their identity, and their search for salvation.

The Palestinian asylum issue has multiple historical, humanitarian, and political dimensions. The objective of this research is to address the changing legal status of Palestinian refugees in Syria and its impact on all their current and future life conditions. The ‘variables paradigm,’ which is

concerned with the historical causal relationship between a social group and the elements of its own subjective and objective transformations, is a useful starting point to understand the group's relationships with the rights and legal frameworks governing it, and the legal framework's effects on its peculiarity as a refugee group. In the case of the Palestinians of Syria—a unique refugee issue in terms of problems, complexities, and the magnitude of the associated challenges—this research takes a historical analytical approach in order to understand the cumulative, qualitative impact of their asylum journey on the shifts in their legal status, which in turn affected various aspects of their lives.

One of the pillars of this methodology is the search for correlations between refugees and their national cause, the nature of the relationships with their places of refuge and residence, and the similarities and differences between these correlations across different historical circumstances. In this context, the comparative methodology is useful for understanding the facts of asylum experienced by the Palestinians of Syria in different historical periods, and compare them with the international and local laws and regulations and the customary rules that determine their rights. This is especially important as the comparison between different host countries in their approach to refugees sometimes necessarily entails putting them on a scale of bad and worse. The research tends to shed light on the extent to which host countries are generally committed to the rights and interests of Palestinian refugees in accordance with their obligations under international law, and not according to normative policies or abstract perceptions.

Despite the availability of many sources and references dealing with various aspects of the circumstances of the Palestinians of Syria, certain aspects are of a theoretical nature and there are discrepancies in the statistical variables of these sources due to information being withheld and difficult to access. For this reason the research relies on personal testimonies and firsthand interviews, and a survey of a sample of refugees illustrating the relationship between legal status and changes in identity, in addition to documenting the facts that can be used as evidence of the magnitude of the shifts that have befallen the legal status of the Palestinian refugees in Syria, in light of the

need to build a new approach based on the facts on the ground and current dynamics. It also examines the implications of the deteriorating legal status of the Palestinians of Syria by situating the various violations that they have been subjected to within a complex context which could destroy and dismantle that status, and the profound impact that these violations will have on their presence, their Palestinian-Syrian identity, and their future options.

II. Palestinian Refugees in Syrian Legislation

Refugees, whether voluntarily or forcibly displaced,⁽¹⁾ are generally affected by the political and legal systems of their host countries, as well as by the new social and cultural realities. Most sociological studies that attempt to track interactions between refugees and host communities consider the most important parameter to shed light on that interaction, and its positive and negative implications for refugee communities, to the basic rights accorded to refugees through a solid legal system—one that does not conflict with their guaranteed rights under regional and international charters and conventions.

Tracing the historical trajectory of the legal status of refugees in Syria reflects, one can easily recognize the historical, geopolitical, and cultural factors that have connected Syrians and Palestinians since ancient times. These factors are key to understanding the special relationship between the two peoples and the impact of the 1948 Nakba in reformulating the Palestinian presence in a neighboring environment with similar norms, lifestyles, and traditions. The new form of this relationship, which evolved over the past seven decades, manifested in different patterns of social interaction that had a profound impact on the fabric of both host and refugee

⁽¹⁾ Forced displacement is defined in international law as a practice carried out by governments, paramilitary forces or fanatical groups against ethnic, religious, or sectarian groups, with a view to evacuating lands and replacing displaced people with other populations; whereas voluntary migration is used to refer to migrations driven by social, economic, environmental or security pressures. For more see:

- Sabah Hasan Azeez: *The Crime of Forced Displacement: Comparative Study*, Master's thesis, Department of High Studies in the Faculty of Law in al-Nahrain University, 2015, PP. 28, 54;
- International Committee of the Red Cross, Rule 129, *The Act of Displacement*, available at: <http://bit.ly/33EVwne>
- OHCHR, *Transfer of the Civilian Population in International Law*, January 2017, OHCHR Legal Note, available at: <http://bit.ly/2XYQD7c>

communities. These evolving relations were enhanced in various ways by Syrian legislation, prior to recent major changes in Syria.

The Context of the Evolution of Refugee Legal Status in Syria

Contemporary legal studies define legal status as that which accords legal character to a person, regardless of their physical being, and thus entitles them to the state's assistance and protection. In this sense, legal status for both individuals and groups is acquired by those who have "the right to have rights," and is regulated through laws, decrees, and regulations that grant a target group the legitimacy to exercise such rights.⁽²⁾

This definition helps us understand the historical context in which the legal status of Palestinians in Syria evolved. The context is a cumulative one that stemmed initially from the lack of a dedicated legal framework in Syria for refugees that was distinct from the laws relating to the status of foreigners. As a result, refugee-related laws, resolutions, and regulations were issued in successive stages, starting from 1948 when nearly 90,000 Palestinian refugees who lost their entire livelihoods sought refuge in Syria. Their numbers have multiplied in the more than six decades since then as a result of normal population growth and subsequent waves of displacement into Syria. By mid-2015, there were an estimated 560,000 Palestinian refugees in Syria, representing 2.8 percent of the Syrian population and over 13 percent of the total global Palestinian refugee population.⁽³⁾ However, as large numbers fled and sought refuge in other countries during the war in Syria, it is estimated that over 200,000 Palestinians refugees left Syria between 2011-2018.⁽⁴⁾

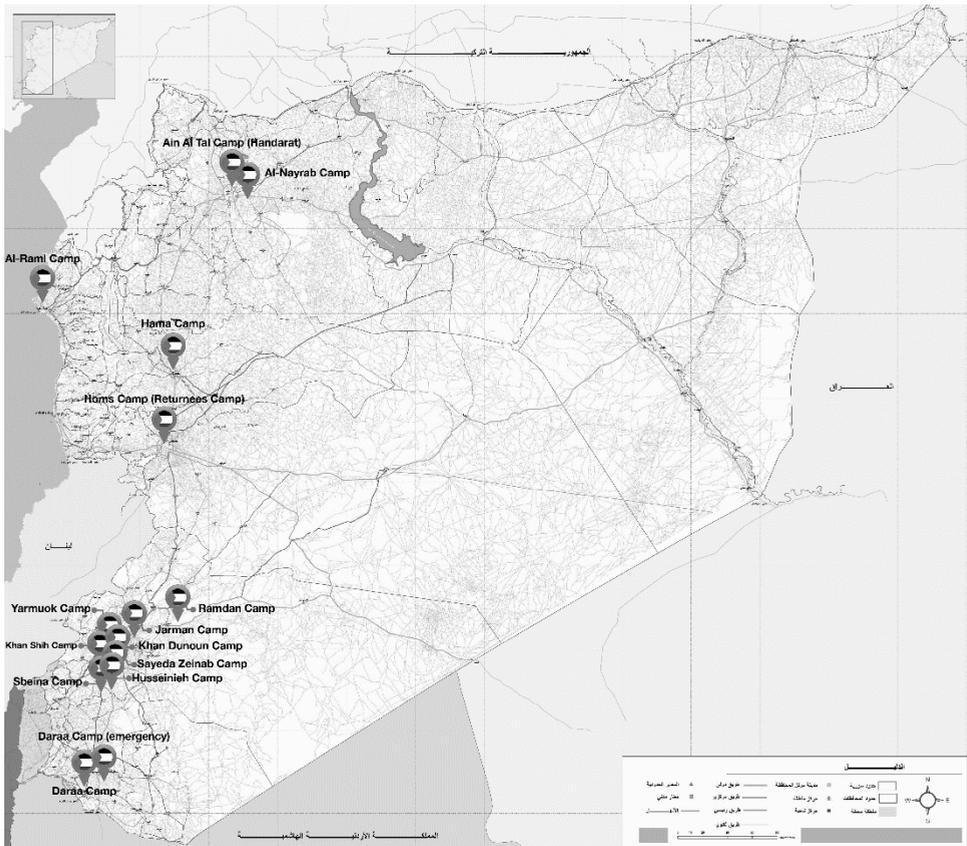
Most Palestinian refugees in Syria are distributed throughout 15 camps, most of which were established during the first two decades after their displacement in 1948. These camps include al-Yarmouk, Khan al-Sheih,

⁽²⁾ G. A. Tonkin, *Public International Law: Theoretical Issues*, Translated by Ahmad Rida, The General Egyptian Book Organization, 1972, P 376.

⁽³⁾ For more see: numbers of Palestinian refugees in Syria on UNRWA website: <https://bit.ly/2RqaJDx>.

⁽⁴⁾ Report issued by The General Body for Palestinian Refugees' Affairs in the Syrian Interim Government, 20 November 2017.

Khan Dhanoun, Jaramana, Sbeineh, al-Sayida Zainab, al-Husseiniyeh, and al-Ramdan camps in Damascus and rural Damascus; al-Walid camp in Homs; al-A'ydeen in Hama; al-Nayrab and Handarat in Aleppo; al-Raml in Lattakia; as well as Daraa camp and Daraa emergency camp. Before the war, al-Yarmouk camp had the largest population.⁽⁵⁾ There are several unofficial camps in Syria not recognized by UNRWA, but UNRWA still provides them health and educational services, as it does to Palestinian refugees living in Palestinian-majority communities in other Syrian cities and rural areas, such as in al-Amin neighborhood, Dummar, Muzayrib, and Jillen.



Distribution of the Palestinian camps in Syria

⁽⁵⁾ Ayman Abu Hashem: The Repercussions of the Syrian Revolution on the Palestinians of Syria, al-Yarmouk case as a Model, Palestinian Affairs Magazine, Issue 251, P 2.

When Palestinians were first displaced to Syria, the regulation of their affairs began through emergency measures taken by the government through executive orders to facilitate temporary housing in their cities of refuge. After that, the state began issuing ministerial decisions to help the refugees engage in the labor market; this included Decision No. 769 of 22 November 1948 allowing refugees to fish in Syrian territorial waters and Decision No. 940 of 3 April 1949 allowing them to be admitted as temporary workers in state institutions.⁽⁶⁾

Syrian Legislative Decree No. 450 of 1949 created the General Administration for Palestinian Arab Refugees (GAPAR), tasked with regulating refugees' records and civil status; helping them with food, clothing, and work; and receiving refugee-related donations and grants. Legislative Decree No. 33 of 17 September 1949 was the first to permit the permanent employment of refugees in state institutions and administrations.⁽⁷⁾ Several subsequent legislative decrees provided regulations for refugees' entry into professions such as legal practice, medicine, engineering, and handicrafts. GAPAR is administratively and financially affiliated with the Syrian Ministry of Labor and Social Affairs. It has a cooperation agreement with UNRWA on administering health, education, and other services in the Palestinian camps and a separate agreement with UNICEF related to childhood and training programs.

The Impacts of Law No. 260 on the Legal Status of Palestinian Refugees

The most important measure to codify the rights of Palestinian refugees in terms of the depth and breadth of its impacts on various aspects of their lives, was Law No. 260 of 10 July 1956, which is considered to be the main legal framework governing the conditions of Palestinian refugees in Syria. The law was issued by the Syrian Parliament during the era of former

⁽⁶⁾ Samir al-Zabin, *The Reality of Palestinians in Syria*, research paper issued by the research center of the Palestinian Liberation Organization, June 2013, P 12.

⁽⁷⁾ *The Legal Status of Palestinian Refugees in Syria before the Armed Conflict*, Palestinian Association for Human Rights (Witness), 18 November 2015, available at: <https://bit.ly/32k12LF>.

President Shukri al-Quwatli. Law No. 260 stipulates in its first article that Palestinians living in the Syrian Arab Republic at the time of the promulgation of the law have the same duties and responsibilities as Syrian citizens in work, trade, public sector employment, and military services, but keep their original nationality).⁽⁸⁾ This law granted Palestinian refugees most of the same civil rights granted to Syrian citizens, which encouraged active and vibrant engagement by the Palestinian community in various areas of life in Syria. Nevertheless, it denied Palestinians political rights, primarily the rights to vote and run for office (municipal, provincial, legislative, and presidential). The justification for denying Palestinian refugees the exercise of full sovereign rights is that it would undermine the Palestinian national identity and the drive to preserve it, and it did not cause resentment among the Palestinians, who have remained committed to their distinct national identity. In reality, many political rights were not fully guaranteed to Syrian citizens at the time, especially since the issuance of the 1963 Emergency Law, which had a profound impact on political life in Syria and restricted the basic freedoms of all, both citizens and non-citizens alike.

The issuance of Law No. 260 laid the groundwork for regulating the civil status of Palestinian refugees, with their increasing numbers and expanding engagement in Syrian economic life. Decision No. 1311 was issued on 2 October 1963 to regulate travel documents for Palestinian refugees in Syria. One of the most important parts of that decision was Article 10, which entitles the holder of a valid Syrian travel document to leave and return to Syria without a visa.⁽⁹⁾ However in practice, after Hafez al-Assad seized power in Syria the application of Decision No. 1311 became dependent on travelers ability to obtain a security clearance, especially following the establishment of a special security branch for Palestinian refugees in the early 1970s. Dubbed the “Fidayeen Police Division,” and affiliated with the Military Intelligence Branch, the division was tasked with following up on the affairs of the Palestinian Liberation Army and other Palestinian political and armed groups who maintained official armed presence on Syrian

⁽⁸⁾ Law No. 260 of 1956, Syrian People’s Assembly website, available at: <https://bit.ly/2LITIOb>.

⁽⁹⁾ Samir al-Zabin, *The Reality of Palestinians in Syria*, research paper issued by the research center of the Palestinian Liberation Organization, June 2013, P 14.

territory. The branch was given the power prohibit the travel of any Palestinian refugee who failed to obtain a security clearance, as well as the power to detain any refugee upon their return to the country if their name happened to be on the wanted list. These measures also affected Palestinian refugees who held a Jordanian passport or Lebanese and Egyptian travel documents.

The civil rights given to Palestinian refugees in Syria have not always been applied comprehensively or objectively due to restrictions imposed upon them through decrees or executive orders. Among these are Palestinians refugees' rights to own property, which have been subjected to the same conditions as those for foreigners. These decrees and decisions stipulated that a married Palestinian refugee could own one house only and must obtain approval from the Minister of Interior,⁽¹⁰⁾ or in essence, a security clearance. As for agricultural land, which was increasingly urbanized without planning or registration, Palestinian refugees enjoyed the same rights as Syrian citizens with respect to the registration of shares of land, whether through purchase contract or based on a judicial order, as was stated in Law No. 183 of 1969.

More recently, new restrictions have been placed on land ownership in Syria for Arabs and other foreigners, including Palestinian refugees. Law No. 11 of 2008 stipulated that a refugee must obtain a security clearance if they wanted to prove property ownership and register land in the cadastre. The same also applies to judicial rulings, in addition to the difficult conditions stipulated by the law for real estate ownership by Palestinians, such as the requirement that the property be covered by a zoning plan and that its area be no less than 200 square meters. An amendment to this law in 2011 reduced the minimum area to 140 square meters but did not alleviate the other harsh conditions on Palestinians' ownership of property.⁽¹¹⁾

⁽¹⁰⁾ Anas Marzouk, The Legal Page: Law No. 11 of 2011 on Foreigners Ownership of Estates, 24 April 2013.

⁽¹¹⁾ A legal memorandum (Researcher Ayman Abu Hashem has read) on Law 11/2008 to address the negative impacts of the law on the right of Palestinian refugees to own property in Syria. The memorandum was submitted to the Syrian cabinet in March 2009.

The legal significance and practical effects of Law No. 260 were not enough to conceal the injustices and prejudices against those with status equivalent to Syrian citizens, given the repression and crackdown on freedoms that have prevailed in Syria since 1970. This repression has at times been felt directly by Palestinian political groups in response to their engagement with leftist and Islamist opposition political parties, or because of Hafez al-Assad's conflict with Palestinian leadership. For example, in 1983 the Assad regime arrested large numbers of Fatah leaders and members and subjected them to years of imprisonment.⁽¹²⁾ Moreover, both Syrian citizens and Palestinian refugees have suffered due to the rampant economic and administrative corruption in state institutions, as well as the policies of impoverishment, marginalization, and privatization, which increased during the reign of Bashar al-Assad. Moreover, as we will see later, Law No. 260 did not cover the Palestinian refugees who fled to Syria at later points in time.

The Effects of Unequal Legal Status

Since the emergence of the Palestinian refugee issue seven decades ago, they have had to deal with different legislative systems impacted by various political interests and biases, depending on their country of asylum. It is no secret how varied the legal statuses of refugee communities have been in different Arab host countries. This is reflected in historical transformations that have confirmed the difficulty of establishing firm rules to safeguard the rights of refugees and protect their long-term presence in their host countries. Such difficulties have always been manifested most clearly during crises and internal conflicts in Palestinian refugees' host countries, as in past events in Jordan, Lebanon, Kuwait, and Iraq, and in the current situation in Syria.

The problems facing refugees become even more complex when host countries impose different legal and procedural frameworks to govern the existence of different groups of refugees on their territories. Syrian laws

⁽¹²⁾ Captain Rashid Hourani, "The Assad Regime and the Pragmatic Use of the Palestinian Cause", a study issued by Toran for Strategic Studies, December 2017, P 5.

pertaining to Palestinian refugees are no exception to these challenges, although Syria stands out from other Arab countries in terms of the civil rights accorded to Palestinian refugees, which allowed them to take part in civil life in Syria and integrate into Syria's social and cultural fabric.

The different approach of Syrian laws on refugees, with various degrees of permission, prohibition, and restriction depending on the categorization of refugees as follows:

First: The 1948 Refugees – This group is the oldest and largest, representing 85 percent of the total number of Palestinian refugees in Syria. They gained a distinct legal status from other refugee groups following the issuance of Law No. 260, which granted them most of the same rights of Syrian citizens,⁽¹³⁾ in accordance with the well-known legal phrase ‘and those deemed the same’ with the exception of the right to run for office and vote in public elections. Palestinian refugees were not, however, barred from joining and running for positions in trade unions and professional organizations.

Following the issuance of Law No. 260 in 1956, any person holding a ‘Red Card’ was issued a temporary identification card for Palestinian citizens. However, there were some Palestinian families who chose to live in Syrian areas where there are essentially no UNRWA offices, such as Jableh, Baniyas, al-Raqa, Albu Kamal, Qarah, and al-Hasaka, and as a result were not registered with UNRWA. When some of them tried to register in later years, UNRWA required them to provide documents that proved they had been born and lived in Palestine at least two years before the 1948 Nakba, which was impossible because most refugees had lost their documents during their displacement. This requirement was not needed since they were registered with GAPAR.⁽¹⁴⁾ It was the tendency of successive Syrian governments to allow Palestinian citizens to engage in different aspects of public life in Syria, and to benefit from having qualified and educated

⁽¹³⁾ Tareq Hammoud, *Palestinian Refugees in the Syrian Revolution*, Arab Center for Research and Policy Studies, 6 January 2013, available at: <https://bit.ly/2UmsIT8>.

⁽¹⁴⁾ This information has been drawn from several calls the researcher made with different resources, including employees in UNRWA in Damascus, who preferred to remain anonymous for professional and security reasons. These calls were made in February and March 2019.

Palestinians in public posts. In general, Syrians did not discriminate against the Palestinian refugees. The contributions of generations of those refugees to the education, health, industry, culture, media, art, and sports sectors in Syria demonstrate their vital role was in the public sphere.



Palestinian refugees of 1948

Notably, in the last two decades the Syrian government's attitude towards the Palestinians started to change, as many ministries and public administrations began to introduce a glass ceiling that prevented qualified Palestinian refugees from reaching senior managerial positions. For example, since the year 2000, it is clear that Palestinian applications have been excluded from recruitment competitions for the Ministry of Foreign Affairs. Some believe that this is not true due to the fact that two Palestinians, namely Ahmad al-Hassan and Ahmad Salim Darwish, reached the rank of minister. However, not only were these two ministers both appointed during the 1980s, but both were also granted Syrian citizenship before their respective appointments.

Second: The 1956 Refugees – This group of refugees moved to Syria after being expelled by the 1956 Israeli occupation of their villages, Akrad al-Baqqara and al-Ghanameh. Law No. 260 did not apply to this group, but they enjoyed most of the same rights, except that their employment in public state administrations was restricted to temporary contracts only. However, these limitations were disregarded during the reign of President Nureddin al-Atassi between 1966 and 1970. During that period, it was sufficient for an applicant to a public post to provide their refugee identification card, regardless of the date they had entered the country.⁽¹⁵⁾ This group was exempted from compulsory military service by Circular No. 1022 of 1972.⁽¹⁶⁾

Third: The 1967 Refugees – Most members of this group were displaced following the Israeli occupation of the West Bank and the Gaza Strip in June 1967. Some of them held Egyptian documents so Syrian laws treated them as foreigners, while others had Jordanian documents and were treated like other Arab citizens.⁽¹⁷⁾ In both cases, many members of this group were not registered with GAPAR. This caused a multifaceted dilemma for members of this group because they were not allowed to renew their documents from the entities that had issued them. The Egyptian document holders, treated as foreigners, had to renew their residency permits annually. As a result, most of them were considered in violation of the law, but were generally overlooked by the authorities. In addition to being deprived of employment rights, they were not given the right to own property as foreigners, even by virtue of judicial orders, because their documents were invalid. The criterion adopted by UNRWA to register the holders of Egyptian or Jordanian documents was to accept the registration of those who could prove that they had been displaced from the 1948 territories, and to reject the registration of those who had been displaced from the 1967 territories.

⁽¹⁵⁾ The testimony of the Palestinian refugee Yousef Ali Ahmad, from the 1956 refugees group. He provided this testimony in February 2019 to the researcher. He stated that he was employed in the ministry of agriculture in 1969, when Minister Muhammad Saeed Taleb was heading the ministry, without any obstacles.

⁽¹⁶⁾ Tareq Hammoud, Palestinian Refugees in the Syrian Revolution, Arab Center for Research and Policy Studies, 6 January 2013.

⁽¹⁷⁾ Nabil al-Sahli, Palestinian Refugees and IDPs in Syria, The Palestinian Information Center, 6 December 2006, available at: <https://bit.ly/2HAaa6Z>.

Fourth: The 1970 Refugees – Most members of this group were families of the Palestinian fighters who went to Syria following incidents in Jordan and held expired Jordanian passports that they were unable to renew. They were not granted any of the rights under Law No. 260 and they faced restrictions on their residence, travel, and movement. They were not registered with the GAPAR, and UNRWA provided educational and health services only to those who could prove, like members of the above group, that they had been displaced from the 1948 territories, while most of them had actually been displaced from the 1967 territories.⁽¹⁸⁾

In recent years, Palestinian factions close to the Syrian regime started to submit lists of names of refugees from this group to modify their legal status to be treated like the 1948 refugees. In the years leading up to the conflict, exceptions to modify the legal status of more than 350 families from this group were issued.

Fifth: The 1982 Refugees – This group was displaced following the Israeli aggression against Lebanon. They were handled based on their official documents issued by the Lebanese government, which were only renewed if the holder was able to get an annual residency permit. Members of this group holding a ‘White Card’ have been able to benefit from services provided by UNRWA.⁽¹⁹⁾ Legally, members of this group were treated as Arab citizens. According to information pulled from various sources, it seems that most members of this group fled Syria during the years of conflict, while a few who do not have valid documents are still stuck in Syria.

Sixth: The 2003 Refugees from Iraq – Members of this group were registered with the UN Refugee Agency (UNHCR) and placed in refugee camps near the Syrian-Iraqi border. The Syrian government denied them access to Syria so most entered the country illegally, and hundreds were imprisoned and deported as a result. This group of refugees was not granted

⁽¹⁸⁾ Resources from UNRWA employees in Syria.

⁽¹⁹⁾ Number of Palestinian refugees, UNRWA website.

any rights under Syrian law.⁽²⁰⁾ Under UNRWA's rules, which allow the Commissioner-General to authorize UNRWA bureau directors to record difficult cases in their respective areas of operation, tens of families from this group were eventually registered and able to benefit from UNRWA services.

These different legal statuses and the related facts laid out above indicate several gaps in Syrian laws pertaining to Palestinian refugees, not only because Law No. 260 did not cover several of the above groups, but also because of a failure to issue new legislation that addresses the deprivation and discrimination affecting most of the groups who were forcefully displaced to Syria at various stages in history. Although the largest group, the 1948 refugees, were granted their rights, other groups were subject to injustice and suffered daily from livelihood and psychological challenges due to lack of a legal framework to protect their civil and human rights.

At several milestones of the Syrian war, the dire impacts of the discrimination based on the status of each different refugee group became clear. Those barred from accessing identification and travel documents had to deal with a double ordeal: challenges moving internally and the inability flee legally to neighboring countries. These challenges were highlighted by the testimony of a Palestinian refugee (M. Sh.), part of the 1970 refugee group who lives with his family in Douma. He said that: "When the battles started in Eastern Ghouta in 2012, I was considering leaving the area with my family, but we did not have identification documents. We were scared of passing through checkpoints and our only option was to stay with the besieged population in Ghouta. I lost one of my children in 2015 by a barrel bomb attack on our neighborhood. We stayed under the siege until the regime took over Ghouta in early 2018."⁽²¹⁾

⁽²⁰⁾ The Tragedy of Palestinians in Iraq, Refugee publication issued by the National Committee for Advocating the Right to Return, March 2005.

⁽²¹⁾ Testimony of Palestinian refugee, M. Sh., provided to the researcher in April 2018, on the refugee's suffering during the war and siege in Eastern Ghouta.

The irony is that the Arab countries that approved the Casablanca protocol of 1965 or had reservations thereon,⁽²²⁾ have not all committed to facilitating the movement of Palestinian refugees, no matter the documents they held. This is contrary to the terms of the Protocol, which stipulate the facilitation of travel, residency, and return without visas for all Palestinian refugees. Even countries that took in refugees in the early days of the hardships such as Lebanon, Algeria, Libya, and Egypt, quickly reversed course and again began denying Palestinians access to their territories. Other countries used the pretext of security considerations to reject the renewal of passports and documents they had issued. Consequently, Palestinian refugees faced a complex web of discrimination from the laws in different Arab countries where they lived, as well as the restrictions and deprivations.

Arab countries violated the rights of a wide spectrum of Palestinian refugees, who faced restrictions and deportation policies. The refugees were oftentimes victims of the Arab regimes' wars and inter-regional conflicts, and it was difficult to demand that those governments perform their duties in enforcing international humanitarian and human rights laws pertaining to refugees when their policies even towards their own citizens lacked the minimum levels of respect for human rights. Those policies would seem more distant from any legal and ethical obligations, something further

⁽²²⁾ The protocol pertaining to the treatment of Palestinian refugees, known as the Casablanca Protocol, is considered the Arab document that seeks to regulate the status of Palestinians in Arab countries they sought refuge in since 1948. In this sense, it can be considered the first Arab attempt to address the refugee question as a whole. The Protocol stipulates that Palestinian refugees are to be treated as Arab citizens of the countries where they live with regards to employment and work, and grants them the right to leave and return to the regions of those countries, the movement between Arab countries, the issue and renewal of travel documents, and the freedom of residency, work, and movement. It is worth mentioning that not all Arab countries members of the Arab League assented to the Casablanca Protocol. Some states even included in the protocol reservations that rendered its essence invalid. Practically, the level of commitment of Arab countries to the standards of the Arab League vary. A set of facts, such as the ones stated in this issue, confirm that Arab countries with no exception have not committed themselves to the stipulations of the Protocol they have written themselves. Definitely due to the embarrassment resulting from this contradiction, not least at the ethical and theoretical levels, Arab states have adopted, on recommendation from Saudi Arabia and Kuwait, Decision No. 5093 of 1991, which has limited the implementation of the Protocol with the statement "according to the laws and regulations in force in each country." This practically implies that Arab countries are exempt from giving priority to the implementation of the Protocol to give power to the local standards in force in each country, instead of following the provisions stipulated in the Casablanca Protocol. To review the protocol, see: Ibrahim al-Ali, *The Casablanca Protocol, between Theory and Practice*, the Network of Palestinian Refugees News in Lebanon, available at: <https://bit.ly/2w8cZ8V>

proven by the harsh experiences of the Palestinians of Syria at different milestones of their displacement to Arab countries, which we will be discussed later on.

III. Repercussions of the Syrian Crisis on Palestinian Refugees' Legal Status

For many decades, Palestinian refugees lived in Syria in relative assurance and stability compared to other countries such as Lebanon, where they suffered from legal and social discrimination. The conflict that started in Syria in early 2011 marked a new chapter for Palestinian refugees there, who have been suffering from the tragic repercussions ever since. Despite their calls for dissociation and neutrality, which they believed would spare them from relentless violence and gross violations of their individual and collective rights, Palestinians in Syria have been trapped in the middle of a violent conflict. This has been accompanied by the restriction and dismantlement of many of the legal rights they once enjoyed.

The clear trend towards revocation of Palestinian rights has been marked by a number of unlawful practices by state authorities that have prevented refugees from exercising their rights, both through unlawful executive decisions and directives as well as through practical measures. For example, Palestinians were prevented from applying to the Ministry of Education's 2012 employment competition by virtue of a decision from the minister,⁽²³⁾ which is a clear contravention of their employment rights under Law No. 260. In addition, the law on educational scholarships issued by Legislative Decree No. 6 of 2013 did not include the phrase 'and those deemed the same'⁽²⁴⁾ contrary to the norm in previous decrees.

The revocation of Palestinian refugees' rights in Syria has also taken place through less obvious means. Several undeclared executive circulars were issued that used security pretexts to nullify many of the rights stipulated in

⁽²³⁾ Although there is a union for Palestinian teachers in Syria, the minister of education was not challenged on his decision to exclude Palestinian teachers in Syria from the competition. The presidency of the union, which is affiliated with the Palestinian branch of the Baath Party, did not show any reaction to the decision.

⁽²⁴⁾ For more see Legislative Decree No. 6 of 2013: The Law of Scientific Scholarships, Syrian People's Assembly website, available at: <https://bit.ly/30SmEyM>.

Law 260. For example, Police Bulletin No. 351 of 2013 included a list of 181 Palestinian refugee students who were banned from traveling out of the country.⁽²⁵⁾ The procedural restrictions did not stop there. All government ministries and directorates received directives from security branches demanding that they cease the payment of salaries and payments due to all Palestinian staff members who were under arrest or suspected of anti-regime activities or contacts. It is worth mentioning that the security apparatuses themselves have been providing cover for the activities of the trafficking mafias that transported large numbers of Palestinian refugees to Turkey in return for substantial bribes. This trade increased dramatically between 2014-2015.⁽²⁶⁾

State security apparatuses have relied on the GAPAR directorates in refugee camps and communities across Syria to monitor the refugees and receive regular reports on their movements and security status. GAPAR's civil registry office was prohibited from issuing any document to person who did not have a clean security record. The situation of expatriates who needed but could not receive such documents were exploited, forcing their family members to pay bribes in order to get them.⁽²⁷⁾

Security procedures have greatly restricted the housing options for Palestinian refugees in Syrian cities. Any refugee who wants to rent a house in Damascus, for example, has to get prior security authorization. This happened to large numbers of Palestinians who were displaced from al-Yarmouk camp to the neighborhoods in Damascus city at the end of 2012. On the other end of the spectrum from the restrictive policies that have influenced the majority of the Palestinian refugee community, the Syrian authorities granted special powers and privileges to members of Palestinian

⁽²⁵⁾ Testimony of warrant officer R. H. A. who defected from the Political Security Division, in an interview conducted with the researcher Ayman Abu Hashem in June 2018. Before his defection, he was working in the secretariat of the Division.

⁽²⁶⁾ Phone calls made by the researcher in the period between March and July 2018 with a number of refugees who came to Turkey through the smuggling networks. They claimed that one of the largest networks that helped them get to Turkey, one which transported Palestinian refugees from Aleppo and Palestinian camps there to the Turkish border, was a network run by al-Quds Brigade, which is affiliated with the regime intelligence and which is deployed in Aleppo and its surroundings.

⁽²⁷⁾ Bribes to issue a civil document, for a person living abroad and was wanted by security apparatuses, from GAPAR offices in Damascus and Aleppo were somewhere between 50-100 thousand Syrian pounds.

factions and institutions loyal to the regime and members of extralegal armed Palestinian militias for political and security reasons. The regime turned these groups into tools of tyranny and control whose unlawful practices have caused suffering for Palestinian communities both in and outside of the refugee camps. Those militias also engaged alongside the Syrian security forces and army in the commission of grave violations against both Palestinian and Syrian civilians, especially those who lived in areas loyal to the revolution. Numerous abuses committed by these militias have been documented, some of which amount to war crimes and crimes against humanity.⁽²⁸⁾

The steady disintegration the legal status of refugees in various ways resulted in a steady collapse in the system of rights accorded to them under Syrian and international legal frameworks. As the Syrian conflict escalated, Palestinian refugees faced dire humanitarian circumstances that posed real threats to their lives, existence, and rights as reflected in the tragic realities of the conflict.

Flagrant Legal Violations

The daily developments of the Syrian conflict have revealed the scale of the tragic disaster that has befallen the Palestinian refugees, who have suffered from killing, arrest, bombing, destruction, sniping, siege, displacement, eviction, poverty, and destitution. The suffering has pushed hundreds of thousands of refugees towards an uncertain destiny. The human and material costs for Palestinians in Syria pose a real threat to the future of their very existence, as evidenced by the documented facts:

⁽²⁸⁾ Captain Rasheed Hourani, *Assad Regime and the Pragmatic Investment of the Palestinian Cause*, a study issued by Toran for Strategic Studies, December 2017, P. 8. The cited source defines the pro-regime Palestinian factions and formations that participated in military and security operations during the war as auxiliary forces. They are PFLP-GC, As-Sa'eqa, Palestinian Baath Branch, Fateh al-Intifada militia, Palestinian Liberation Army militia, Palestinian Popular Struggle Front militia, al-Quds Brigade, Jalili Forces militia, Free Palestine Movement – the Military Wing, al-Aqsa Shield Forces, Palestinian Democratic Party militia.

- 3,995 Palestinian refugees, mostly youth, had been killed as of 25 February 2019.⁽²⁹⁾ Their manners of death have included: bombing, sniping, starvation, lack of medical care, kidnapping, arrest, and torture, as well as some who were killed on the front lines due to their engagement in combat. According to the statistics, regime forces and supporting militias are the number one killer or cause of death of civilians, while responsibility for the rest is distributed among the other parties and forces involved in the conflict.⁽³⁰⁾ These figures remain preliminary, as there are challenges that make it difficult to fully document many victims. Primary among these challenges is the regime's secrecy about those cases, and the families' fear of retaliation if they demand information about the fate of their children or relatives, even if they have proof that the regime was responsible for their death or disappearance. For this research, several persons were interviewed after they left Syria for Turkey who had relatives who were victims of the regime. The interview subjects had clear evidence that the regime was responsible for the killing of their loved ones, but they kept silent because they feared the regime would retaliate against their relatives in Syria if they spoke out.⁽³¹⁾
- 1,768 Palestinians, including 110 women, have been killed by the regime's security and intelligence agencies and an additional 328 went missing, according to the Action Group for the Palestinians of Syria.⁽³²⁾ Other sources speak of more than 12,000 detained Palestinians of Syria, or Palestinians from Lebanon, Iraq, Gaza, or the West Bank.⁽³³⁾ This

⁽²⁹⁾ Daily report of the Action Group for Palestinians of Syria, 02 October 2019, statistics section available at: <https://bit.ly/34cYrF8>. This group is one of the parties that monitor and document the conditions of Palestinians of Syria the most. They conduct daily monitoring of all war victims and violations perpetrated against refugees by different parties.

⁽³⁰⁾ The total of the key violations perpetrated in the first half of 2017, Report issued by the Syrian Network for Human Rights, 10 July 2017, available at: <https://bit.ly/2MMCV4O>.

⁽³¹⁾ The testimonies of refugees (M. T. – N. Kh. – F. A. – R. S.) that were collected by the researcher in April 2019. They come from the camps of al-Yarmouk, al-Ramel, Daraa and Ruken Eddin. They talked about family members who were killed by the regime in different circumstances, and they later received the victims' IDs, but without their dead bodies. The researcher tried to find whether the victims in these cases were documented by any third party, and found out that two of the victims were unknown and undocumented.

⁽³²⁾ The Action Group for Palestinians of Syria, 25 February 2019, Issue 2305.

⁽³³⁾ Ibid.

makes it likely that there is a larger number of Palestinian detainees in Syrian regime prisons. There have been a number of mass arrests of Palestinian refugees by regime-affiliated sectarian militias. One of the most well known cases was an incident where hundreds of Palestinians were arrested as they left the besieged al-Yarmouk Camp through the Ali al-Wahsh checkpoint in Southern Damascus in January 2014. Most of those detained were young people, women, and children. They were all taken to unknown destinations and their fate remains unclear until this day. It has also been documented that more than 568 detained men and women were killed by the brutal torture practices in regime prisons and dungeons. Photos of Palestinian detainees who had been killed in detention, including women and children, were found in the documents that came to be known as the Caesar Report, which revealed the murder of dozens of Palestinians in regime dungeons due to torture among more than five thousand Syrian detainees who were brutally killed in detention.⁽³⁴⁾

⁽³⁴⁾ Ibid.



Martyrs under torture Caesar file

Other parties besides the regime have also been involved in the arrest and murder of Palestinian refugees. For example, after ISIS took control of al-Yarmouk Camp in April 2015, they detained and killed more than 20 Palestinians, the last of whom was young Mousa al-Badawi, who was executed next to the Palestine Mosque in February 2018.⁽³⁵⁾ There are confession statements and evidence that al-Nusra Front was also involved in the assassination of several prominent civil activists in al-

⁽³⁵⁾ For more see the page of Palestinian Camps Network – Shamekh on Facebook, available at: <https://bit.ly/32lnO69>.

Yarmouk Camp, particularly those who were known to have played a role in helping civilians during the siege. Military factions affiliated with the opposition were also responsible for the killing of Palestinian detainees in their custody. The al-Hajar al-Aswad Brigade, which was led by Bayan Maz'al, was responsible for the killing of several Palestinian activists, before it was dissolved.

- 205 people died of starvation and lack of medical care due to the five-year siege of al-Yarmouk camp by regime forces and the Popular Front for the Liberation of Palestine – General Command militia, which is loyal to the regime. Most of the victims who succumbed to malnutrition were children, elderly persons, and women, clear evidence of the regime's policy of collective punishment against Palestinians' very existence.



Siege and starvation in al-Yarmouk Camp

- Refugee camps in Daraa, Sbeineh, Sayida Zainab, and Handarat were almost completely destroyed, as were large parts of Khan al-Sheih, and Husseiniyeh camps. Al-Yarmouk camp, the largest Palestinian refugee camp in Syria, was subject to continued intensive destruction as well. While there are no accurate estimates of the material losses in residential buildings and infrastructure in those camps, the cost for their reconstruction is expected to reach hundreds of millions of dollars. The targeting of Palestinian refugee camps has created a genuine humanitarian catastrophe for camp residents. When UNRWA's Commissioner-General Pierre Krähenbühl addressed the international community during the Helsinki Conference on 24 January 2017, he demanded the provision of assistance to meet the urgent humanitarian needs of 95 percent of the Palestinians of Syria who were in a state of poverty and destitution.



Destruction of Darr Camp

- Palestinian refugees have faced increased rates of internal displacement due to the deterioration of the military and security situation, especially those in refugee camps located near military flash points. Estimates indicate that more than 70 percent of Palestinian refugees fled their camps to more secure domestic areas and that most of them were displaced multiple times.⁽³⁶⁾ It is important to discuss the direct correlation between forced displacement and internal displacement, because the increased rate of internal displacement was a reflection of the forced displacement practiced by the regime against certain Palestinian communities. For example, the regime's bombing of al-Yarmouk camp in December 2012, along with the complete siege of the camp from April 2013 to May 2018, led eventually to the displacement of all of the residents of the camp. Regime forces have also prevented the return of Palestinian refugees to their camps. For example, most residents of Sbeineh camp have been prevented from returning to their homes since the beginning of 2013. Return to some other camps, such as Handarat in northern Aleppo, is difficult due to the extensive destruction of their residential buildings and infrastructure.
- More than 200,000 Palestinians fled abroad due to the ongoing conflict in Syria. Most of them were forced to resort to illegal methods to reach safety since neighboring countries closed their borders. Hundreds lost their lives while trying to cross seas and dangerous, rugged roads, facing further challenges in the countries that they later took refuge in.⁽³⁷⁾
- The living conditions of the Palestinians of Syria deteriorated significantly during the conflict. Some clear examples and indications of this include the increased rates of unemployment, poverty, and destitution, and the reliance of about 90 percent of Palestinian refugees relied on aid and relief.⁽³⁸⁾ There has been a notable deterioration in health services for Palestinians in Syria, especially in the camps that

⁽³⁶⁾ UNRWA website.

⁽³⁷⁾ General Body for Palestinian Refugees Affairs in the Interim Government.

⁽³⁸⁾ UNRWA website.

were targeted during the war, where medical and health facilities were badly damaged and rendered nonoperational as the numbers of sick, injured, and disabled persons multiplied. Palestinian educational services were also interrupted due to the war, which means that generations of students have been unable to receive their education, whether in Syria or in their countries of refuge.

The repercussions of the war have had grave psychological impacts on Palestinian refugees in Syria, undermining the foundations of their stability and security. Displacements resulted in the disintegration of refugee families, who were dispersed across distant geographies. It is difficult to fully understand the severe damage inflicted on all strata and age groups of the refugee community, which went through a hell so unbearable that the expression “the Second Nakba” has become an accurate description of the tragedy of Palestinians in Syria.

Real Estate Ownership and Challenges to Camp Reconstruction

This research has already discussed restrictions on the ownership of real estate for Palestinians in Syria that were introduced in the laws issued before the outbreak of the revolution. However, urban planning laws and decrees issued by the regime during the revolution, especially Law No. 10 of 2018 and its amendments, have revealed the regime’s aims to deprive Syrian refugees ‘and those deemed the same’ of their property and to undermine the real estate ownership rights guaranteed to them in the Syrian constitution and international laws.

To better understand the repercussions of Law No. 10 and its amendments on the property of Palestinians in Syria in particular, it is necessary to look at the text of the decree, which stipulates: "the establishment of one or more zoned areas within the general zoning plan of the administrative units" and "the amendment of some articles of the Legislative Decree No. 66 of 2012." Pursuant to the decree, within a week of issuing a decree creating a zoned area, the competent authority of an administrative unit prepares a list of

owners based on the real estate records. Administrative units then invite landowners and real rights holders to declare their ownership within thirty days by submitting an application declaring their selected place of residence.⁽³⁹⁾

It is clear that the main objective of Law No. 10 is to impose impossible conditions for proof of property ownership on the more than 11 million Syrian refugees who left their homes because of the war, according to UN reports, including the 200,000 Palestinian refugees who left Syria. Most legal analyses of the impacts of this law agree on its legal violation of property rights and the serious risks it poses to a large segment of real estate owners including Syrians and ‘and those deemed the same’. The law creates great potential for abuse and discriminatory treatment against IDPs and the residents of areas that were under the control of the opposition. Furthermore, it closes the doors to refugees who want to return to their areas, since the law is being used to rob them of their houses and land. This is especially true because the 30-day deadline for a relative or a legal representative to file an ownership claim on their behalf is too short of a period, even with the subsequent amendment to the law which extended the period to one year.

According to the Norwegian Refugee Council, 70 percent of refugees lack basic identification documents, which are necessary to prove ownership and to appoint a legally recognized representative.⁽⁴⁰⁾ Additionally, thousands of people have been forcibly disappeared during the conflict, and the property of missing persons cannot be claimed since they are not able to submit proof of ownership in person or to appoint a legally recognized legal representative. In many cases, the relatives of missing persons will not be able to show why the owners cannot apply themselves. Similarly, relatives of persons killed in detention may not have the necessary documentation to prove the death, and as long as the property is still owned by a missing person there will be no way to claim it. Furthermore, a security clearance is

⁽³⁹⁾ George Eisa, How Assad Benefits from Law No. 10, al-Nahar Newspaper, 21 April 2018, available at: <https://bit.ly/2LhC08B>.

⁽⁴⁰⁾ Syrian refugees’ documentation crisis, Briefing by Samer Aburass, Published 26. Jan 2017, <http://bit.ly/34LUuvC>

required for the local agent of a property owner who is not in the country or whose whereabouts are unknown. This constitutes an additional barrier to proof of ownership, as residents of areas that were under the control of opposition parties are unlikely to want to or be able to apply for a security clearance. Human Rights Watch has already documented "the security services' highly-abusive treatment of individuals suspected of affiliation with anti-government groups, including arbitrary detention, torture, and extrajudicial executions."⁽⁴¹⁾

All of these impacts that Law No. 10 has on Syrians have significant implications for the Palestinian property owners. This is especially true since 70 to 80 percent of the Palestinians of Syria have become either refugees in other countries or IDPs and most of them were residents of al-Yarmouk camp, which has been almost entirely destroyed, or are from other camps which have been either totally or partially destroyed. Ownership documents and title deeds in most of the Palestinian camps from before they expanded in recent decades, are registered in GAPAR's official records. GAPAR was the party that distributed camp land to refugees under long lease agreements that it concluded with the Syrian when the camps were established.

Law No. 11 of 2008 and its amendments set the conditions for Palestinians property ownership in Syria, as follows:

1. The applicant must have a family;
2. Possession shall be for the purpose of personal and independent residence based on a legal license per the building municipal code. The minimum area of the building shall not be less than 140 m², in the form of an integrated housing unit. The request for floor division of said real estate, if divisible, shall be rejected;

⁽⁴¹⁾ Q&A: Syria's New Property Law, Human Rights Watch, 29 May 2018, available at: <http://bit.ly/2YesJol>

3. The applicant and their family shall have legal residence status in the country.⁽⁴²⁾

In addition to what is logged in the GAPAR records, there are other types of ownership for Palestinian refugees. The most common examples of which are the multiple forms of real estate possession in al-Yarmouk camp, which was established in 1957 and has expanded significantly in the last three decades, covering an area of (2.1 km²).⁽⁴³⁾ Ownership of houses and land in al-Yarmouk camp is divided: ownership included in GAPAR's records covering the area between al-Yarmouk Street and Palestine Street—which is an ownership of the works and rubble, but not the land—while ownership in the expanded agricultural areas to the south, west, and east of the camp is based on equity shares of common lands, through irrevocable power of attorney, court rulings, or purchase contracts.

The escalation of violence al-Yarmouk camp witnessed in April and May 2018 resulted in the destruction of nearly 80 percent of its houses and facilities. The regime justified the massive destruction caused by its military operations by the necessity of driving ISIS out of the area. Many of the refugees who survived those battles—which ultimately resulted in the displacement of all remaining residents in the camp—stressed in their testimonies that the bombardment of the camp at the time did not target ISIS sites. It was rather a systematic and deliberate destruction of the camp through hundreds of daily attacks and the use of all kinds of destructive weapons. They also expressed a genuine fear from a plan to change the camp's features and obscure its demographic identity.⁽⁴⁴⁾

⁽⁴²⁾ For more see the conditions of Palestinians possession of real estates issued by the Ministry of Interior – Department of Civil Affairs – Directorate of General Administration, Syrian e-government portal, available at: <https://bit.ly/2ZIJ1Qa>.

⁽⁴³⁾ Human rights report: Dozens of dead bodies are still under the rubbles of al-Yarmouk camp in Damascus, Enab Baladi, 5 January 2019, available at: <https://bit.ly/2zz5o5k>

⁽⁴⁴⁾ Dozens of testimonies of refugees who were displaced from al-Yarmouk Camp to the north of Syria, interviewed by the researcher during his visit to the north of Syria in August 2018.



Destruction of al-Yarmouk Camp

On 2 July 2018, about two months after the destruction of the camp, the Syrian Cabinet decided to assign the Ministry of Public Works and Housing the task of “developing new zoning schemes for the districts of Jobar, Barzeh, al-Qaboun and al-Yarmouk camp, taking into account the peculiarity of each district based on their respective urban, industrial, and business characteristics, as part of the government’s plan to revive all areas that have been liberated from terrorism.”⁽⁴⁵⁾ Based on this decision—which relied on Law No. 10, which provided for the creation of new zoned areas—al-Yarmouk camp was placed under the administration of Damascus Governorate. This was followed by another decision to subordinate the local committee of al-Yarmouk camp to the governorate’s services department. The local committee used to be the administrative body responsible for the provision of building permits, the prevention of construction violations, and oversight of services in the camp. The officer of the committee was appointed by GAPAR after being approved by the Palestinian branch of the Baath Party’s regional command. These are clear indicators of efforts to erase the Palestinian labels that symbolize the camp’s identity. The governorate of Damascus issued Decision No. 10044 on 17 December 2018,

⁽⁴⁵⁾ Officially, al-Yarmouk Camp is Included in the Zoning Scheme of Damascus and Concerns Raised Because of that, Palestinian Refugees Portal, 2 July 2018, available at: <https://bit.ly/30XMG3i>

stipulating the formation of a committee to conduct a study of the situation of al-Yarmouk camp and giving it one month to conduct an assessment of the building damage. Notably, the local committee was excluded from the list of directorates mentioned in the decision.

The most significant indication of the regime's endeavor to change the demographic composition of al-Yarmouk camp is the leaked blueprints of “the second zoning project” in Damascus, known as Basilia City, in al-Thalatheen Street of al-Yarmouk Camp. It is believed that a second zoning scheme will be issued to include the rest of the camp, or that the camp will be added to the Basilia City project. The project extends to the south of the southern ring highway through al-Qadam, Assali and al-Thalatheen Street in al-Yarmouk Camp.

Since the decision was made to include the camp in the zoning project area, local real estate brokers and developers began to make unregulated purchases of real estate on al-Thalatheen Street. The prices they paid for the partially or fully destroyed properties did not match the actual property values, because the brokers were exploiting the challenges in proving ownership created by Law No. 10.⁽⁴⁶⁾

The dangers of this aspect are twofold:

1. Specialized law firms, in cooperation with real estate brokers, produce “legal” power of attorney documents to conclude purchase contracts exploiting the fact that the property owners are abroad and are afraid to return to al-Yarmouk camp, which remains unsafe. This increases the likelihood that the original owners will sell their property at very low prices, especially considering the deliberately-spread rumors about the division of the camp into institutional zones, informal zones, and re-zoned districts, in accordance with the law as these properties, regardless of the type of ownership, are considered to have the status of confiscated properties whose owners are unable to sell them for their real value.

⁽⁴⁶⁾ Majd al-Khatib, Law No. 10: Looting the Property of Syrians, by the Force of Legislation, al-Modon Newspaper, 26 April 2018, available at: <https://bit.ly/2ZGxxfc>.

2. The second issue is related to the large number of camp residents who left Syria during the years of war or those who were forcibly displaced to northern Syria. By 2018, all of the original residents of al-Yarmouk camp had become either IDPs or refugees outside Syria. With the complete depopulation of the camp, the recent urban planning laws and decisions are being used as weapons by the regime to deprive Palestinian refugees of their property rights and sever all of their material and sentimental links to the camp and change its demographic and national identity.

The unfair and illegal policies implemented against al-Yarmouk also affected other camps like Daraa. On 29 October 2018 the governor of Daraa governorate revealed that “the Palestinian refugee camp in Daraa will be part of the zoning scheme that the Syrian authorities are working on in order to revive all recaptured areas. The governor stressed that all shelters in the city of Daraa have been removed and that their residents have returned to their towns and villages to reconstruct them, noting that Daraa camp was excluded from reconstruction due to the massive destruction it has undergone, which is estimated at 80 percent of the camp, which means its reconstruction will be costly for the population and the Syrian state. Therefore, a decision was made to put the camp under a zoning scheme and build a modern city instead.”⁽⁴⁷⁾

⁽⁴⁷⁾ The regime prevents Palestinian refugee residents of Daraa Camp from returning, stating that it has been included within a new zoning scheme to remove it, Sham News Network, 31 October 2018 , available at: <http://bit.ly/35JO2AN>



Destruction of Handarat Camp



Destruction of Khan al-Sheih Camp

Similar threats and risks to real property rights face other Palestinian camps and communities such as Sbeineh, al-Ramdan, Handarat, Khan al-Sheih, al-Husseiniyeh, and al-Sayida Zainab, which were destroyed and emptied of their residents either through forced displacement or because residents voluntarily fled the risks of the war. Between the newly issued laws that provide cover for property expropriation and the policies of security harassment that prevent refugees and IDPs from returning to their camps, the scale of harm caused by Law No. 10 and other laws related to urban

planning schemes is massive. These laws and decisions enable the large-scale loss of Palestinian properties for political purposes. All of this is happening in the context of the international community's rejection of reconstruction in Syria before a political solution is reached, and UNRWA's inability to shoulder the burdens of rebuilding the Palestinian camps due to its financial deficit and the challenges facing its continued operation.

The Legal Qualification of Violations and Responsibility of Parties

Palestinians in Syria have suffered from a myriad of abuses, including violations of the right to life, elimination of liberties, torture, forced displacement, sieges aimed at starvation and destruction, and property expropriation, which are forms of collective punishment that are legally prohibited violations and serious breaches of the International Humanitarian Law (IHL), and the International Human Rights Law (IHRL), especially common Article 3 of the Geneva Conventions of 1949, related to non-international armed conflicts. The said article prohibits violence, murder of all kinds, mutilation, cruel treatment, torture and outrages upon personal dignity. It also prohibits the passing of sentences and the carrying out of executions without previous judgments, through summary proceedings, or before of courts that are not regularly constituted providing all judicial guarantees. Protocol II, which was annexed to the Geneva Conventions in 1977, is more explicit in the protection of civilians during non-international armed conflicts, by affirming the prohibition of targeting civilians, and the banning of acts of terror, siege, starvation or forced displacement against them. It was established that these rules applied to the Syrian conflict after the International Committee of the Red Cross (ICRC) announced on 16 July 2012 that Syria was witnessing a non-international armed conflict.⁽⁴⁸⁾

It is important to identify the parties responsible for violations against the Palestinian victims in Syria, in spite of their attempts to hide or deny

⁽⁴⁸⁾ Ayman Abu Hashem, *Surveying Refugee Rights in International Laws and the Challenges in their Enforcement*, Harmoon Center for Contemporary Studies, 6 November 2016, available at: <https://bit.ly/2Wq0dSd>.

their responsibility. Three interconnected issues must be considered when pursuing this endeavor:

1. **The first issue is related to the availability of evidence and proof** of the occurrence of violations of IHL and IHRL, through reports documented by international and local human rights organizations and testimonies from eyewitnesses and victims. All of this evidence can be found in the huge existing repository of information about violations perpetrated against the Palestinians of Syria, individuals and groups.⁽⁴⁹⁾ This study is based on the documentation of the most serious violations, which does not mean to ignore the less serious violations nor the presence of other undocumented violations, which undoubtedly exist in light of a continued policy of obscuring evidence of crimes.
2. **The second issue is related to the identification of the parties responsible for those violations.** There is sufficient evidence to prove that the Syrian regime forces and its affiliated and allied militias bear the greatest responsibility for killing Palestinian civilians in Syria. They did this through indiscriminate bombardment, sniping, siege, starvation, detention, and torture to death in the regime's prisons.⁽⁵⁰⁾ They are also responsible for creating pressure to forcibly displace Palestinians from their homes like when the regime's warplanes bombarded al-Yarmouk camp like what happened on the eve of 16 December 2012, and the displacement of many of the residents of Khan al-Sheih in 2017. Other parties, notably ISIS and Jabhat al-Nusra, are also responsible for violations against Palestinian civilians including abduction, torture, and extrajudicial executions. There have also been some, although far fewer, violations against Palestinians by opposition factions. Examples include extrajudicial executions of some civilians accused of being agents of the regime, and the forced displacement of some civilians as retribution, like in April 2012 when the factions that

⁽⁴⁹⁾ For more information see the reports of Amnesty International, Human Rights Watch, Syrian Network for Human Rights, Action Group for Palestinians of Syria and Palestinian Return Center.

⁽⁵⁰⁾ According to the aforementioned sources, repeated bombardment by the regime hit refugees in the camps of al-Yarmouk, Daraa, Khan al-Shieh, al-Ramel, Sbeineh and Handarat, by the use of mortars, rockets and barrel bombs, killing dozens of civilians.

took over Handarat camp forced locals to leave their homes in retaliation for the killing of a number of their members by *shabiha* thugs at the outskirts of the camp.⁽⁵¹⁾

- 3. The third issue is related to the legal definition of the aforementioned types of violations**, which amount to international crimes, as they violate many international treaties and conventions. The Rome Statute of the International Criminal Court specifies what comes under the label of international crimes in articles 6, 7, 8, and 9. Those articles apply to many of the severe violations perpetrated against Palestinian refugees like detention, torture, rape, murder, forced disappearance, siege, starvation, and forced displacement. All these violations are categorized as crimes against humanity when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. These grave violations the Geneva Conventions and Common Article 3 also constitute war crimes, (acts committed as part of a plan or policy or on a large-scale).⁽⁵²⁾

Linking the three issues together with regards to particular violations, as long the violations are international crimes to which the statute of limitations do not apply, constitutes the legal basis for invoking the principle of individual criminal responsibility against individuals who are accused of perpetrating those crimes and prosecuting them before international criminal tribunals, applying punishment where guilt is proven. That is why it is very important to document all violations and exert legal efforts to bring perpetrators to international justice and redress the rights of victims, no matter how long it may take.

It is not only Palestinian refugees inside of Syria who have suffered violations, but also those who took refuge in neighboring countries or distant places of exile. Violations against these refugees are stark violations of IHRL, and the 1951 Refugee Convention. Most countries have refused to

⁽⁵¹⁾ For more information, see the page of Handarat Camp News on Facebook, available at: <https://bit.ly/2HAhAqO>.

⁽⁵²⁾ Muhammad Abdul Munem Abdul Khalek, *International Crimes: Definitive Study of Crimes Against Humanity and War Crimes*, PhD Thesis, Cairo, first edition, P. 228.

receive Palestinian refugees from Syria legally, under the pretext of the sovereign rights to do so. Yet the Universal Declaration of Human Rights is very clear in establishing the principle of receiving refugees, and lays out the exceptions, based on fair and objective standards.⁽⁵³⁾

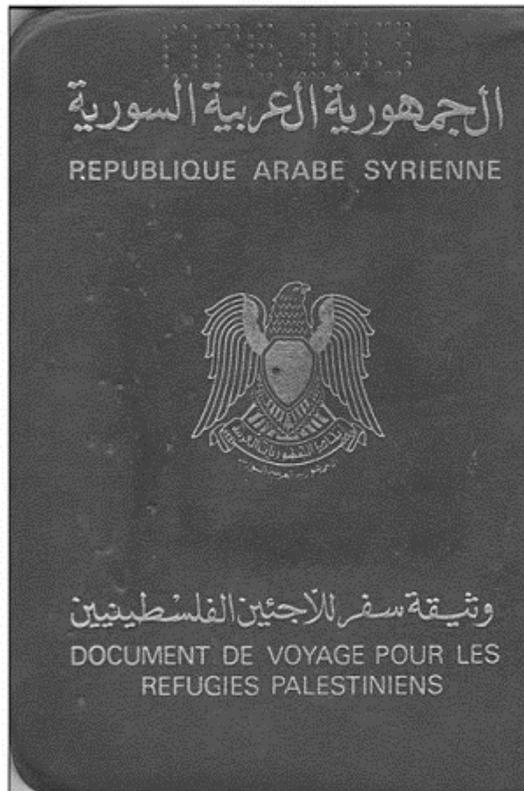
In light of the traumatic experiences faced by Palestinian refugees holding Syrian travel documents at border points and international airports, it is clear that many countries deny the legal status of Palestinian refugees, both by refusing to grant them visas and by not granting or renewing residence documents based on their travel documentation. These travel documents have lost their formal legal ability to facilitate the right of movement, and do not protect their holders from discriminatory treatment. In some cases, holders of these documents have been detained in international airports, detention centers, and police stations for months or even years.⁽⁵⁴⁾ This is in contradiction to the provisions of Article 6 of the Universal Declaration of Human Rights, which stipulates that “Everyone has the right to recognition everywhere as a person before the law.”

In line with the practices of discrimination and denial, there are countries where the mere fact that a Palestinian refugee is holding a Syrian travel document is reason for forcibly sending them back to Syria. Other countries keep these individuals under the threat of deportation, although the principle of non-refoulement enshrined in the 1951 Refugee Convention prohibits the refoulement of refugees to the countries from which they fled. This principle has been further developed through other regional and international pledges to human rights, such as the Convention against Torture and Other Cruel,

⁽⁵³⁾ Article 13(2) of the Universal Declaration of Human Rights, issued on 10 December 1948 stipulates the following: “Everyone has the right to leave any country, including his own, and to return to his country; article 14(1) states: “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” Paragraph 2 of the same article excluded those who may not enjoy that right as “in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.” <https://www.un.org/en/universal-declaration-human-rights/>

⁽⁵⁴⁾ There are many examples of Palestinian refugees from Syria who were detained in the countries they arrived to, although they had touristic visas. After the expiry of their visas, they were put in jails in preparation for deportation, although they proved the presence of risk to their lives if deported. One of these cases is the case of Mohannad al-Khoja from al-Yarmouk Camp, who has been held in Thailand for more than a year and a half now. If deported to Lebanon, he fears that the Lebanese authority is likely to hand him over to Syrian authorities, as he had dodged the compulsory conscription in the Palestinian Liberation Army. Eyad Taha Sulaiman is another case and he is has been held in Thailand for several months.

Inhuman or Degrading Treatment or Punishment (CAT), and the International Covenant on Civil and Political Rights (ICCPR), with the purpose of expanding the range of cases to which the principle of non-refoulement applies. These international instruments prohibit the deportation of persons to places where they may be subject to torture or abuse. Contrary to the refugee protection regime, which excludes certain individuals from the protections of the Refugee Convention, the CAT and ICCPR do not make any exceptions for the persons they protect.⁽⁵⁵⁾ According to this expanded non-refoulement principle, no person should ever be deported to a country where they are likely to be subject to serious violations of their human rights.



The Syrian travel document provided for the Palestinians of Syria

⁽⁵⁵⁾ Sharif al-Sayed Ali, Overview of Refugees' Rights, Publications of Amnesty International, available at: <https://bit.ly/2PoETuh>.

There are several documented cases of violations of this principle, in which neighboring countries have forcibly returned Palestinian refugees to Syria. These violations reflect the failure of some countries to provide legal protection to refugees, regardless of their efforts to invoke the principle of national sovereignty. Examples of the repeated violation of this non-refoulement principle will be described later on when addressing the legal issues in particular countries of asylum.

IV. Palestinian Refugees' Status in National and International Legal Doctrines

There are two basic authorities that are relevant to the political, legal and humanitarian situation of Palestinian refugees: UNRWA, which has an international mandate, and the PLO, based on its national representation. Each agency has different relevant functions and responsibilities. The conflict in Syria has revealed significant changes in the relationship between the Palestinians of Syria and these two authorities. The legal status of refugees has been affected by the multiple changes to this relationship, in which national and human rights—which used to form the basic guarantees to defend refugee rights and strengthen their national identity—have become intertwined. The performance of both entities during the conflict has been reflected in those guarantees, particularly as Syrian authorities have discarded Palestinian refugee rights. This has necessitated improved policies and performance by these entities to keep up with emergency developments, without confusing the nature and functionalities of both entities, which we will discuss in further detail below.

The Strained Role of UNRWA

UNRWA was established by UN General Assembly Resolution No. 302(IV) of 1949 as an expression of the international community's assumption of the responsibility and humanitarian obligations towards the Palestinian refugees who were forced to leave their homes and lands after the 1948 Nakba. In the absence of a political will leading to the return of Palestinians in accordance with UN General Assembly Resolution No. 194 issued in 1948, and because

of the protracted nature of their asylum which became the most prominent feature standing for the rights of Palestinians and their just cause, UNRWA has become an international witness to the reality of asylum and its historical milestones. It has remained the most obvious international mechanism for linking the reality of asylum to the demands of refugees, even during the most difficult times and tribulations faced by refugees in host countries within UNRWA's jurisdiction.

UNRWA's definition of a Palestinian refugee, despite being based on a non-political procedural philosophy, may provide a legal standard for the provision of aid and services. Its legal value is derived from providing reference for the international definition of this category of refugees, and the evolution in the interpretation of cases that meet the conditions of registration in UNRWA records. UNRWA's refugee definition is: "persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict. UNRWA services are available to all those living in its area of operations who meet this definition, who are registered with the Agency and who need assistance. The descendants of Palestine refugee males, including adopted children, are also eligible for registration."⁽⁵⁶⁾

These criteria for Palestinian refugees were set for UNRWA's operational purposes, and there are persons registered by host countries or authorities as Palestinian refugees, or refugees from Palestine, who are not registered with UNRWA and who may or may not meet UNRWA's registration criteria.⁽⁵⁷⁾ It is notable that UNRWA's definition includes not only Palestinian citizens whose natural place of residence was Palestine two years before Nakba, but also non-Palestinians who were in Palestine during that period, including Syrians, Lebanese, and Arabs of different nationalities, provided that they are able to prove they were living within the territories occupied in 1948.

⁽⁵⁶⁾ <https://www.unrwa.org/palestine-refugees>

⁽⁵⁷⁾ Lex Takkenberg, *The Status of Palestinian Refugees in International Law*, Institute for Palestinian Studies, Beirut, 2003, PP. 91-92

As a result of UNRWA's definition, many Arabs who proved their residency in Palestine during that period benefited from UNRWA services, and they, along with their descendants, became registered beneficiaries, including the families of the Dakhil-Allah, Najjar, Al-Halabi, Al-Qassam, Najib, and others who are of Syrian origin. UNRWA services have also reached the offspring of female Palestinian refugees in many cases, under the so-called "emergency program."



Regarding refugees registered in host countries but not in UNRWA records, several executive directives have been issued by UNRWA to clarify the criteria for admitting such cases into UNRWA's social safety network, including Resolution No. 1 of 2009.⁽⁵⁸⁾ The Commissioner-General was given the authority to identify such cases, which he delegated to regional directors. There have been several cases where people have benefited from UNRWA services based on updates to the registration and eligibility system, including Palestinians who came from Iraq to Syria in 2003.

During the war, the Palestinians of Syria grew increasingly tied to the existence of UNRWA and the continuation of its services for two reasons. The **first reason** is the growing need for UNRWA's humanitarian services with the deterioration of Palestinian living conditions, which fell below the poverty line during conflict. They have benefited from the cash and in-kind assistance that covered refugees inside Syria and those displaced to Lebanon, Jordan, and Gaza. The **second reason** is linked to Palestinian's legitimate concerns about the demographic changes to their camps and communities that resulted from their displacement and flight during the war. It is possible that the repercussions of their Syrian Nakba will be exploited to impose political solutions that lead to the end of the refugee cause. There are international political actors who will spare no effort, whenever they have the opportunity, to liquidate UNRWA, in an effort to end the

⁽⁵⁸⁾ Sources from employees of UNRWA offices in Syria.

Palestinian cause in its national and humanitarian dimensions. Subsequent developments seem to have confirmed those concerns.

In light of the above, the assessment of UNRWA's role throughout the war is contingent on the extent to which it fulfills its responsibilities towards refugees in the context of an urgent and protracted humanitarian crisis. The main criteria that governed the means and the mechanisms through which UNRWA provided its services to the refugee communities was based on geographical distribution considerations and discrimination in access to services in low versus high risk areas. The circumstances and conditions of the conflict forced some Palestinian refugees to live in areas under the control of the Syrian authorities, others in areas under the influence of the opposition factions and, in some cases, they lived areas under the rule of extremist organizations. Additionally, large numbers were displaced to UNRWA's areas of operation in neighboring countries: Lebanon, Jordan, and Gaza. This key indicator of UNRWA's performance cannot be separated from the fact that many of its education, health, and service facilities closed during the war due to bombardment and destruction, as well as some that were closed by UNRWA's own decisions depending on the circumstances of the area in which they were located. Of the 118 UNRWA-run schools in Syria, 62 have been closed, as of October 2017,⁽⁵⁹⁾ in addition to the closure of its health, development, and training centers.

UNRWA's work also faced challenges from political pressures and constraints, including restrictions on the movement of its staff and the manner in which it implements its programs in regime-controlled areas, where its operations were subject to the approval and the control of GAPAR, a department of the Ministry of Labor and Social Affairs in the Syrian government. GAPAR is also a main source of information for Syrian security branches, providing records and personal and family data of Palestinian refugees in Syria. It also exercises powers in the appointment of UNRWA staff, through its involvement in staff recruitment committees.

⁽⁵⁹⁾ Ibrahim al-Ali, *Palestinian-Syrian Students, Reality and Consequences*, The Action Group for the Palestinians of Syria, 17 October 2017, available at: <https://bit.ly/2zzFG0A>.

GAPAR's powers, and its intervention in the work of UNRWA, have expanded during the war.

The nature of the relationship between UNRWA and GAPAR has remained within the spectrum of the command and control structure through which the Syrian authorities have defined UNRWA's role and the geographical scope of its work in Palestinian camps and communities. Due to those restrictions and controls, UNRWA's services did not reach large numbers of refugees who needed them during the war, including those who remained in or were displaced to areas outside the regime's control, or those who were in besieged areas before their recapture by the regime. With the disruption and reduction of UNRWA services and assistance to these areas, roughly 20,000 Palestinian refugees were not reached, including IDPs in the camps of Aleppo and Latakia; those displaced from Khan al-Sheih, Wadi Barada, and Zabadani to northern Syria; those displaced from Daraa camp to parts of southern Syria; and the families who cannot access to UNRWA service areas for security reasons. Limited assistance used to intermittently reach the roughly 40,000 refugees who were besieged in al-Yarmouk camp and the southern Damascus neighborhoods; Daraa camp and its surrounding areas; and Khan al-Sheih camp.

During the conflict, UNRWA sometimes succumbed to pressure from the regime to stop its activities in areas it was able to access without risking the safety of its staff. For example in July 2014, UNRWA refused to respond to requests from refugees residing in the northern countryside of Aleppo to receive their monthly grants, just like their fellow refugees in areas under regime control.⁽⁶⁰⁾ Later, the United Nations Office for Humanitarian Affairs

⁽⁶⁰⁾ A memorandum was submitted by the General Authority of Palestinian Refugees in Syria to the Commissioner-General of UNRWA, demanding intervention to deliver assistance to Palestinian refugees in northern rural Aleppo. This commission, which is affiliated with the Syrian Interim Government (SIG), was established in April 2014 to follow up the affairs of Palestinians inside Syria and in the neighboring countries to which they sought refuge. Its mandate, according to its bylaws, was limited to providing humanitarian assistance and providing media coverage on the violations perpetrated by the Regime against the Palestinians of Syria. Mr. Ayman Abu Hashim, a researcher, presided over this commission, as of its establishment until his resignation in 2016. Then Mr. Akram Atwa assumed its presidency to present. Dr. Jawad Abu Hatab marginalized and weakened the role of the Palestinian commission during his term as the prime minister of the government. This was negatively reflected on its role as Palestinian refugees and IDPs are in need for such an institution and for its activities and services.

(OCHA), based in the Turkish city of Gaziantep, issued a decision to stop the delivery of humanitarian aid to Yarmouk camp.⁽⁶¹⁾



Displaced persons in the camp of Deir Ballout in the north of Syria

The poor humanitarian and living conditions of Palestinian refugees have been compounded by UNRWA's continued failure to develop rapid and effective programmatic responses to meet the emergency needs of the entire refugee community. This failure can be attributed to the fact that large numbers of its staff left the areas where its education and health services were most needed; there were increasing resignations and an inability to recruit experienced replacements; its staff faced political and security pressures that restricted their movement; and difficulties implementing its projects and programs on the ground. What reflected most on UNRWA's role and services recently has been renewed endeavors to undermine UNRWA and transfer its Palestinian refugee mandate to UNHCR. This was evident with the decision made by U.S. President Donald Trump in early

⁽⁶¹⁾ The OCHA office in Gaziantep justified their decision to stop delivering assistance to Yarmouk camp in 2015 on the grounds that ISIS held a presence inside the camp at that time. In March 2015, this justification was submitted to the Palestinian commission of the SIG during the term of Mr. Ayman Abu Hashim, as the president of the commission.

January 2018, when he suspended the U.S. funding—which had been the largest of all countries—to UNRWA, saying that funding would be resumed if Palestinians returned to the negotiating table.⁽⁶²⁾ The implementation of Trump's decision would portend a real disaster for Palestinian refugees in general, and for the Palestinians of Syria in Syria, Lebanon, and Jordan in particular. This will have serious repercussions for UNRWA's continued existence and inevitably for the 95 percent of the Palestinians of Syria who depend on the food aid it provides, according to the Commissioner-General of UNRWA Pierre Krähenbühl.⁽⁶³⁾

The most serious threat to Palestinian refugees' human rights are the efforts to revoke the international legal foundation of their refugee status. If the scheme to terminate UNRWA succeeds and they are transferred from UNRWA's assistance mandate to UNHCR's protection mandate, the main focus will be on resettlement. Otherwise, they may be left with options lacking all forms of protection, as they are now.

The ongoing challenges facing UNRWA cannot be separated from the legal status of the refugees themselves. UNRWA maintains the comprehensive civil registry of the origins of refugees in Palestine, which serves as the primary archive of their changing demographic conditions and is an essential source for confirming the international legal dimensions of their asylum. Palestinians of Syria who were displaced to Lebanon have held sit-ins to protest the reduction of UNRWA's aid and assistance. These protests are strong indicators of the refugees' commitment to the continuity of UNRWA and their demands that it fulfill its obligations. They also serve as messages to donor countries to abide by their UNRWA funding obligations so that it can meet the needs of the refugees who are beneficiaries of its services.

⁽⁶²⁾ Victor Shalhoub, *Trump and Funding of UNRWA, Jerusalem Yesterday, Refugees Today and the Borders Tomorrow*, *The New Arab*, 11 January, 2018, available at: <https://bit.ly/2zySZ1y>.

⁽⁶³⁾ UNRWA website.

Changes in the Status of Refugees in National Legal Doctrines

Since its establishment in May 1964, the main purpose of the PLO was the “reorganization of the Palestinian people, presenting them as a united people, not just refugees, through representatives elected by the people.”⁽⁶⁴⁾ Article 5 of the Palestinian National Charter of 1968, as well as article 6 of the former National Covenant, defined the political and legal identity of Palestinian individuals, and Palestinian refugees, as Palestinian citizens that had been evicted from their own country. Palestinians are, according to this definition: “Arab citizens who enjoyed normal residency in Palestine until 1947, both those who were driven out of it and those who stayed. Anyone who was born to an Arab-Palestinian father after this date, whether inside or outside Palestine, is considered Palestinian.”⁽⁶⁵⁾

Since the establishment of the PLO as a national entity representing all Palestinians, conflicts have arisen as a result of the policies of host states and the limits of the PLO’s authority and jurisdiction in refugee communities. The relationship between Palestinians in Syria and the PLO was impacted by the Syrian regime’s position towards the PLO at different points in history. This relationship was also impacted by Palestinian political divisions, especially following the Oslo Accords in 1993 and the subsequent decline of the PLO as the sole legitimate representative of the Palestinian people.



The Syrian conflict revealed important aspects of the relationship between the Palestinians in Syria and the PLO as a national authority, because it was the ultimate test of the role of the PLO and other Palestinian factions, and of their programs and slogans about defending the national and political rights of refugees. Their historical failure to translate those programs and

⁽⁶⁴⁾ Rashed Hameed, *Outcomes of the Palestinians National Council 1964-1974*, Institute for Palestinian Studies, PLO, Research Center, Beirut 1975, PP. 247-252.

⁽⁶⁵⁾ *Ibid.*

slogans into actions was not the only factor in the crisis of confidence between the two parties. In addition to this, during the crisis, PLO's declared political neutrality towards the Syrian issue did not stop the series of violations of the rights of Palestinian refugees. In principle, the PLO is responsible for protecting the political and civil rights of Palestinian refugees, but in reality it has proven incapable of assuming these responsibilities due to the state of weakness and deterioration that has afflicted its institutions and departments for at least the past two decades. This particularly applies to the Department for Refugee Affairs, which has been responsible for assisting and caring for Palestinian refugees since its establishment.

Observing the positions of PLO leadership throughout the Syrian conflict reveals the deep changes in refugees' perceptions about the PLO and other factions, both independent and affiliated with the PLO, due to the following facts:

1. Positions declared by some PLO leaders contributed to covering up for the parties responsible for and involved in crimes of indiscriminate bombardment, siege, starvation, and detention against locals of al-Yarmouk camp. Such positions were repeated on several occasions, especially at the height of the siege which was imposed on al-Yarmouk camp by the regime in cooperation with the Popular Front for the Liberation of Palestine – General Command (PFLP-GC) in early 2013.⁽⁶⁶⁾ These positions were followed by similar and even more biased statements justifying the crimes of the regime against al-Yarmouk camp, issued by Fatah and PLO leaders like Ahmad Majdalani, Abas Zaki, and Layla Khaled.⁽⁶⁷⁾ At later stages of the conflict, statements were issued by factions unaffiliated with the PLO, such as statements by some Hamas leaders that tended to complement

⁽⁶⁶⁾ One day after a fatwa was issued by the religious leaders of al-Yarmouk Camp which permitted the starving residence to eat the flesh of animals, Abbas Zaki said in a statement that: "Armed opposition groups were to be held accountable for the destruction and displacement of the people of al-Yarmouk Camp." For more see: Palestinian Official: Several Camps are Threatened to Face the Same Destiny of al-Yarmouk, Aljazeera.net, 16 January 2014, available at: <https://bit.ly/2ZEqv01>.

⁽⁶⁷⁾ Ibid.

the regime, Iran, and Hezbollah, at the expense of well-known facts of the Syrian crisis. Factions loyal to the regime, such as the PFLP-GC, As-Sa'iqa, Fatah al-Intifada, and the Palestinian Popular Struggle Front, among others, actually participated in fighting alongside the regime, helping it besiege al-Yarmouk camp, and suppress and arrest residents of the camp who refused to get involved in support of the regime.

2. The PLA is technically considered a military institution affiliated with the PLO under Article 22 of the PLO's bylaws, which stipulate that: "[the PLA] shall have its own independent leadership that operates under the supervision of the Executive Committee, and executes the general and special directives and decisions thereof..."⁽⁶⁸⁾ However, it is well known that since the rise of Hafez al-Assad in 1969, the Syrian authorities have exercised control over the PLA's leaders and units in Syria. During the revolution, the Syrian regime exploited the PLA and sent it to fight in battles against opposition factions, in contradiction to the principle upon which the PLA was established, i.e. to be at the forefront of the fight for the liberation of Palestine. The leadership of the PLO has had no discernible reaction to the involvement of one of its institutions in a Syrian domestic conflict that is not at all related to the liberation of Palestine. This exploitation by the regime revealed the extent to which the Palestinian cause has been used by the regime to oppress the Syrian movement.
3. The PLO has failed massively on the humanitarian side to provide assistance and relief to ease the suffering of Palestinian refugees. This has increased the refugees' sense that the PLO no longer serves its intended role, and that the partisan and factional interests of those controlling the PLO are more important than defending the rights of Palestinian refugees in Syria. All of this has contributed to the fragility of the legal status of Palestinian refugees and its dramatic deterioration in recent years.

⁽⁶⁸⁾ For more see: Encyclopedia Palestina, Article 22 of the bylaws of the PLO, available at: <https://bit.ly/2PpddoU>.

The change in the relationship between Palestinians of Syria and their national authority does not stop there. The imbalanced relationship between refugees and the powers representing them led to a crisis of political representation stemming, and deepened the fracture between the two parties. This overlapped with the growing national identity crisis facing the Palestinians of Syria, which was exacerbated by the lack of sympathy at the Palestinian national level for the tragedy befalling Palestinians in Syria, as well as the domination of factional and partisan interests over the imperatives of dealing with such a visible tragedy.

In light of the above, it is hard to ignore the impact that the Syrian conflict has had on the increasing political and social divide among the Palestinians of Syria, and on the rebellion of pro-revolution, anti-regime segments of Palestinian society against existing factional frameworks. It has created a new vision of the Palestinian-Syrian relationship that is different from that of the past decades. Palestinian factions loyal to the regime still link their own existence and future in Syria to the existence of the regime, which they see as the guarantor of their rights and interests. However, the large number of Palestinians who fled or left Syria looking for alternatives in new host countries shows that the extent to which the former legal framework has deteriorated.

Although all the facts mentioned above have contributed to the decline of the PLO in the eyes of Palestinians of Syria, the thing that has increased the gap between PLO leaders and the refugee community the most has been the clear tendency of the PLO leadership to normalize its political and media relations with the regime. This was true even after the destruction of al-Yarmouk camp and eviction of its remaining residents,⁽⁶⁹⁾ when PLO leaders were content to deny the role and responsibility of the regime in dismantling the Palestinian existence in Syria. Through its silence, the PLO leadership denies the suffering of thousands of Palestinian detainees in regime prisons,

⁽⁶⁹⁾ Among the normalization steps between the PLO leadership and the Syrian regime was the opening of a headquarters for the Palestine TV channel in Damascus on 14 January 2019, in the presence of a number of Palestinian leaders, more available at: <https://bit.ly/2Zt2yOC>.

and ignores the violations and crimes it has committed against large groups of refugees.

Impact of the Lack of International Protection

The protection of civilians who are not directly involved in hostilities is one of the most important principles in customary international law. The Geneva Conventions of 1949 and Additional Protocol II of 1977 stipulate this civilian protection principle and further confirm its applicability in non-international armed conflicts. Ironically, Palestinian refugees were not included under the umbrella of this international protection regime, despite the successive tragedies they have witnessed over the course of their decades in exile. Rather, Palestinian refugees have been excluded from the privileges of international protection from the early stages of their exile, when the 1951 Refugee Convention did not include them in the protection mandate of the UNHCR. This was clearly stated in Article 1D: “This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.”⁽⁷⁰⁾

A question often raised as to why the UNHCR still refuses to suspend this exception now that a large number of refugees who fled their homes in Syria lost the ability to receive assistance they previously received from UNRWA. It is well known that UNRWA is no longer able or willing to deliver aid to Palestinian refugees who reside in areas it deems to be too dangerous. Even those who have migrated to Arab countries where UNRWA does not operate, like Egypt and Turkey, are still being denied the protection and support of the UNHCR.

⁽⁷⁰⁾ Ibrahim Darraji, *Palestinian Refugees in Syria: A Legal Study*, delivered in a discussion session about Palestinian refugees in Syria at the National Museum of Damascus, 29 April 2010, for more information on the matter see: The Refugee Convention, 1951, available at: <https://www.unhcr.org/4ca34be29.pdf>

This legal gap stemming from the limitations of UNRWA's relief mandate and its lack of a protection mandate, could have been filled by applying the rules of IHL to Palestinian refugees in Syria, since they should constitute one of the covered groups. The Fourth Geneva Convention of 1949 focused on the protection of civilians in internal armed conflicts, and is applicable in the case of the Syrian conflict. Article 44 of the Fourth Geneva Convention urged host nations to give favorable treatment to refugees, and not to treat them as "enemy aliens exclusively on the basis of their nationality, 'de jure' of an enemy State, refugees who do not, in fact, enjoy the protection of any government."

Item 4 of Article 45 of the Fourth Geneva Convention stipulates that "In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs," which is the principle of non-refoulement.⁽⁷¹⁾ Many of the countries to which Palestinian refugees have fled have not conformed to this principle, as described earlier, regardless of its inclusion in Article 44 or in Additional Protocol II of 1977 on victims of internal armed conflict, which stressed the prohibition of forced deportation of civilians. According to Article 17 of Additional Protocol II: "The displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition."⁽⁷²⁾

There is significant compelling evidence to confirm that large numbers of Palestinian refugees have been forcibly displaced from their homes by the Syrian regime and its allied militias. They should therefore be covered by IHL, which adopts a holistic approach that aims to protect the lives of all civilians, with refugees being the largest group included under that

⁽⁷¹⁾ Rashed Faheed al-Mirri, *Legal Protection for Non-participants in Armed Conflicts*, al-Nahda al-Arabiya Publishing House, Beirut, 2011, PP. 161-162; see article 45 of the Fourth Geneva Convention, available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/ART/380-600051?OpenDocument>.

⁽⁷²⁾ Ahmad Abul Wafa, *International Protection of Human Rights*, al-Nahda al-Arabiya Publishing House, Cairo, P 136.

protection. This can be clearly seen in Common Article 3 of the Geneva Conventions, which explicitly stipulates the protection of civilians through prohibition of the following acts of hostility: “ (s) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment.”⁽⁷³⁾

In conclusion, the legal status Palestinian refugees once enjoyed was undermined as a result of the absence of an international protection system for them in a situation where the state military and security agencies which were responsible for their protection instead perpetrated gross violations against them, contrary to IHL. Other parties to the conflict also committed violations against the Palestinians of Syria. This tragic situation was exacerbated further by the lack of Arab and regional protection frameworks. The Casablanca Protocol of 11 September 1965, sponsored by the League of Arab States at that time, stressed the importance of treating Palestinians residing in Arab countries the same as citizens of those countries on issues of residency, travel, and employment, without impacting their Palestinian citizenship.⁽⁷⁴⁾ Yet Arab Casablanca Protocol signatory states did not commit to the provisions stipulated therein. Some of these countries to which Palestinian refugees fled have committed various unlawful abuses against them. It seems that refugees have become among the targeted groups in recent years. They have been subjected to discrimination and persecution in the transit countries they had to pass through on their challenging illegal immigration routes before reaching their final destination, which indicates a great setback.

The discriminatory policies that some states have adopted against refugees also contravene the ICCPR, which on paper addresses the shortages of the Refugee Convention, because the ICCPR does not exclude any persons from

⁽⁷³⁾ Denise Plattner, *The Protection of Displaced Persons in Non-International Armed Conflicts*, *The ICRC Magazine*, Issue 28, December, P. 447; see the common article 3 on the following link: <http://bit.ly/35MuITz>

⁽⁷⁴⁾ Asem Khalil, *Social and Economic Rights of Palestinian Refugees in Host Countries*, Ibrahim Abu-Lughod Institute of International Studies, Birzeit University, 3 October 2011, available at: <https://bit.ly/2Hv0Rp5>; Protocol for the Treatment of Palestinians in Arab States (Casablanka Protocol), available at: <http://bit.ly/2Lk9uod>

its protection system.⁽⁷⁵⁾ The problem persists for the Palestinians of Syria, whether in countries that apply the permanent or temporary protection systems,⁽⁷⁶⁾ because they are treated as a vulnerable population, particularly in Arab countries attracting waves of mass immigration towards remote places to seek security and stability. They fear continued poor treatment, without any legal or humanitarian guarantees, particularly as the Syrian host community has become a refugee community itself, on a wider scale during the time of war; a war that all but eliminated all conditions of survival and security.

V. Legal Problems in Countries of Asylum and Immigration

Over the past eight years, Palestinian refugees have faced miserable conditions and suffering that have impacted all aspects of their lives. Those conditions pushed large numbers of them, under the threat of continued killing, destruction, and detention, to leave their camps and flee Syria to neighboring countries. The Palestinian refugees, who escaped death in search of safety, were shocked at the different forms of discrimination, deprivation, and harassment they faced in the neighboring countries where they sought refuge. This included strict measures to prevent them from entering those countries, even to the point of a complete ban on entry, especially in the last two years. Those who managed to enter those countries earlier are now facing difficult legal situations, including various legal violations mostly due to racist policies and security obstacles that are often portrayed as political concerns, such as the fear of resettlement's impact on

⁽⁷⁵⁾ Ahmad Abul Wafa, *International Protection of Human Rights al-Nahda al-Arabiya* Publishing House, Cairo.

⁽⁷⁶⁾ The concept of "temporary protection" is applied when a certain country faces a sudden huge influx of people, and when their asylum regulations fall under tremendous pressure. In such circumstances, "temporary protection" works for the benefit of the government and asylum seekers alike, but it only complements the protection provided by the Refugee Convention and is not considered a substitute for it. The substantial difference between international protections and temporary protection is that the legal foundation of the international protections is the right to asylum, which is a core human right, whereas the legal foundation of the temporary protection is merely a temporary decision or law issued for an emergency or exceptional situation related to certain groups of foreigners. For more, see: Temporary Protection, UNHCR, available at: <https://bit.ly/2Zrucvy>.

the changing demographic identity of the host country, as well as other reasons.

The experiences of large groups of Palestinian refugees in the neighboring countries they have been forced to flee to, have revealed unprecedented problems of geographic fragmentation and the disintegration of familial ties. They also have a growing collective sense that they are not welcome by Arab governments, pushing so many of them to resort to both legal and illegal means to leave the Arab countries and reach Europe. This can be seen in the sharp decline in their numbers in neighboring countries over the past three years, and through their distribution to distant places of exile where they can seek a better future for themselves and their children. As will be discussed, their experiences in the countries surrounding Syria have revealed the significant impact of the absence of basic rights to guarantee them a stable legal status.

Main Countries of Asylum: Arab Countries

LEBANON

Palestinian refugees from Syria started seeking refuge in Lebanon in early 2011. Large numbers fled to parts of Lebanese after the mass displacement of al-Yarmouk camp in late 2012. In June 2013, According to UNRWA statistics, by June 2013 approximately 52,000 Palestinian refugees from Syria had fled to Lebanon.⁽⁷⁷⁾ The majority of them live without residence permits due to the restrictions imposed by the government on the renewal of their visas. This restriction escalated to the point where it was essentially a ban by May 2014, with limited exceptions for those who had reunion interviews at foreign embassies. The Lebanese General Security Directorate used to grant them a visa renewal period of three months, then they were allowed an extension of six months. Every now and then, the General Security Directorate would issue decisions exempting refugees from renewal fees, but these decisions remained subject to the mood of the officials responsible for the renewal. This is a clear example of the uncertain

⁽⁷⁷⁾ The number of Palestinian refugees in Lebanon, UNRWA.

legal status of Palestinians from Syria in Lebanon and the absence of guarantees that protect their rights as refugees under Lebanese law. Those laws consider them to be tourists, while they are actually the most miserable group in host country and are particularly vulnerable to policies of discrimination and harassment by the Lebanese authorities. Palestinian refugees are subject to harassment by security agencies when traveling inside Lebanese territories and they are subjected to arrest and detentions on suspicion of their status as refugees, especially young men.



The misery of Palestinian camps in Lebanon

There are several cases that confirm that the Lebanese authorities have violated the principle of non-refoulement. Among these is a situation that took place on 4 May 2014, in which the Lebanese General Security Directorate deported three Palestinians of Syria to the neutral zone between the Syrian-Lebanese borders on the pretext of not having official documentation, even though they had demonstrated that their lives would

be in danger if the Syrian authorities captured them, because they dodged the mandatory military conscription.⁽⁷⁸⁾

Since 1948, Lebanese policy has deprived Palestinian refugees residing on its territory of their civil rights, impacting more than 70 occupations that Palestinians of Lebanon are prevented from practicing. Successive governments that inherited these policies have continued to apply them arbitrarily against a vulnerable group that is not even allowed to highlight its most basic rights. This necessarily applies to the humanitarian sector, where there has been a continuous reduction of humanitarian assistance provided by UNRWA due to the austerity policies that it claims are the reason for the decline in its cash and in-kind assistance. Because of the significant decline in the level of UNRWA assistance and services in Lebanon, the Palestinians of Syria have resorted to sit-ins against UNRWA, noting that they depend on UNRWA to meet their basic needs. According to a study conducted by the American University of Beirut, in cooperation with UNRWA, the poverty rate among Palestinian refugees fleeing Syria to Lebanon is around 89.1 percent, 9.2 percent of whom live in extreme poverty.⁽⁷⁹⁾

Because of the harsh conditions in Lebanon, Palestinian individuals and families continue to leave for other countries. While the Lebanese government continues to implement its discriminatory policies and to deny the existence of the problems Palestinians face in residence, movement, and work, it adopts different rhetoric before the international community, talking about the significant economic losses it incurred because of the Syrian refugees ‘and those deemed the same’ by the executive authority. Lebanese officials have intentionally ignored the declining numbers of the Palestinians from Syria in recent years to maintain the international support for the Lebanese government. In fact, the numbers remaining inside Lebanon by the end of 2016 did not exceed 30,000 refugees according to UNRWA estimates. According to a 2017 census conducted by the

⁽⁷⁸⁾ Mahmoud Sarhan, *Deporting Palestinians of Syria from Lebanon: the Ministry of Interior Took Back its Decision.. but it Implements it*, al-Hayat Newspaper, 11 May 2014, available at: <https://bit.ly/2MLhHnT>.

⁽⁷⁹⁾ *Palestinian Refugees in Lebanon, Extreme Poverty and Miserable Life*, Aljazeera.net, 11 June 2016, available at: <https://bit.ly/2ZFP25q>.

Lebanese-Palestinian Dialogue Committee, the number of Palestinians in Lebanon who came from Syria was 18,601 refugees.⁽⁸⁰⁾

Security tensions are an increasing worry for Palestinians living in camps in Lebanon as they have many tragic repercussions for them. In April 2017, clashes between Palestinian organizations and the Islamic group of Bilal Badir in the Ain al-Hilweh camp displaced more than 50 families from the Palestinians of Syria from their homes.

These challenging circumstances they faced in exile led some Palestinians of Syria to return to Syria despite the continuing dangers of the war. Munira S., a Palestinian refugee who returned to Syria in late 2017, said in her testimony: “After leaving al-Yarmouk camp, my family and I went to Lebanon in February 2013. My husband had a heart condition and he was unable to work, and I had four children, the oldest of whom was in tenth grade. We rented a house in Beddawi camp. UNRWA provided us with a sheltering assistance of \$100 US dollars, an allowance of 45,000 Lebanese pounds (about 30 US dollars) for each family member and heating allowance of \$400 US dollars. This was the case before the aid reduction. Even then, the cost of house rental, bills, food, the children’s education, and visa renewal fees which we used to pay every three months, was three times more than the assistance we received. When my husband had to undergo heart surgery, our debts increased and we were not able to find anybody to lend us money. We were unable to afford the situation, so we decided to return to Syria despite our fears of the war we fled in the first place.”⁽⁸¹⁾

JORDAN

Since Jordan began granting entry to Syrian refugees in 2011, several thousand Palestinian refugees have entered, most of them residents of the border city of Daraa. The Jordanian Prime Minister issued a decision in 2012 that banned the entry of Palestinians of Syria and Jordanians of Palestinian origin, whose national numbers were revoked during their residence in Syria. He justified this decision on grounds of "preserving their rights in

⁽⁸⁰⁾ Statistical report issued by the Lebanese-Palestinian Dialogue Committee, the Bulletin, 17 December 2017.

⁽⁸¹⁾ An interview conducted by the researcher with the Palestinian refugee Munira S., 11 February 2018.

their native Palestine." International law, however, does not allow the rejection of asylum seekers, because the request for protection supersedes any political considerations.⁽⁸²⁾ The Jordanian government does not recognize Palestinians holders of Syrian documents living in its territory, so the Palestinians present themselves solely as Syrian refugees. There are about 18,000 Syrian refugees living in Jordan.⁽⁸³⁾ The Jordanian authorities, however, deny the existence of such numbers, without providing their own statistics.

The fact that Palestinian refugees who have Syrian documents are labeled as illegal residents in Jordan has serious repercussions for their existence and their rights, because this characterization by the Jordanian authorities opens the door to the deportation of all those who are identified. This is a flagrant violation of international laws that ban the deportation and refoulement of people who fled unsafe areas. People trapped in this situation must live under the constant threat of deportation, and must hide under fake names and identities. This severe stress has psychological, social, and economic impacts on their lives and on their relationships with the government and host community for as they are denied legal status that would secure their legal presence and grant them the right guaranteed in the Refugee Convention.

Over the past six years, local and international human rights organizations have documented many cases of individuals who were deported from Jordan to Syrian territories in a procedure commonly referred to as "the expulsion." Human Rights Watch confirmed that more than 100 Palestinian refugees, including women and children, were deported back to Syria in 2013. Some of these refugees had to reside in border villages for many months after being deported because they did not have official papers enabling them to move between regime and opposition checkpoints in Syria. Jordan rejects its responsibility for such unlawful acts on grounds of not being a party to the 1951 Refugee Convention or its 1967 Protocol. However, it is still bound by customary international law not to return refugees to a place where their

⁽⁸²⁾ The Palestinian Strategic Report 2012-2013, Edited by Muhsen Saleh, P. 139.

⁽⁸³⁾ UNRWA website.

lives or freedom would be threatened. The Executive Committee of the United Nations High Commissioner for Refugees (UNHCR ExCom), of which Jordan is a member, adopted Conclusion 25 of 1982 declaring that "the principle of non-refoulement... was progressively acquiring the character of a peremptory rule of international law."⁽⁸⁴⁾

Jordanian policies have not changed even towards the Palestinian refugees, who have been placed in camps that are more like detention centers. The Cyber City refugee camp set up by the Jordanian authorities near its northern border is a tragic example of this suffering. It housed over 500 refugees, most of whom were families, who lived in total isolation in this camp just like detainees. This led to many cases of suicide and pushed others to escape from the hellish conditions, while other cases were deported to Syrian territories.⁽⁸⁵⁾ By the end of 2016, the Jordanian authorities closed down the camp and relocated its residents to an area known as Ar-Ramtha Gardens.

⁽⁸⁴⁾ Not Welcome: Jordan's Treatment of Palestinians Escaping Syria, Human Rights Watch, 7 August 2017, available at: <https://www.hrw.org/report/2014/08/07/not-welcome/jordans-treatment-palestinians-escaping-syria>.

⁽⁸⁵⁾ Neil Sammonds in a post on Amnesty International's website: "A worse fate befell Mahmud Merjan, who Cyber City residents say was killed on a Syrian street in late 2012, three weeks after being forced to sign a 'voluntary' paper that he would go back to Syria. 'It wasn't an arbitrary killing,' says one man who knew him well. 'He was known and wanted by the regime.'" see: Neil Sammonds, A dog has more freedom: Palestinians at Cyber City camp for refugees from Syria, Amnesty International, 29 July 2013, available at: <http://bit.ly/33QE2Vi>



Cyber City Camp in Jordan

Ironically, UNRWA departments in Jordan have dealt with the refugees from Jordan based on their true status in their official records, while those registered with the UNHCR as a "Syrian refugee" were dropped from its records if they were found to be Syrian Palestinians. This abnormal legal status does not fall under any description of refugees in national or international laws. It is an expression of political and security considerations instead of legal obligations. Its extreme nature is not mitigated by the claim of the Jordanian authorities that they are turning a blind eye to thousands hiding in their territories. The authorities must rectify the injustices that have been inflicted on Palestinian refugees by denial of their legal status and undertaking all legal responsibilities towards them, as they do for Syrian refugees.

There is a second category of Palestinians of Syria. The members of this group hold Jordanian passports and their legal status was settled with the Jordanian authorities prior to the eruption of the conflict in Syria. They are treated as Jordanian citizens and there are no precise estimates of their numbers, which may as low as a few hundred.

EGYPT

When the Egyptian authorities allowed the entry of Palestinian refugees from Syria into its territories in 2012, an estimated number of 10,000 Palestinian refugees who were not covered by UNRWA because they resided in a country outside its areas of operation. They lived in very difficult conditions. These refugees should have enjoyed the protection of UNHCR in accordance with Article 1, Paragraph D of the 1951 Refugee Convention.⁽⁸⁶⁾ In practice, they are "forgotten refugees," because no international mandate covers their affairs and provides them with food, education, and medical care, and because no authority or organization is responsible for them. This is illustrated by the fact that the Egyptian authorities do not treat them as refugees, either legally or procedurally. Although Egypt's laws permit them to obtain a six-month or one-year tourist residency, in practice most applications are either denied or forced to wait for long periods. Those who are fortunate enough to receive residency after months of application are "exceptional cases," and are not treated like Syrian refugees, not even in terms of residency fees.⁽⁸⁷⁾

Since the Egyptian authorities stopped granting visas to Palestinian refugees from Syria in July 2013, refugees' legal obstacles and humanitarian suffering has increased. This has been exacerbated by the absence of a legal framework to facilitate their engagement in public life. They are not able to register their kids at schools and universities as a result of the residency problems. Furthermore, there are no sources of income available to them in Egypt, a country that is already suffering from its own problems of poverty and unemployment. These problems have driven more than half of these refugees to flee to Europe in recent years through illegal immigration routes. Many families and individuals have drowned in the Mediterranean Sea attempting this dangerous journey to Europe.

⁽⁸⁶⁾ The Network of Supporting Palestinian Camps in Diaspora, established by the Palestinians of Syria in Egypt in 2013, available at: <https://bit.ly/2LgFGIt>.

⁽⁸⁷⁾ Firas Haj Yahya, Palestinians of Syria In Egypt: Forgotten Refugees, Iqtisad Website, 28 November 2017, available at: <https://bit.ly/32d8OHP>.

Human rights organizations have documented legal violations perpetrated against the Palestinians by Egyptian authorities. For example, Human Rights Watch found that Egypt has arrested at least 400 Palestinian refugees from Syria, 200 of whom were forced to leave, mostly back to Syria. Amnesty International claimed that in November 2014 that the Egyptian authorities issued deportation orders for 66 refugees, including 56 Palestinian refugees from Syria and five Palestinians who had fled the Gaza Strip in the summer of 2014 due to the Israeli aggression. According to the Center for Refugee Solidarity, 56 Syrian and Palestinian refugees from Syria went on a hunger strike in February 2015 in protest of their detention for more than 100 days at Karmouz police station in Alexandria.⁽⁸⁸⁾

There is also a group of the Palestinians of Syria who entered Egypt illegally through Sudan in 2016 and 2017. They have not been allowed to settle their legal status and they are stuck inside Egypt in bad conditions. The Egyptian authorities allowed those in this group who are able to obtain a visa to another country to leave Egypt. Because of the challenges the Palestinians of Syria face in Egypt, recent estimates put the total number of those who have remained in Egypt at under 3,500 refugees. The role of the Palestinian embassy in Cairo for Palestinian refugees from Syria has been limited to granting Palestinian passports to those who want them. It has not provided any form of assistance or material support. At the beginning of 2013, refugees held protests because of the embassy's failure to respond to their increasing suffering.

⁽⁸⁸⁾ Catherine de Pouk and Amaya al-Arza, International Protection of Palestinian Refugees in Theory, Haq al-Awda Newspaper issued by Badil Center, 14 May 2015, Issue 62.



Refugees arrested in a police station in Alexandria in Egypt

The situation in Egypt is a useful case for identifying the repercussions of changing political systems on the conditions of refugees. After the 2013 military coup in Egypt, the decision that was made to allow Palestinian refugees enter Egypt was reversed and further restrictions were imposed on those living in Egyptian territories.

THE GAZA STRIP

The Gaza Strip, which is a predominantly refugee community, is one of the areas that has hosted refugees from Syria displaced during the war. Their numbers were estimated at around 245 families—a population of approximately 1,000 people—distributed throughout different areas of Gaza, according to the statistics documented as of 15 October 2014 by a local committee that was established to follow up on their affairs. This included 21 families holding Syrian passports and 77 families holding both Syrian and Lebanese documents. The remaining 147 families are of Gazan origin, and they hold Egyptian documents and Palestinian Authority passports without an ID with a national number.⁽⁸⁹⁾

⁽⁸⁹⁾ A paper by the Committee of Following Up the Affairs of Refugees from Syria issued on its Facebook page on 18 October 2014, available at: <https://bit.ly/2ZCCJXD>.



The Palestinians of Syria in Gaza Strip

These differences in the documents held by Palestinian refugees displaced from Syria to Gaza gives them different legal statuses. Those who hold Syrian documents and passports are deprived from renewing them after their expiration because Syrian authorities do not recognize anyone who enters the Gaza Strip, even under an official entry stamp from Egypt. It is very difficult for those who hold Palestinian passports, but no IDs that holds a national number to leave Gaza. Since they live in an area that has been under siege for several years, and witnessed two successive wars by the Israeli occupation forces during their presence there, they are practically besieged, and banned from leaving their new place of asylum due to the war or for fears of its eruption at any time.

Problems of legal status for Palestinian refugees from Syria in Gaza are not limited to restriction of their right to movement and travel, but also include their limited access to aid and form of support that target the Gazan society, which itself lives on donor support and foreign assistance due to the prolonged blockade and widespread unemployment. The housing rental assistance provided by UNRWA to the refugees displaced from Syria does not cover more than 30 percent of their rent, and it is sometimes disrupted for more than six months at a time, as it was in 2016 and early 2018. Even

the unemployment allowance promised by the Hamas government was halted after providing it for limited periods, just like its other unfulfilled promises of housing, job opportunities, and comprehensive health insurance. The PLO's Refugee Affairs Department, despite being the body that is nationally concerned with their affairs, has not provided more than three modest grants over the past years.⁽⁹⁰⁾

Furthermore, there is a major shortfall in the provision of assistance in Gaza to Palestinian refugees from Syria through charities and relief institutions. These tragic circumstances have led some families to flee through the tunnels when possible and to resort to trying maritime smuggling routes from the Egyptian coast. A number of them drowned while riding what is known as the "death boats," while others were victims to fraud and deceit by smugglers. It is noteworthy that the suffering of Gazans themselves has not prevented their sympathy with the refugees from Syria. Despite the importance of such sympathy in alleviating refugees' living, psychological, and social problems, the fate of those refugees in Gaza remains dependent on the fate of the population of Gaza Strip itself, as remedies for their legal and humanitarian conditions will remain absent as long as the international community continues to ignore their tragedy and the suffering of their peers.

Main Countries of Asylum: Turkey and Europe

TURKEY

Around 9,000 Palestinian refugees from Syria live in Turkey. as of 2019, Half of them reside in towns along the border with Syria, such as Reyhanli, Hatay, Kelis, Gaziantep, Mersin, Othmaniya, and Nizip, while the other half live in major internal cities like Istanbul, Ankara, Bursa, and Adana. Most of them entered Turkey since the beginning of the war through illegal land border crossings because formal border crossings do not allow Palestinian

⁽⁹⁰⁾ Online interviews conducted by the researcher with Palestinians from Syria who are now living in Gaza, January 2019.

holders of Syrian document to pass through, unlike holders of Syrian passports who were allowed to pass until recently.⁽⁹¹⁾

The Turkish government treats Palestinians from Syria who enter its territory as Syrian refugees. They are granted the ‘Kimlik,’ which is a temporary protection identification card granting its holder privileges such as the right to access to education; medical care; humanitarian aid; work permits as per Ministry of Labor instructions; registration of newborns; formalization of marriages, divorces, and deaths; the ability to sign lease contracts and opening bank accounts; and free movement within Turkish territories. The Kimlik card given to Palestinian refugees in Turkey does not include any reference to the original place of residence or nationality of its holder. Rather, the Kimlik only says that its holder is a ‘Syrian refugee,’ despite multiple demands to the Turkish government to include mention of the holders’ country of origin on the card.



The Palestinians of Syria in Turkey

⁽⁹¹⁾ Report issued by the Syrian Interim Government’s General Body for Palestinian Refugees, 20 July 2014.

The Turkish government uses the term ‘guests’ for refugees, which reflects an ethical obligation but has no legal weight in regard to the rights of refugees under international law. However, after the law of temporary protection was passed by a Turkish Cabinet decision on 13 October 2014,⁽⁹²⁾ it was possible to determine the legal position of Syrian and Iraqi refugees, including Palestinians of Syria. The protection law covers all those displaced from their countries who seek refuge in Turkey or at the Turkish borders, fleeing life-threatening conditions which prevent their return. It also covers their wife and children. It also requires that the Turkish authorities grant these asylum seekers the right to stay in Turkey until they decide to return to their home countries without any coercion.

In terms of its international mandate, UNRWA considers the Palestinians of Syria in Turkey to be outside of its five areas of operation, meaning they do not benefit from the services UNRWA provides in those areas. In this case, as explained earlier, they should be covered by UNHCR’s protection mandate but UNHCR has refused to fulfill its obligations towards them. Therefore, the Palestinians of Syria face difficult living conditions as many families have unfulfilled humanitarian needs. This is particularly true of families that have no breadwinner or where the head of the household is unable to work due to difficulty of acquiring a work permit. Even when these refugees can work in Turkey, the professions in which they are most commonly employed are low-paying, and are insufficient to meet the high costs of living.

These hardships in Turkey, and the refugees’ continued endeavors to secure permanent residency documents, have led many to attempt illegal onward migration. Prior to the conclusion of the European-Turkish refugee agreement in February 2016, Turkey was the largest place of origin for migrant smuggling routes to Europe. Waves of Palestinians of Syria crossed the seas and land routes from Turkey to reach Europe, before the additional difficulties and obstacles created by the agreement took effect. Dozens

⁽⁹²⁾ Ghazwan al-Masri, *Refugee Card in Turkey, Advantages and the Question of Finger Prints*, Turkpress, 24 December 2014, available at: <https://bit.ly/30NA8eV>.

drowned in the sea or froze to death in the forests during those dangerous journeys.

The 2014 Turkish protection law grants Syrians and “Kimlik” identity card holders an equivalent status with relatively better legal guarantees than refugees in other neighboring countries. Because of this, many Palestinians of Syria prefer to stay in Turkey rather than migrate to Europe because of the similar traditions and shared values of the host community. Still, many Palestinians of Syria have encountered risks due to the security conditions at the border, including coming under fire from the Turkish border guards, the “Gendarme,” as they crossed via smuggling routes from Syria to Turkey. Some refugees have been held in custody at Turkish airports long periods of time, and some have been deported to liberated areas of Syria in contravention of the principle of non-refoulement. One such example is the case of Basel Azam, a young Palestinian from Syria who was held in custody at the Istanbul airport for months. He refused to return to Lebanon—where his flight originated from—for fear that he would be handed over to Syrian authorities since he had defected from the PLA in Syria. The Turkish authorities eventually deported him to Syria and two months later, he died in a regime bombardment on the village where he was staying in Idlib.⁽⁹³⁾

At present, since the latest measures by Turkish authorities in Istanbul and as hundreds of Palestinian families in Istanbul do not have a Kimlik, an atmosphere of anxiety and apprehension prevails. The fate of Palestinians from Syria in Turkey is precarious and they are increasingly demanding that their special situation as second-time refugees is taken into consideration and that they be given protection guarantees that account their unique political and humanitarian situation.

EUROPE

Estimates vary as to the number of refugees from Syria who have reached Europe over the past seven years due to the statistical difficulties posed by the multiplicity of countries of origin and of reception. Changes to the legal

⁽⁹³⁾ Basel Mahmoud Azzam, This is My Story, Action Group for Palestinians of Syria Facebook Page, 8 April, 2017, available at: <https://bit.ly/32fbTGN>.

status of Palestinian refugees in Europe after the submission of their asylum applications have further complicated these efforts. In its 2017 annual report, the Action Group for the Palestinians of Syria estimated that these numbers exceeded 100,000 Syrian refugees.⁽⁹⁴⁾ Other estimates, however, put the number at no less than 140,000. These -Palestinian refugees of Syria are concentrated more in Germany, Sweden, the Netherlands, France, Austria, Denmark, and Norway. The majority of them travelled from the shores of Turkey through Greece, while a smaller percentage travelled from the shores of Egypt and Libya in North Africa. As countries became more stringent in closing these routes over the past two years, family reunification has become the greatest source of their continued arrival to Europe.



Palestinian refugees in Europe

According to European asylum laws, asylum seekers submit their asylum applications and can reunite with their families after they are granted a three-year temporary residence. Humanitarian protection gives them residence of no more than 12 renewable months, so it does not allow the asylum seeker to apply for family reunion. Notably, the 2016 European-Turkish refugee agreement made no mention of Palestinian refugees from Syria, thus

⁽⁹⁴⁾ Palestinians of Syria between Promises and Restrictions – Annual Field Report of 2017, Action Group for the Palestinians of Syria and the Palestinian Return Center, 25 February 2018, available at: <https://bit.ly/2ZFBQhh>.

ignoring both the estimated 400 who were trapped in Greece and those in Turkey who wished to seek asylum in Europe through the official system. The 1990 Dublin Convention, which entered into force in 1997, is the European Union's legal framework for considering and processing asylum applications caused by the unprecedented influx of refugees to Europe against the backdrop of war in Syria.⁽⁹⁵⁾ It turned out that the Dublin Regulation, requires people to apply for protection in the first country they enter and where fingerprints were taken. This has created many legal complexities, particularly for families that were distributed across more than one country and found it hard to reunite. Consequently, signatory states agreed on amendments that made this system less stringent, as in Germany, which began ignoring the first fingerprint. Some countries, such as Switzerland and Denmark, have continue to take a hard line.⁽⁹⁶⁾

One of the most important points regarding the processing of asylum applications by Palestinians of Syria in all European Union states, is that their original nationality is not revealed on their temporary residence documents. Rather, the relevant field is filled with the word "homeless," despite documents confirming the origin of the asylum seeker. This raises suspicions that there are political motivations behind this measure, which contravenes the 1951 Refugee Convention and its resettlement provisions. Article 1 of the Convention affirms the right of the refugee under the protection of one state to demand to be returned to the protection of the country of their original nationality if the causes and circumstances preventing that cease to exist.

The legal status of refugees in Europe and the rights they enjoy in terms of protection and stability cannot obscure the cultural, social, and psychological challenges related to the various policies of social integration adopted by European countries. Integration obstacles have an impact on the refugees' identity and their relationship to their new society. This is especially true with the rise of islamophobia and the racist right wing in

⁽⁹⁵⁾ Zubair al-Ansari, What is the Dublin Agreement that Germany Applies to Syrian Refugees, al-Hayat Newspaper, 12 November 2015, available at: <https://bit.ly/2HDj1Fg>.

⁽⁹⁶⁾ Stefania Summermatter and Duc-Quang Nguyen, Migration Policy: Are the Swiss too Strict about the Dublin Accords?, Swissinfo, 22 February 2017, available at: <http://bit.ly/2Yb9YSM>

many European countries in recent years, which has opened the door for greater identity conflicts rather than open identities that can be reconciled with other cultures.⁽⁹⁷⁾

Signs of this discriminatory climate in Europe include racist assaults on refugees by right-wing groups. There are also indications that some immigration departments apply discriminatory standards in processing asylum or reunion applications from Palestinian families, which in some countries have suffered from delays to their reunions of over three years. Other families have remained dispersed across different European countries because of the multiple fingerprints they made in countries through which they passed, and the refusal some host countries to reunite them.

The denial of temporary protection applications by some countries has led to immense difficulties for those whose families were still in Syria or its neighbors. Refugees' concerns about the future of their legal guarantees in such volatile sociopolitical climates have become more urgent for the Palestinians of Syria because of their bitter experiences with shifting realities and unpredictable surprises. They also feel the contradictions between the legal statuses they have been granted by European asylum countries, compared to the conditions of their peers in Syria and Arab asylum states. They additionally face challenges to integration in societies with different languages, religions, customs, and cultures, as well as different standards of education and diploma equalization, and job opportunities for those with qualifications and scientific specialties.

Mustafa Bitari, a young refugee in the Netherlands, said: "It is not easy to get a job matching my qualification as a graduate holder of MBA. The challenge starts with overcoming the language barrier, to start the hard procedure of diploma equalization and then getting a job opportunity. It seems like a far-fetched dream." He added: "These countries prefer making

⁽⁹⁷⁾ Hani Suleiman, European Refugee Policies, Arab Center for Research and Studies, 29 August 2016, available at: <https://bit.ly/2L8LbuM>.

use of refugees in vocational and service professions which do not require university or graduate degrees.”⁽⁹⁸⁾

The coming years, and perhaps decades, will determine the success of the integration of Palestinians from Syria into the geographical, political, and cultural context of the societies in which their next generation will grow up, and the extent to which they keep their collective memory which constitutes the vessel of their original identity and its historical anchor. At present, however, we can say that they have passed the threshold of vulnerability and weakness in their legal status but challenges and concerns grow that the cause of refugees could be watered-down in the absence of just solutions.

From One War to Another

Libya and Yemen vividly illustrate the impact of wars and internal conflicts on the lives and conditions of thousands of Palestinians of Syria who lived there to work or study before the war in Syria, as well as those who were forced to go to Libya for illegal immigration to Europe as a result of the war. As the Syrian experience has shown, trying to escape a legal system that is falling apart to another that does not guarantee the minimum protection of the rights of vulnerable groups such as those in the midst of existential dangers and suffering, is a unique reality facing the Palestinians of Syria and they are in urgent need of support at all levels.

Before the Muammar al-Gaddafi regime was overthrown in 2011, the number of Palestinians from Syria in Libya was estimated to be about 3,000, out of nearly 30,000 Palestinians there in total. Theoretically, Libyan laws treated them like Libyans and did not enforce the same residency requirements as other foreigners.⁽⁹⁹⁾ In reality, however, they did face disparate treatment in certain circumstances, such as the suspension of all employment contracts for Palestinians and banning of their renewal in 1994. They also went through a painful experience in 1995, when al-Gaddafi

⁽⁹⁸⁾ An interview with a Palestinian from Syria named Mustafa Bitari conducted in March 2015. He was a resident of al-Yarmouk Camp and he sought refuge in the Netherlands because of the war in Syria.

⁽⁹⁹⁾ Basem Sarhan, The Tribulation of Palestinian Community in Libya, *Palestinian Studies Magazine*, Volume 8, Issue 29, the winter of 1999, P. 3

decided to deport the Palestinians from Libya for political reasons. For several months, Palestinians of Syria, like all Palestinians, were under the threat of that decision before it was revoked, allowing those who were stranded at the Libyan-Egyptian border to re-enter Libya. At that time, revolutionary committees and Libyan landowners started a campaign to evacuate houses rented by Palestinians under a previous law, Law No. 4 of 1978, known as “the house for its residents.”⁽¹⁰⁰⁾



Palestinian refugees in Libya when they were expelled from Syria in 1995 to the Libyan-Egyptian borders and they were sent to “the Return Camp”

This story of retaliation against Palestinians was repeated after the outbreak of the Libyan revolution in February 2011 and the ensuing bloody conflict, which pushed the majority of the Palestinians of Syria in the country to flee from the Libyan shores to Europe. With the escalation of the conflict in Syria and the escape of large numbers of the Palestinians of Syria to Egypt, the Libyan shores became open to illegal immigration to Europe, and many Palestinians of Syria trapped in Libya, Egypt, Sudan, and other countries

⁽¹⁰⁰⁾ Ibid.

headed to one of the most dangerous smuggling routes in the world. This was especially true after the security breakdown in Libya left its beaches under the control of local smuggling mafias. There are shocking testimonies about the violations suffered by Palestinian of Syria in this situation,⁽¹⁰¹⁾ who were subjected to arbitrary detention in police stations, kidnapping and torture by smuggling mafias in exchange for ransom payment, the deliberate sinking of refugee boats in the middle of the sea, and the sinking of many dilapidated boats, some of which carried hundreds of Palestinian refugees. There were also deliberate killings of Palestinians of Syria in Libya, encouraged by the absence of a judicial system to hold criminals accountable in areas controlled by local militias.

Yemen was a temporary place of residence for Palestinians of Syria, especially those without Palestinian documents or identity cards issued by Arab countries to which they cannot return, because of being wanted by security agencies. Between 1982 and the mid-1990s, an estimated 7,000 Palestinian refugees arrived in Yemen.⁽¹⁰²⁾ There are no accurate statistics about the percentage of the Palestinians of Syria among them, however, most of them lived in Sana'a. After the outbreak of the war in Yemen in 2015, some of them were evacuated through the Yemeni-Saudi crossings, while others went to African countries such as Djibouti and Somalia. There are several testimonies confirming the suffering that some Palestinians of Syria in Yemen went through before they fled,⁽¹⁰³⁾ especially after Yemen became completely consumed by disaster.

⁽¹⁰¹⁾ Hasan Mousa is one of those who left Libya aboard an illegal smuggling ship towards the Italian shores. He stated in his testimony that "Libyans have not sufficed with harming my family and other Palestinian and other Arab families, they also pursued us even after leaving their country, shot at our ship and drowned it with 400 passengers onboard, including my wife, my daughter, my son in law, my grandson, and thirty Syrian and Palestinian doctors." Mousa, who is currently living in Catania in Italy, concluding the narration of the story and his painful path by saying that he would not have thought of leaving Libya and risking the life of his family had he found in that country the safety he missed in Syria. He illustrated that the period he spent in Libya was "a hell during which they came under indescribable abuses and crimes." More can be found in: Khaled Shamt, Syrians in Lampedusa.. Escaping from death to death, Aljazeera.net 2 November 2013, available at: <https://bit.ly/2LhgWQo>.

⁽¹⁰²⁾ For more about the Palestinian community in Yemen, see the al-Nakba Encyclopedia, available at: <https://bit.ly/2ZJR4G8>.

⁽¹⁰³⁾ Testimony of a refugee named Muhammad Ali Darwish, given to the researcher in October 2018. Muhammad Ali Darwish is a Palestinian from Syria who was living in the Jobar neighborhood of Damascus. He traveled to

There also are an estimated 7,000-10,000 Palestinian refugees from Syria that re-located to regions such as the Arab Gulf, North Africa, North America, Latin America, Southeast Asia, and the Russian Federation) for work, residence, or educational reasons. They now face a double challenge in their legal residency status in such countries as a result of their inability to renew their Syrian-issued travel documents. Many also reside in countries that do not recognize their legal status as Palestinians of Syria, such as Saudi Arabia, where a number of Palestinian families from Syria entered during the war with visas to perform Umrah and Hajj. They did not receive residency permits to enable them to work or give them access to education and health services, with no regard for their special humanitarian situation. Still they stayed because of their fear of returning to Syria and their inability to travel to other countries. Palestinians from Syria that went to the Gulf countries before and during the Syrian crisis faced many difficulties. Among these were the sponsorship system, which does not create job security, and the rising taxes for residency renewals. These pressures forced many families that have been living in the Gulf countries for many years to leave those countries and seek more stable options in Europe or neighboring countries.

Limited Options

Because of its extensive media and social media coverage in October and November 2018, the refugee tragedy in Thailand highlighted the type of abuses affecting groups of Palestinians of Syria who managed to travel to distant countries with no legal clear system for receiving refugees and addressing their rights.

Yemen in 1990 to work as a teacher in Sanaa until he was impacted by a law that was known as the “The Law of Referral,” under which all non-Yemeni teachers were suspended from work. After that he worked in several professions until the beginning of the Yemeni war. He stated that he and his family tried to bear with the situation at the beginning of the war, but when the bombardment became fiercer with the operation “Storm of Resolve,” he fled with his family and other families as well, in coordination with the Palestinian embassy, to Saudi Arabia. Currently, Muhammad is living there without a residency permit and is facing a lot of challenges in making a living.

In Thailand, hundreds of Palestinians of Syria and other Syrian and Palestinian refugees coming from Iraq and the Gaza Strip were prosecuted by Thai authorities for violating laws and overstaying their visa or residency permits. Because of this, many started to flee their homes and hide in difficult conditions, and many were detained, including women, children, and elderly. Some remained in the Immigration Detention Center (IDC) for more than three years. According to testimonies from prisoners there, the prison is known to be inhumane in terms of overcrowding and poor health and food conditions inside its dormitories.⁽¹⁰⁴⁾



Palestinian refugees detained in Thailand prisons

During this tragic experience—and before appeals and interventions from Palestinian and international parties finally convinced the Thai authorities to stop pursuing these refugee families—UNHCR took a passive position, refusing to intervene to protect and help the refugees in accordance with its obligations under the Refugee Convention, although they were at serious risk of deportation to Syria. This tragedy also revealed the immense

⁽¹⁰⁴⁾ Palestinians in Thailand.. When Asylum Turns to a Tragedy, *aljazeera.net*, 30 November 2018, available at: <https://bit.ly/2ZFG4FF>.

suffering and pain that a refugee has to endure when states uphold their domestic laws at the expense of their obligations under international human rights laws, and when their domestic laws do not distinguish between refugees forced to flee their countries because of war and tourists whose legal and psychological status is different from refugees.

During the tragedy in Thailand, many wondered why a number of Palestinian refugees chose to go to this distant country, whose inadequate laws and high cost of living made it an unsuitable have for refugees seeking stability. Such questions led to investigations of the circumstances that compelled the refugees to reach Thailand. The most prominent issue is the travel documents carried by the Palestinians of Syria, which do not allow their holders to enter most countries in the world. This is especially true after Arab countries and other nations closed their borders in the faces of these asylum seekers at a time when they were in dire need of support to facilitate their movement in order to protect their lives from the dangers of war. To overcome the obstacles related to lack of respect that many countries have for the holders of the travel documents like Palestinian passports without national numbers issued by the Palestinian authority, Palestinians of Syria went to any country that would facilitate visas for the holders of this passport, and Thailand was among these countries.

There are also other secondary reasons that some Palestinians from Syria reached Thailand. When asked why they had traveled so far, Palestinians of Syria in Thailand who were interviewed for this report responded that it was a temporary stop as they looked for ways to migrate to Europe, whether by registering in the UNHCR resettlement program, or if this is not possible, by illegal smuggling methods.⁽¹⁰⁵⁾ This indicates that the coercive circumstances have forced the refugees to choice between a narrow set of options. Thailand is not the only example of the dangerous paths Palestinians of Syria are walking down all over the globe. Intermittently, appeals circulate from refugees stuck in prisons and airports of many different countries. At the time of writing, Palestinians of Syria in Indonesia

⁽¹⁰⁵⁾ Online interviews conducted by the researcher with a number of Palestinians of Syria who were living in Thailand, in November 2018.

were holding a protest to demand their rights as refugees and the legalization of their stay in a country that guarantees their rights and provides them with better opportunities to make a decent living.

VI. Questions of Legal Status and Identity

By their very nature, refugee communities are communities suffering from identity crises. Since the first Nakba separated many Palestinians from their homeland, they have become obsessed with defending their national identity. It is both an individual and collective expression of their fears about the demise of that identity, and an incentive to adhere to it over generations and renew it as a sociological trait and a set of distinctive characteristics.

In this context, social and psychological dimensions have played a role in molding the identity of Palestinian refugees and the environments in which they live have impacted how they define themselves and relate to others. During their asylum in Syria, Palestinians' legal status was more of a catalyst than an obstacle to both maintaining their national characteristics but also facilitating their integration into their host community. The eruption of conflict in Syria, and changes to Palestinian legal status that resulted in the gradual erosion of their rights, resulted in the emergence of a complex form of identity crisis. Palestinians in Syria felt a real threat to their existence, in the absence of any legal guarantees to protect that existence. The variety of violations perpetrated against a wide spectrum of Palestinian refugees—as previously discussed—has undermined much of what brought them together and gave them a sense of stability in their place of asylum. (This is different from what refugees generally feel outside of times of crisis, when they tend to emphasize the “I” over the more collective “we.”)⁽¹⁰⁶⁾

⁽¹⁰⁶⁾ Mohammed Abed al-Jabri, *The Issue of Identity: Arabism, Islam and the West*, Center for Arab Unity Studies, fourth edition 2012, Beirut P.17.



The mass displacement from al-Yarmouk Camp

The challenges and complications related to the legal status of the Palestinians of Syria reveals the vulnerability of their legal positions in the countries in which they have sought refuge. They found themselves in the middle of a war with varying legal statuses, which pushed them to look for places of exile which could provide them with a clear and secure legal status. Based on the Syrian experience, which cannot be divorced from the experiences of their counterparts in Lebanon, Iraq and Kuwait, these Palestinian refugees started to focus on seeking legal protection in countries whose laws and requirements provide such protection.

This new focus on the requirements of legal status is one of the most prominent impacts that the Syrian war has had on Palestinians. This can be seen clearly in the younger generations of the Palestinians of Syria, but it takes the form of amplified obsession among older generation because they face immense difficulties in rebuilding their lives and integrating into foreign societies. Even those who have stayed in Syria and hope that the war will end and the camps will be rebuilt, are uncertain about the future of their children in Syria. This identity question is not limited to considerations imposed on the future of refugees by the war, there is also a dialectical relationship between the place of asylum and the refugee legal system and

the impact that relation has on identity and transformations thereof, which can be seen in the changes in the concept of the Palestinian-Syrian identity.

This concept took shape during the various stages of Palestinian asylum in Syria and it reflected their distinctive identity and changes therein. That identity was formed over seven decades of asylum in order to strengthen their affiliation with the Palestinian national identity while enhancing their interconnectedness with the Syrian national identity. However, there was a decline in the position of refugees in the Palestinian national movement against the backdrop of the Oslo Accords in the early 1990s, as the center of political gravity moved to inside Palestine. The conflict in Syria in recent years and the second Nakba the Palestinians of Syria experienced posed major existential challenges. All of these factors have played a role in demarcating the shifting boundaries of the Palestinians of Syria's relationship to the distinctive identity which emerged during their long-term asylum in Syria.

While many studies focus on sociological and psychological dimensions of identity in refugee communities, in the case of the Palestinians of Syria it is also important to focus on the legal factors and their direct impact on the present and future of the Palestinian-Syrian identity. To enrich this part of the discussion, a sample of Palestinians of Syria were surveyed in order to help clarify the connections between legal status and identity transformations. The results of survey are summarized below.⁽¹⁰⁷⁾

Survey about risks and challenges to the identity of the Palestinians of Syria

General Data			
1	Gender	Male	
		Female	
2	Age		
3	Marital Status		
4	Education Level		

⁽¹⁰⁷⁾ A survey conducted by the researcher in cooperation with Dr. Hussam Saad, a specialist in sociology and a former professor at Damascus University. He was detained by the Syrian regime at the beginning of the revolution. After being released he sought refuge in Turkey, like the thousands of other Palestinians of Syria who had to leave Syria.

5	Professional Status			
6	Place of Residence			
Palestinian-Syrian identity questions				
7	What are the risks facing the identity of the Palestinians of Syria?			
	Options	Yes	No	
	Destruction of al-Yarmouk and other camps			
	Forced displacement of Palestinians of Syria out of the country			
	Living in diverse communities rather than Palestinian ones			
	Displaced people's fear of return for security reasons			
	Lack of legal guarantees for the displaced and those who stayed			
	Lack of political guarantees for the displaced and those who stayed			
	Integration into countries of asylum after the Syrian war			
	Resolving the Palestinian issue at the expense of Palestinians in the diaspora, including the Palestinians of Syria			
	Differences of position towards the Syrian revolution between Palestinians in Palestine and in the diaspora			
	The legal status of the Palestinians of Syria under a new political regime in Syria			
	Problems with documents related to civil status and travel procedures			
	Other risks (name them)			
8	What are the challenges to maintaining the Palestinian-Syrian identity?			
	Ensuring the legal status of Palestinian-Syrians in the future Syria			
	The return of those displaced due to the Syrian war			
	Ensuring political and civil rights and the ability to exercise them			
	Maintaining Palestinian identity even if Syrian citizenship is acquired			
	Other challenges (name them)			

The most important findings of the field study are as follows:

First: General characteristics of the sample

Table (1) Gender composition of the sample

	Gender	Number	%
1	Male	30	60
2	Female	20	40
	Total	50	100

The sample was composed of 60 percent male respondents and 40 percent female respondents as shown in table (1). In terms of ages, the sample represents various generations ranging from people in their twenties to people in their seventies, as shown below in table (2).

Table (2) Age composition of the sample

	Age Group	Number	%
1	Respondents in their 20s	17	34
2	Respondents in their 30s	10	20
3	Respondents in their 40s	12	24
4	Respondents in their 50s	7	14
5	Respondents in their 60s	3	6
6	Respondents in their 70s	1	2
	Total	50	100

In terms of marital status, the largest group of respondents were married, followed by people who were single, and finally those who were divorced, as shown in table (3).

Table (3) Marital status of the sample

	Marital Status	Number	%
1	Bachelor	20	40
2	Married	29	58
3	Divorced	1	2
	Total	50	100

All educational levels are represented in the sample, including lower levels of education (illiterate to preparatory school), average (secondary school-intermediate institutes) and high (university education and above) as shown in table (4).

Table (4) Educational level in the sample

	Educational Level	Number	%
1	Low	7	14
2	Average	12	24
3	High	31	62
	Total	50	100

In addition, the sample includes respondents who were employed in a variety of professions or who were unemployed, as shown in table (5) below.

Table (5) Employment status in the sample

	Professional Status	Number	%
1	Employed	26	52
2	Unemployed	24	48
	Total	50	100

The most important variable to consider was the representation of the Palestinians of Syria in various geographical locations. Accordingly, the study sample included those in Syria (in cities or camps which have not been destroyed such as Nayrab and Hama camps, as well as IDPs in areas under regime control and those displaced to liberated northern Syria), in Arab countries (Lebanon, Jordan, and Libya), in Turkey, in Europe (Germany, France, the Netherlands, Norway, Austria, and Denmark), and in Asia (Malaysia and Thailand), as shown in table (6).

Table (6): Place of residence in the sample

	Place of Residence	Number	%
1	Syria	19	38
2	Turkey	9	18
3	Europe	15	30
4	Asia	2	4
5	Arab Countries	5	10
	Total	50	100

Second: Risks to the Palestinian-Syrian identity

Table (7) Risks to the Palestinian-Syrian identity

	Option	Number	%
1	Destruction of al-Yarmouk and other camps	41	82
2	Forced displacement of Palestinians of Syria out of the country	41	82
3	Living in diverse communities rather than Palestinian ones	5	10
4	Displaced people's fear of return for security reasons	39	78
5	Lack of legal guarantees for the displaced and those who stayed	48	96
6	Lack of political guarantees for the displaced and those who stayed	31	62
7	Integration into countries of asylum after the Syrian war	20	40
8	Resolving the Palestinian issue at the expense of Palestinians in the diaspora including the Palestinians in Syria	45	90
9	Differences of position towards the Syrian revolution between Palestinians in Palestine and in the diaspora	20	40
10	The legal status of the Palestinians of Syria under a new political regime in Syria	45	90
11	Problems with documents related to civil status and travel procedures	25	50
	Sample = 50		

A number of options were given to the respondents in our question about the **risks** to the Palestinian-Syrian identity. These options included legal, social, and political risks.

The purpose of posing this question and its options, as shown in table (7), was to test the importance of the legal factor compared to other factors in impacting Palestinian-Syrian identity.

The findings show that the greatest source of risk to this identity was the legal dimension:

1. 90 percent of the sample agreed to both the following options: “Lack of legal guarantees for the displaced and those who stayed,” and “The legal status of the Palestinians of Syria under a new political regime in Syria.”
2. 50 percent of the sample agreed to “Problems with documents related to civil status and travel procedures.”

The other items that respondents said pose risks to their identity included:

1. The social dimension: “Destruction of al-Yarmouk and other camps,” and “Forced displacement of Palestinians of Syria out of the country” both had 82 percent agreement.
2. The political dimension: 90 percent of the sample selected “Resolving the Palestinian issue at the expense of Palestinians in the diaspora including Palestinians in Syria,” and 62% chose “Lack of political guarantees for the displaced and those who stayed.”
3. Security reasons: 78 percent of the sample agreed that “Displaced people’s fear of return for security reasons” was a factor.

They survey included an open-ended question in which respondents could name risks to the Palestinian-Syrian identity other than those listed in the table. In response to this question, six (6) percent believed that the risks include the Palestinian cause being forgotten or lost. Two (2) percent of the sample mentioned the PLO giving up on refugee rights as one of the risks to their identity.

Third: Challenges to Maintaining the Palestinian-Syrian Identity

In the same vein, we asked the respondents to rate the challenges facing the Palestinian-Syrian identity and its preservation. The outcomes were as follows, and are summarized in table (8):

Legal status was the greatest challenge to maintaining their identity, according to the respondents:

1. “Maintaining Palestinian identity even if Syrian citizenship is acquired” was selected by 98 percent of the sample.
2. “Ensuring the legal status of the Palestinians of Syria in the future Syria” was selected by 86 percent of the sample.

Significant numbers of the respondents also said that political and social factors posed challenges to maintaining their identity:

1. The political dimension, which is represented by the in option “Ensuring political and civil rights and exercise thereof,” was selected by 84 percent of the sample.
2. The social challenges, which was represented by the answer “Return of those displaced due to the Syrian war,” was selected by 80 percent of the sample.

Since we used an open-ended question about risks, we also used one for challenges to the maintenance of the Palestinian-Syrian identity not mentioned in the table. According to the survey, four (4) percent of respondents believed that one of the challenges was the possible end of the Palestinian presence in Syria, while two percent of the respondents believed that the displacement of the remaining Palestinians, particularly youth, from Syria, and PLO giving up the representation of all Palestinians were also challenges.

Table (8) Challenges to the maintenance of Palestinian-Syrian identity

		Number	%
1	Ensuring the legal status of Palestinian-Syrians in the future Syria	43	86
2	The return of those displaced due to the Syrian war	40	80
3	Ensuring political and civil rights and the ability to exercise them	42	84
4	Maintaining Palestinian identity even if Syrian citizenship is acquired	49	98
	Sample= 50		

The results confirm that among the risks and challenges facing the Palestinian-Syrian identity, legal status and changes in legal status have a major impact on holders of that identity and the difficulties they face in rebuilding and restoring it. This is true not only in terms of place and collective memory, but also the immense difficulties resulting from the disintegration of their legal status. This indicates the importance of legal status for identity and its broad prospects, including the ambiguity of the future of Syria in general, and ambiguity about the options the Palestinians of Syria have for dealing with their legal status in particular. This situation opens the floor for multiple risks and challenges which shed many doubt and questions on the identity debate.

VII. Research Conclusions and Recommendations

- This research shows that substantial changes have taken place in the legal status of Palestinian refugees in Syria. Although these changes have mainly been the result of consequences of the conflict in Syria, it does not mean that there were no gaps and flaws in Syrian laws even before the onset of the revolution. Those issues were evident in the procedural and security restrictions that were imposed on refugees whenever they exercised their travel, employment, and ownership rights, in addition to rights related to freedoms such as political activism, and the freedom of opinion and expression. The issues were also evident in the disparity in the way laws treated refugees depending on the group of Palestinian refugees they belonged to, who arrived on different dates and different asylum circumstances. Some of these groups have been subjected to greater restriction and deprivation than others, indicating the significant variation in legal status between the refugees themselves.
- The research found that coexistence, acceptance, and integration between refugees and the host community, all aspects of the special positive relationship that had developed between Syrians and Palestinian refugees over the past decades, were not enough by themselves to guarantee the stability of the refugees. Those aspects do not suffice as long as the political system of the host country applies laws and guarantees based on

a standard policy not based on the principle of strengthening the rights of citizens ‘and those deemed the same’ and as long as the country does not abide by international laws that ensure protection of refugee rights in times of peace and war alike. As a consequence, the war in Syria led the Palestinian refugees in the country to lose the protection umbrella of their host country, despite the requirements of international law. The situation became even more serious when the authorities of the host country, Syria, committed grave legal violations against the majority of the Palestinian refugee community on their territory.

- The relationship between the Syrian authorities and Palestinian refugees has been driven by primarily by the political and security considerations of the regime. This explains the regime’s willingness during the Syrian revolution for targeting large segments of the Palestinian refugee population for political reasons, including collective punishment, because many Palestinian groups sided with the demands of the Syrian people. The regime refused to treat Palestinians as neutral parties to the conflict, and instead it exploited them as leverage in its policy towards the greater Palestinian cause. This explains why the Palestinian refugees in Syria were directly impacted by the war, and subjected to serious violations for which the Syrian authorities bear the greatest responsibility as facts and evidence cited in the research show. This does not excuse the responsibility of other parties to the conflict for the limited violations they committed against Palestinians as well. The Syrian regime’s widespread violations against the Palestinians of Syria led to an unprecedented, systematic deterioration of their legal status.
- Comparisons of other Arab countries that host Palestinian refugees with Syria put the latter at a relatively favorable position. The research showed that drawing comparisons in this manner is futile when the legal and political system of a host country has deep problems and fractures that have been revealed by internal crises, such as the case in Syria. An objective approach to the relationship between refugees and host countries should be based on the rights and general guarantees they have under clear legal criteria. This standard applies to the rest of the Arab

countries where the Palestinians of Syria have suffered from the discriminative policies, due to the contrast between their legal and political systems in treating refugees without any regard for their obligations to international law and conventions.

- Regarding the impact of international and national authorities concerned with the affairs of the Palestinians of Syria, examples and evidence cited in the research reveal the negligence and inability of those authorities, primarily UNRWA and the PLO, to assume their responsibilities in preventing the deterioration in the legal status of refugees. The failure in addressing the humanitarian crisis that the Palestinians of Syria have been facing intensified the confidence crisis between the parties to the relationship. As a result, and due to the complex and compelling circumstances, the options available to the Palestinians of Syria have become very limited in humanitarian and national terms. This vulnerable and oppressed group was unable to rely on the aforementioned authorities to assist and rescue them, at a point in history when they faced an unknown destiny.
- Based on the above, despite the observations and criticisms about UNRWA's performance during the years of the conflict, there are important reasons to ensure the continuation of its role in helping Palestinians in Syria and in the neighboring countries that fall within its five areas of operations. Those reasons are mainly related to the fact that the refugees are aware of the importance of the continuity of UNRWA's humanitarian and service role, and its importance in easing their suffering. This awareness, though, does not prevent their growing doubts and concerns regarding the serious political efforts to dissolve UNRWA, as the main international observer of their cause. The United States' recent decision to cease funding UNRWA is the clearest example of such attempts.
- The Syrian conflict has revealed major gaps in the relationship between the legal status of refugees and their national authority representatives. By examining the positions and attitudes of the PLO and other Palestinian factions towards the plight of the Palestinians in Syria, the

research identified indicators of declining refugee confidence in these groups and in the existing national structures, which failed to stand by them at the most challenging of times. This has had negative repercussions that have further undermined the human and civil rights of the refugees. Those facts posed questions around the remains of the national status of the refugees, under the deteriorating national scene in general, and the weakening representative governance authority, and the accumulation of problems as a result of the creation of new national alternatives that represent the rights and the interests of the refugees.

- In terms of the differences between the status of Palestinians in Syria and their situation in other countries of refuge, the contrast between the legal frameworks in such countries is not the only indicator of the repercussions of the conflict in Syria or the only influence on their legal status. In general, the Syrian experience has revealed the scale of the humanitarian problems caused by the failure of the international legal framework to end the tragedy of the Syrian people, of which the Palestinians in Syria have received a major share. This legal framework had failed Palestinians since the first Nakba took place at the hands of the Israeli occupation, and then later again during the current Syrian crisis. This experience has reconfirmed their substantial doubts around the concept of international justice towards their rights and national cause.
- This research examined the immigration and escape routes that The Palestinian refugees from Syria took while fleeing the hell of the war in Syria during their second Nakba, and all the crises and the violations they faced in neighboring countries and the remote countries in which they sought refuge. All of this has revealed the scale of the problems and the intricate complexities facing the refugees, and the effects of the failure of many countries to comply with the 1951 Refugee Convention. These failures have multiplied the suffering of the refugees by preventing them from accessing protection and relief. They have faced very limited options, and have found themselves deprived of their rights and at the risk of deportation and refoulement. Examples of the violations the

refugees were subjected to due to their weak legal status include: being detained in airports and held in detention centers for prolonged periods of time, deportation or threat of deportation to Syria, being treated as “foreign aliens” or tourists instead of as refugees fleeing war, and being denied humanitarian assistance to ease their suffering.

- The research highlighted the dilemmas facing Palestinian refugees from Syria who fled to countries that do not fall under the mandate of the UNRWA operations, such as Egypt and other countries in North Africa, Turkey, and countries in Southeast Asia. These refugees should have been covered by UNHCR’s protection mandate according to the Refugee Convention, which affirms the rights of refugees to enjoy UNHCR protection in areas where they do not have access to protection or assistance from another United Nations’ refugee agency. The research also examined the consequences of this crisis that faced Palestinians of Syria in those countries, particularly because the UNHCR had discretionary criteria in its treatment even with individuals who are under its protection. One example laid out in the research was the passive attitude of UNHCR towards the campaign that the Thai authorities carried out against Palestinian refugees under the pretext that the refugees were violating Thai residency laws. Those refugees had already been registered with UNHCR, which had an obligation to protect them, not to exempt itself of responsibility towards them.
- The research highlighted the issue of travel documents for Palestinian refugees from Syria, which most countries do not recognize and which hold little legal value. Those documents became a burden for their holders and a reason for the obstruction of their freedom of movement and travel. Most Arab states tightened restrictions during the Syrian conflict, effectively banning the holders of Palestinian travel documents issued by Syria from entering their countries. They did this despite being bound by the 1965 Casablanca Protocol, which obligated them to facilitate the movement and travel of Palestinian refugees and to grant them the documents necessary to enjoy this right. European countries denied the right of Palestinian refugees holding travel documents from

registering Palestine as their country of origin on their asylum applications. Instead, they were considered as individuals “without a homeland,” even though such procedures are in violation of the Refugee Convention, which stipulates the right of the refugees to retain their original nationality.

- The research also reviewed the laws that governed the right of Palestinians to own property in Syria before the revolution, and the restrictions that some of these laws placed on the practice of this right, especially Law No. 11 of 2008 on foreign ownership. Recent laws and decrees related to urban planning have made it clear that the regime is dispossessing Syrian Palestinian refugees and ‘and those deemed the same’ of their property, and weaken their land rights guaranteed under the Syrian Constitution and international law. This is evident in the policy adopted by the regime through Law No. 10 of 2018 and its amendments, as well as procedures and decisions by Damascus governorate regarding the reorganization of the land that al-Yarmouk camp sits upon. These decisions are intended to change the demographic makeup of the camp and suppress its identity for political reasons. This also applies to Daraa camp and other camps that have been either partially or entirely destroyed. These actions further confirm the suspicions of the Palestinians of Syria that there exists a strong link between the destruction of their camps by the regime during the revolution and the regime’s policies that aims to prevent their return to the camps and thus change the camps’ demographic and national identity.
- To study the effects of legal variables on the identity challenges facing Palestinians in Syria, a sample of Palestinian refugees was surveyed that included people inside and outside Syria, from different age groups, educational, and vocational backgrounds. The survey included several options related to the risks and challenges that threaten the Syrian-Palestinian identity, including legal, social, and political issues. The respondents’ answers showed that the most threatening factor to their identity was the legal dimension, due to the lack of legal guarantees for the displaced persons and residents, and questions around the future of

their legal status in Syria even if a new political system were created. This correlation between legal status changes and identity transformations shows the impact of the eroding legal position of the Palestinians of Syria in terms of dismantling their societal and national identity.

Considering the research findings, the researcher recommends the following:

- To highlight the nature of the risks and challenges related to the legal status of the Palestinians of Syria. Human rights groups and other civil society organizations concerned with human rights and refugee affairs should establish a culture of advocating for the rights of the Palestinians of Syria in all local, Arab, and international forums. To expose the responsibility of the Syrian authorities for the abolition of the legal status the refugees previously enjoyed, regardless of its shortcomings and flaws; to expose the negligence of the League of Arab States, the international community, and the United Nations towards their obligations to protect the Palestinians of Syria; and highlight the serious consequences of forsaking them and ignoring their tragedy during the Syrian war.
- To move from the task of tallying and documenting the violations Palestinians of Syria were subjected to during the Syrian conflict, to urging the victims of these abuses to take those responsible to court in countries whose national laws allow such proceedings, so those responsible for war crimes and crimes against humanity are prosecuted. Some of the most notable examples of such violations and crimes committed by the regime and loyalist militias, as well as other parties such as ISIS and Jabhat al-Nusra to a lesser extent are: the arrest and forced disappearance of thousands of the Palestinians of Syria in regime prisons; the brutal killing of hundreds of Palestinian civilians under torture and after brief unlawful proceedings; the systematic destruction of Palestinian refugee camps for political reasons; siege, starvation, and the prevention of access of relief for civilians who had been trapped for five years in al-Yarmouk camp; and the forced displacement of residents

of refugee camps including: al-Yarmouk, Daraa, Sbeineh, Khan al-Shieh, al-Raml, and Handarat.

- Considering the historical facts that crystallized over the long period that Palestinian refugees have spent in Syria, and what the Syrian revolution has revealed regarding the close connection between the refugees and Syrian society, Syrian public opinion, civil society, and political organizations that seek democratic change in Syria should be urged to work on the protection of the rights of Palestinian refugees, and guarantee that they receive justice and that the damages they suffered during the war are repaired under a new political system that guarantees the rights of the Syrian citizens ‘and those deemed the same,’ without prejudice to their right to return to Palestine.
- A committee or special authority should be formed to defend the property of Palestinian refugees in Syria. This committee should take on the important role of protecting ownership documents for refugees who were displaced from their homes and camps, and those who had to leave Syria. It should also work to expose the new land policies of the regime, and the current and future risk they pose by dispossessing refugees of their property and their rights. The committee should coordinate with other Syrian entities that are active in this regard, taking into account the geographical overlap between Palestinian camps and the Syrian districts and neighborhoods that surround them.
- All countries of asylum and entities concerned with the management of the affairs of Palestinian refugee from Syria should uphold the refugees’ rights to establish their original Palestinian nationality on all of their documents, records, and other civil affairs data wherever they are, whether in exile in asylum countries or within liberated areas of Syria managed by local councils and civil affairs departments—in order to protect their unique identity and their national rights.
- To address the negative effects resulting from the failure of the PLO to represent the Palestinian refugees and to motivate the Palestinians of Syria towards a public movement against the policies of marginalization,

denial, and negligence that are practiced against them by the PLO and other Palestinian factions. An institutional mechanism should be created to reunite the Palestinian refugees as they express their rights and demands. Focus on launching societal and community initiatives that contribute to healing the effects of the war and mobilizing the refugee community to reaffirm their Syrian-Palestinian identity and mitigate the consequences that their deteriorating legal status of has on their identity and its collective expressions.

- To continue to emphasize the need for UNRWA and the continuation of the relief mandate that it has assumed since its establishment as the only international organization concerned with assisting the Palestinians of Syria and also as an international observer to their cause. Public campaigns that reject the elimination of the UNRWA and the reduction of its funding should be escalated, and projects that aim to eliminate the refugee cause and abolish their right to return to their homeland in Palestine according to UN General Assembly Resolution No. 194 should be exposed.
- To cooperate with human rights and civil society institutions in countries that host Palestinian refugees from Syria to exert pressure their governments to assist the refugees, to improve their legal and humanitarian statuses, and alleviate their suffering, especially in Lebanon, Jordan, and Egypt, where Palestinians of Syria live in tragic conditions; and demand that the countries in the League of Arab States commit to the Casablanca Protocol and the implementation of its provisions related to travel documents and removal of restrictions on the movement, employment, and education of refugees in Arab countries.
- To launch campaigns to exert pressure on the international community and the United Nations to fulfill their legal and humanitarian duties and obligations towards the refugees. The mandate of UNHCR should include the Palestinians of Syria who currently live in countries outside of UNRWA's areas of operations. Advocacy campaigns should be launched to support the victims of discriminatory and unfair treatment

that many refugees face in countries where they had to seek refuge due to the limited options they had.

- To escalate advocacy campaigns for the Palestinian detainees and individuals who were forcefully disappeared into the prisons of the Syrian regime. Cooperate and coordinate with Syrian, Arab, and international human rights organizations that are active in cases of detainees, considering the common context for all Syrian and Palestinian detainees in the Syrian cause.

Finally: This research highlights legal status challenges and other problems facing the Palestinians of Syria, the continued depletion of their presence in Syria, and the difficulties that face those who were forced to migrate and flee towards other countries. All attempts to remedy the deep fractures that have affected them remain tied to the outcomes of the Syrian crises. It is difficult to foresee approaches or solutions that will assure Palestinians about the future of their existence in Syria, or lead them to a more secure legal status that guarantee their rights, so long as the international community is unable to end the tragic conditions of war, which portend even more tragic choices regarding the future of Syrians and Palestinians alike. Not least among those trajectories are the shrinking opportunities that refugees face with regards to regaining their original and fundamental right to return to the homeland from which they were originally displaced. This is especially true since the Syrian crisis, with all its tragedies, has moved them even further away from Palestine, even from their camps that are closest to it.

About the Author:

- Palestinian-Syrian lawyer and researcher. He was born in Handarat camp in Aleppo in 1969. Holder of a master's degree in public law from Damascus University.
- An expert trainer on human rights and the International Humanitarian Law.
- He held leadership positions in Palestinian political bodies and trade unions until the year 2011.
- During the Syrian revolution he headed The General Body for Palestinian Refugees' Affairs in the Syrian Interim Government from 2014-2016.
- Currently, he is the General Coordinator of the Gathering of the Palestinians of Syria "Maseer"
- In 1997, he published a book titled: "the boundaries of sovereignty in the state and its problems in self-governance". He published a book on law in 2004, with the title: "The individual criminal responsibility in international law". He also contributed with other authors in a book published in 2019, entitled: "The Syrian military establishment in 2019: sectarianism, militias and foreign investment".

