

Warsaw, 10 September 2002

PRESIDENT OF OFFICE FOR REPATRIATION AND ALIENS

No. BMU-III-211/93

DECISION

On the basis of Article 48 item 1 and 2 of the Aliens Act of 25<sup>th</sup> June 1997 (Dz. U. [Journal of Laws] of 2001, no. 127 item 1400 as amended)

I hereby decide

1. To deprive the following person of the refugee status in the Republic of Poland:

HASSAN	CH
name	surname
LEBANON	LEBANESE
Citizenship	Nationality
21.10.1967	KANA
date of birth	place of birth

2. To shorten the time for which the definite time sojourn permit was issued until 15<sup>th</sup> November 2002.
3. To set the date of leaving the territory of the Republic of Poland by Mr. Hassan Chalhoub to be 15<sup>th</sup> November 2002.

REASONS

The alien – citizen of Lebanon, declared Lebanese nationality, Mr. Hassan K Ch (born on 21<sup>st</sup> October 1967 in Kana), entered the territory of the Republic of Poland on 23<sup>rd</sup> March 1990.

On 5<sup>th</sup> November 1992 the alien submitted the application to the Minister of Interior for granting the refugee status in the Republic of Poland.

Upon the application of the Minister of Interior, the status interview was conducted with Mr. Hassan Kahlil Chalhoub by a member of the High Commissioner for Refugees mission. As a result of the interview, it was decided that the alien conformed to the requirements contained in the Geneva Convention of 21<sup>st</sup> July 1951 and the Refugees Protocol of 31<sup>st</sup> January 1967. The Office for Migration and Refugees did not file any reservations to the conclusions presented by the Office of the High Commissioner, concerning status opinions contained in the file no. RGI 121939 (*case files*, p. 97-104).

In the decision no. BMU-III-211/93 of 13<sup>th</sup> May 1993, the Minister of Interior decided to grant the refugee status in Republic of Poland to the Alien.

According to the definition of the Geneva Convention, the refugee is any person who has justified fear of oppression for reasons of their “race, religion, nationality affiliation with a

social group or for their political opinions, stays on a territory outside the state whose citizen he or she is, and cannot or does not want to, owing to these fears, seek protection from that country” (Article 1 paragraph A item 2 of the Geneva Convention).

According to Article 1 paragraph C item 5, the Geneva Convention does not apply to any person described in paragraph A, if

“the person can no longer refuse to seek protection from the country he or she is a citizen of, since the conditions in connection with which he or she was recognized as a refugee have ceased”.

The provisions of this paragraph do not apply to the refugee specified in paragraph A item 1 of this article, if he or she is able to name convincing reasons connected with past oppression, justifying their refusal to enjoy the protection of the state he or she is a citizen of.

On the basis of Article 48 item 1 of the Aliens Act of 25<sup>th</sup> June 1997 (Dz. U. of 2001 no. 127 item 1400 as amended), “the alien can be deprived of the refugee status, if any of the circumstances named in the Geneva Convention, justifying the deprivation of the refugee of the protection provided in the convention, occurs”.

The reason for recognizing Mr. Hassan K Ch as a refugee in the meaning of the Geneva Convention, was his justified fear of oppression for reasons of the civil war in Lebanon and the fear of oppression by two Shiite military formations: Hezbollah and Amal, each of which accused the applicant of affiliation with the other one. However, the circumstances that forced the alien to leave his country of origin and seek protection abroad have presently ceased.

The war in Lebanon, lasting from 1975, ended with the Taif treaty signed in September 1989, which ceased the civil war in this country. The signatories of the Taif treaty also agreed the terms of achieving sustainable peace and rebuilding effective government structures in Lebanon. The first parliamentary elections since 1972 took place in late August and early September 1992. Christian parties, which were fighting for Lebanon’s independence from Syria, felt discriminated in the division of electoral districts, boycotted the elections and were not represented in the parliament. Nonetheless, the peace process was still continued and in October 1992 President Elias Hrawi nominated Prime Minister Rafik al-Hariri, who initiated the reconstruction of the Lebanese economy, devastated by the almost 15-year-long war. The government made attempts to stabilize the economy and rebuild Lebanon’s prestige on the international arena. Al-Hariri prepared a perspective development plan entitled “Horizon 2000”, positively assessed by international economic institutions. The Beirut stock exchange was reopened, and more capital was invested in the country by the numerous Lebanese Diaspora.

On 19<sup>th</sup> October 1995 the Lebanese National Assembly voted an amendment to Article 49 of the Constitution, and thereby prolonged President Elias Hrawi’s term of office by the subsequent 3 years.

The parliamentary elections took place in August and September 1996. 189 candidates competed for seats in the parliament, and the 45% attendance was much higher than in 1992.

At the end of October 1996 Rafik al-Hariri was nominated the Prime Minister for the third term of office.

In May and June 1998 the first local elections were held after 35 years. They were reportedly free and “some of the most cultural and democratic elections” ever held in Lebanon (quoted from: IND, *Country Assessment – Lebanon* of April 2002). Opposition groups and the right wing of the Christian groups, contesting Syria’s presence in Lebanon, gained widespread popularity in the elections.

The presidential elections took place on 15<sup>th</sup> October 1998. The President was to be officially elected by the 128-person parliament. Nonetheless, the opinion of Syrian President Assad turned out to be the most important. On 29<sup>th</sup> September Lebanese Minister of Foreign Affairs Fares Boueiz declared that President Hrawi and Prime Minister al-Hariri and the Chairman of the Parliament had authorized Assad to elect the next president of Lebanon.

On 15<sup>th</sup> October 1998 the National Assembly formally elected very popular General Emil Lahoud as the President. The new president was sworn on 24<sup>th</sup> November 1998. In the presidential proclamation he announced that his efforts would focus on consolidating the rule of law and on combating corruption.

After the election, General Lahoud asked Prime Minister Rafik al Hariri to set up a new government. Rafik al-Hariri refused. Later, after consultations with the Chairman of the House of Deputies and the Lebanese parliament, the President asked Dr. Selim al-Hoss to create a new government. The new prime minister declared that his actions would follow the guidelines contained in the presidential proclamation, and the priorities would be budget deficit reduction and other issues, such as the liberation of the occupied Southern Lebanon and the Western part of the Bekaa Valley, or completion of the return programs for resettled people. The new government had 16 members instead of 30 before. It is believed that the role of people who had taken advantage of the civil war was reduced and some of them were eliminated from political life. One should believe that most government members were technocrats.

The new electoral law adopted by the parliament in December 1999 determined the elections, which took place in August and September 2000. The Taif Treaty guaranteed that the elections could be concluded under the division of the country into 6 provinces, whereas the new law introduced 14 the so-called electoral districts, including 3 on the territory of Beirut.

The 2000 parliamentary elections were held as planned in two rounds: 27<sup>th</sup> August and 3<sup>rd</sup> September 2000. In these elections Hezbollah and Amal had a common list of candidates, of which 23, including 12 from Hezbollah, were elected to the 128-person National Assembly.

At this point one should note that the aforementioned Shiite organizations, actually fighting against each other in the civil war in Lebanon in the period 1975-1989, presently aim to cooperate and coordinate political and social activities. For this reason, the applicant's reference to the presence of a justified and actual threat on the part of both Hezbollah and Amal members is no longer credible.

On 4<sup>th</sup> September 2000 Prime Minister Selim al-Hoss admitted that he failed after announcing the unofficial results. On 17<sup>th</sup> October Nabih Berri, the leader of Amal, was elected the Chairman of the Parliament by an overwhelming majority of votes.

In October 2000 Rafik al-Hariri, supported by most members of the parliament, was nominated the Prime Minister by President Lahoud.

Although the Lebanese parliamentary democracy is commonly regarded as open, the system is exposed to discreet influences of the competing candidates. However, it is believed that the elections, though not totally free, were generally fair. International observers did not notice any serious violations of the law during the elections.

Members of the parliament elected in the 2000 elections will remain members of the National Assembly until May 2005, so that the next parliamentary elections and the local elections scheduled for 2004 do not overlap.

On 5<sup>th</sup> March 2000 the Israeli government adopted a resolution on retreating Israeli forces from Southern Lebanon by July 2000, regardless of whether a whole agreement is concluded with Syria and Lebanon by that time or not. For this reason, some discrepancies appeared as to the course of the border line between Israel and Lebanon. The border line did not run precisely according to the ceasefire and line of demarcation agreements of 1949. In April

2000 the Israeli government commissioned the temporary UN International Forces in Lebanon (UNIFIL) to demarcate the border. The Prime Minister rejected the military authorities' proposal to keep some 'land scraps' for strategic reasons. In June UNIFIL presented the course of the so-called "Blue Line", behind which the Israeli forces had to be retreated in order to gain international recognition of their retreat from Lebanon. Owing to the Lebanese authorities' objections concerning details, the UN Special Envoy, Larsen, presented a map showing the revised Blue Line. The retreat of the Israeli forces was completed in June 2000. In his letter of 25<sup>th</sup> July 2000, UN Secretary General Kofi Annan stated that he was satisfied that Israel was not occupying the Lebanese territory any longer. In early August a few hundred UNIFIL peace troops were deployed in Southern Lebanon, mostly on positions along the Lebanese-Israeli border. According to the Secretary General's Report on UNIFIL activities in Lebanon in the period 21<sup>st</sup> July 2001 to 16<sup>th</sup> January 2002, the situation on the territory is generally stable. In early September 2001 local elections were held in Southern Lebanon, with high attendance, what considerably strengthened the local administration in this part of the country. Slow progress is observed in telecommunications, health care, social insurance and mail services towards integration with the remaining part of the country.

After the Maronic Patriarch's statement on the need to retreat Syrian forces from Lebanon, in September 2000 President Lahud declared that the continued presence of Syrian forces on the territory of Lebanon had been legal and served strategic interests of the state (at the time the number of Syrian soldiers in Lebanon was 30,000-35,000), but presently, when Israel had retreated their forces, an average Lebanese wanted Syria to do the same.

Unexpectedly, in July 2001 Syria began to retreat its forces from Beirut. Witnesses say that they saw dozens of Syrian tanks crossing the eastern border with Syria. It was also noted that Syrian troops transferred many positions, mostly in Christian areas and near government buildings around and in Beirut, to the Lebanese army. Some Syrian troops were redeployed in the Bekaa Valley and in Eastern Lebanon; Syria also has a considerable number of troops in Northern Lebanon. It was not obvious whether the redeployment would eventually result in the complete elimination of Syria's military presence in Lebanon.

Another redeployment of the Syrian troops was announced in April 2002 (in accordance with the Taif Treaty). At the moment there are about 20,000 Syrian soldiers in Lebanon. The military redeployment is planned to be extended to the densely populated territory of the Lebanese mountains and the southern suburbs of Beirut. By 8<sup>th</sup> April 2002 the retreat covered positions along the coast, near Chouf. Also, according to the requirements concerning the redeployment of Syrian forces in Lebanon defined in the Taif Treaty of 1989, most positions of the Syrian army between Beirut and Sydon have been abandoned (according to: US Department of State: *Country Reports on Human Rights Practice – Lebanon* of 4<sup>th</sup> March 2002, IND: *Country Assessment – Lebanon* of April 2002 and Jane's Intelligence Review, Vol. 14 no. 5 of May 2002: "*Syria redeployes troops in Lebanon*").

According to the guidelines concerning the application of the cessation clauses contained in Article 1 of the Geneva Convention of 26<sup>th</sup> April 1951, prepared by the Office of the UN High Commissioner for Refugees (UNHCR/IOM/17/99), the phrase "circumstances in connection with which he or she was recognized as a refugee" refers to the objective situation in the refugee's country of origin. This clause will apply, if fundamental changes have occurred in the country of origin, which can be regarded as sufficient to lift the reasons for the fear of oppression. The changes must be significant, deep and fundamental. These changes must also be permanent and effective. At the same time one should note that according to the Final Conclusions no. 69 (XLIII) of the High Commissioner Program Executive Committee: *Cessation of Status* (1992), "the application for applying the cessation clause under the

Convention of 1951 remains in the exclusive competence of the parties to the Convention". The principle is that countries that receive refugees are free to determine whether the conditions in their country of origin have changed enough to justify lifting of the application of the Convention of 1951 to different individuals or groups, regardless of the opinion of UNHCR.

To sum up, based on the aforementioned facts, one should state that changes in internal and external policies that have taken place in Lebanon over the last 12 years provide a sufficient reason to consider them as effective, deep and permanent. These changes are connected with the development of democratic political life as well as economic and social development. Therefore, the present socio-political situation in Lebanon does not give any reason for justified fear of oppression.

For this reason, one should note that the conditions in connection with which Mr. Hassan Chalhoub was recognized as a refugee have ceased, and he cannot reject the protection of the state of his citizenship any longer. It is therefore justified to apply the cessation clause contained in Article 1 C item 5 of the Geneva Convention concerning the status of refugees of 1951.

One should also add that there are no other circumstances that would justify the need to provide the applicant with further international protection under the Geneva Convention, since during the interrogation on 19<sup>th</sup> June 2002 the alien admitted that apart from problems resulting from his activity in Amal, "*there were no other reasons* [for leaving the country]" (*case files*, page 77). As explained above, "these problems" can no longer be the reason – as they have lost their relevance in the present internal situation in Lebanon - for recognizing the alien as a refugee in the meaning of Article 1 A item 2 of the Geneva Convention.

The facts unequivocally indicate that the alien has no reason to keep rejecting the protection of the state of his citizenship, and does not need to seek international protection.

In view of all the discussed facts and circumstances, I hereby decide as stated in the beginning.

#### INSTRUCTIONS

Any party dissatisfied with this decision is entitled to appeal to the Refugee Board. The appeal is submitted through the mediation of the President of the Office for Repatriation and Aliens within 14 days from the date of delivery of this decision (Article 129 § 1 and 2 of the Administrative Proceedings Code; Article 69 item 1 of the Aliens Act of 25<sup>th</sup> June 1997 [Dz.U. of 2001 no. 127 item 1400 as amended]).

PRESIDENT

on behalf of the President:

[seal and illegible signature]

Director

Department of Refugee and Asylum Proceedings

Office for Repatriation and Aliens