

**AMNESTY
INTERNATIONAL**



DEFENDING HUMAN RIGHTS

24 May 2021

Senator the Hon. Marise Payne
Minister for Foreign Affairs
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Senate
Parliament House
Canberra ACT 2600

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Dear Minister Payne

RE: DENMARK MUST NOT RETURN REFUGEES TO SYRIA

Under international human rights law, the principle of non-refoulement guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm. This principle applies to all migrants at all times, irrespective of migration status.¹

Amnesty International is deeply concerned about the prospect of the Danish government violating international law by stripping refugees of their residency and returning them to Syria. Anyone returned to Syria are at significant risk of facing torture, enforced disappearance and arbitrary detention.

At least 380 refugees, including children, have been informed by the Danish Immigration Service that they will have to return to Syria after Denmark deemed Damascus and its surrounding area safe for return. Their temporary protection status, and therefore residence permits, have been revoked. Many of them are still waiting for their case to be finally decided in appeal.

Amnesty International understands that 39 people have received a final decision on their case and are at risk of being deported as soon as Denmark re-establishes diplomatic ties with the Syrian regime. Until deportation, those affected must stay in a 'return centre'. Placing refugees in return centres indefinitely, without access to work or education, puts pressure on them to return to Syria voluntarily. Forcing them back to Syria, even indirectly, would constitute a violation of international law

Research by Amnesty International has found that civilians who have returned to Syrian government-controlled areas, including to Damascus, are requested to go through a "security

¹ United Nations Office of the High Commissioner for Human Rights, The principle of non-refoulement under international human rights law:
<https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf>

clearance". This involves interrogation by Syrian security forces. Amnesty International considers these forces to be responsible for widespread and systematic human rights violations and abuses constituting crimes against humanity, including the use of torture, extrajudicial executions and enforced disappearances.

It is important to note that experts interviewed for the creation of the report that states that some parts of Syria are safe have challenged the conclusion it draws and some have condemned the misuse of their comments to strip Syrians of protection.² 11 experts out of the 12 interviewed have decried Denmark's actions, with only a general from the al-Assad regime supporting the Danish authorities' conclusion.

I call on the Australian government, as a nation with a strong Syrian diaspora community - including many refugees who have found safety - to use all diplomatic channels available to urge the Danish Minister of Immigration and Integration, Mr Mattias Tesfaye, to:

- Revise the assessment that parts of Syria are safe for return
- Revert the policy of revoking protection for Syrian refugees
- Stop the transfer of Syrian refugees to return centres.
- Renew the residency of Syrian refugees who sought refuge in Denmark after fleeing the armed conflict.

For further information, or to discuss and organise a meeting, please contact Joel MacKay at joel.mackay@amnesty.org.au or 0424 242 112.

Yours sincerely,



Sam Klintworth
National Director
Amnesty International Australia

² Joint Statement: Flawed Country of Origin report lead to flawed refugee policies:
<https://www.hrw.org/news/2021/04/19/denmark-flawed-country-origin-reports-lead-flawed-refugee-policies>